

ACTA UNIVERSITATIS UPSALIENSIS  
*Studies in Global Migration: Societal Challenges*  
1



# RESPONDing to Migration

## A Holistic Perspective on Migration Governance

Edited by  
Soner Barthoma and Önver A. Çetrez



UPPSALA  
UNIVERSITET

2021



RESPOND project is funded by the European Union's Horizon 2020 Programme for Research & Innovation under Grant agreement no 770564.

All rights reserved. No part of this publication may be reprinted or utilized in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without permission in writing from the publishers.

First published in 2021

© 2021 AUU; editorial matter, Soner Barthoma and Önver A. Çetrez;  
individual chapters, the contributors

Cover illustration: Salam Noah, 'A drop of hope' ([www.brotherlyart.net](http://www.brotherlyart.net))

ISBN 978-91-513-1250-7  
<http://urn.kb.se/resolve?urn=urn:nbn:se:uu:diva-449097>

Distributor: Uppsala University Library, Box 510, SE-751 20 Uppsala, Sweden  
[www.uu.se](http://www.uu.se), [acta@ub.uu.se](mailto:acta@ub.uu.se)

Printed in Sweden by DanagårdLiTHO AB, Ödeshög 2021

# Table of contents

<b>Contributors</b>	IX
<b>Preface</b>	XVII
Chapter 1 <b>Introduction</b>	1
<i>Soner Barthoma and Önver A. Çetrez</i>	
PART I – THE EUROPEAN MIGRATION REGIME AND NEW BORDERING PRACTICES	
Chapter 2 <b>The Ever-Changing Picture of the Legal Framework of Migration: A Comparative Analysis of Common Trends in Europe and Beyond</b>	15
<i>Veronica Federico and Paola Pannia</i>	
Chapter 3 <b>The Expanding Significance of Borders for the European Migration Regime After 2015</b>	45
<i>Sabine Hess, Lena Karamanidou and Bernd Kasperek</i>	
Chapter 4 <b>Conflicting Conceptualizations of the Future Course of the European Union</b>	67
<i>Ivan Josipovic, Umut Korkut, James Foley, Ursula Reeger and Tarik Basbugoglu</i>	
Chapter 5 <b>Configuring Borders: Policies, Practices and the Case of Lesvos, Greece</b>	85
<i>Eva (Evangelia) Papatzani, Nadina Leivaditi, and Electra Petracou</i>	

Chapter 6	
<b>The Italian Migration Governance Regime and the Role of Narratives in the Policy-making Process (2011–2018)</b>	101
<i>Andrea Terlizzi</i>	

PART II – PROTECTION REGIMES:  
FRAGMENTED PRACTICES AND OUTCOMES

Chapter 7	
<b>Governance of Refugee Protection: Challenges in Europe and Beyond</b>	123
<i>N. Ela Gökalp-Aras, Eva (Evangelia) Papatzani, Zeynep Şahin Mencütek, Nadina Leivaditi, and Electra Petracou</i>	

Chapter 8	
<b>The European Refugee Regime: A Critical Assessment</b>	147
<i>Nils Holtug</i>	

Chapter 9	
<b>Paternalism and Control: Germany’s Exceptionalism Revisited</b>	163
<i>Sabine Hess and Alexander-Kenneth Nagel</i>	

Chapter 10	
<b>Turkey: Border Management, Protection, Reception, and Integration of Refugees</b>	187
<i>Ayhan Kaya, Susan Beth Rottmann, N. Ela Gökalp-Aras, and Zeynep Şahin-Mencütek</i>	

Chapter 11	
<b>‘No Children, No Value’: Descriptions of Legal Status and Health Among Refugees in Sweden in Light of Immigration Policy Changes</b>	209
<i>Karin Borevi and Önver A. Çetrez</i>	

PART III – RECEPTION & INTEGRATION

Chapter 12	
<b>Reception Policies, Practices and Responses</b>	227
<i>Ayhan Kaya and Alexander-Kenneth Nagel</i>	

Chapter 13	
<b>A Fluid Transition? How Recognized Refugees Access the Housing Market in Germany and Austria</b>	257
<i>Ursula Reeger, Alexander-Kenneth Nagel, and Ivan Josipovic</i>	
Chapter 14	
<b>Integration of Asylum Seekers and Refugees in Poland: Policies and Practices</b>	277
<i>Karolina Sobczak-Szelc, Marta Pachocka, Konrad Pędziwiatr, and Justyna Szalańska</i>	
Chapter 15	
<b>Refugee Integration in Austria: Understanding the Implications of the Integration Policy Environment for Individual Motivations and Resources</b>	299
<i>Ivan Josipovic and Ursula Reeger</i>	
PART IV – AGENCY, BELONGING AND VULNERABILITIES	
Chapter 16	
<b>Constraints and Agency: The Refugee Experience in the Contexts of the Journey, Civic Participation, and Health</b>	319
<i>Önver A. Çetrez, Vasileios Petrogiannis, and Justyna Szalańska</i>	
Chapter 17	
<b>Analysing Belonging in RESPOND Countries: The Impact of Social Locations and Meso-Level Inclusion</b>	341
<i>Susan Beth Rottmann</i>	
Chapter 18	
<b>Nested Vulnerabilities in the Context of Migration: The Yazidi Case</b>	357
<i>Naures Atto and Soner Barthoma</i>	
APPENDIX	
<b>RESPOND’s Final Press Release A Short Summary of Findings</b>	383





# Contributors

**Naures Atto** is a Senior Research Associate in the Faculty of Asian and Middle Eastern Studies at the University of Cambridge. She has a background in social anthropology and has conducted extensive research on migration from the Middle East, settlement in Western Europe and integration processes. She was the Principal Investigator of the Cambridge team, co-lead the Work package 'Integration Policies, Practices and Responses, and organised RESPOND's digital art exhibition by refugee artists 'Displaced Bodies and Hearts' and directed the documentary 'Saving my Children'.

**Email:** na384@cam.ac.uk

**Soner Barthoma** is a researcher with a background in political science based at the Centre for Multidisciplinary Research on Religion and Society at Uppsala University and is a research associate at Freie Universität Berlin. He has broad, interdisciplinary research interests across a range of topics, including forced migration, governance and discourse theories, European politics, Turkish foreign policy, the late Ottoman period and genocide studies, the history of the modern Middle East and its political regimes, identity politics, and cultural heritage studies. He has initiated and coordinated various international projects. He was the co-coordinator of the RESPOND project. His most recent publication is 'A Crisis Mode in Migration Governance: Comparative and Analytical Insights' co-authored and published in *Comparative Migration Studies* (2021, draft submitted).

**Email:** soner.barthoma@crs.uu.se

**Tarik Basbugoglu** is a PhD Candidate at Glasgow Caledonian University. His research subject is What are the Impacts of Syrian Civil War on Bilateral Relations between Turkey and the US. In his PhD research, he focuses on the impacts of the Syrian Civil War on the bilateral relations between Turkey and the US. **Email:** tbasbu200@caledonian.ac.uk

**Karin Borevi** is Associate Professor and senior lecturer in Political Science at Södertörn University. Her interests focus on immigration, integration, citizenship, multiculturalism, and the welfare state. She is a member of the WP2 and WP6 teams of RESPOND. Her most recent publication is 'Scandinavian Approaches to Begging as a Policy Problem and the Double Insider/Outsider Status of Marginalized Intra-EU Migrants' published in the

*Journal of Social Policy* in 2021. Her most recent project collaboration (together with Simon Sorgenfrei of Södertörn University) is a three-year research project (2021–2023) financed by the Swedish Research Council entitled ‘Muslim organizations and the Swedish model of state-civil society relations: A longitudinal study’. **Email:** karin.borevi@sh.se

**Önver A. Çetrez** is Associate Professor of Psychology of Religion and Cultural Psychology in the Faculty of Theology at Uppsala University. He is the scientific coordinator of RESPOND, the principal investigator in the Uppsala team with special responsibility for WP5 and WP7, as well as ethics and data management plan for the project. His research lies within the areas of psychosocial health, meaning-making/religiosity, resilience, coping, and acculturation, both qualitatively and quantitatively, in a mixed-method design. Among his recent publications is the co-authored article ‘A Public Mental Health Study Among Iraqi Refugees in Sweden: Social Determinants, Resilience, Gender and Cultural Context’, published in *Frontiers in Sociology – Medical Sociology* in 2021. His current project is ‘Integration and Tradition: the making of the Syriac Orthodox Church in Sweden’, financed by the Swedish Research Council. **Email:** onver.cetrez@teol.uu.se

**Veronica Federico** is an Associate Professor of Comparative Public Law and lecturer in Comparative Constitutional Law and Comparative Migration Law at the University of Florence. Her research interests include migration studies, African comparative constitutional law, fundamental and human rights, constitutional democratic transitions, and French constitutional law and politics. She is the principal investigator of the Florence team and leads WP1 to analyse the legal migration framework and cover the Italian case in all WPs. She is currently the principal investigator of the UNIFI team of the Horizon 2020 project entitled ‘D.Rad. De-Radicalisation in Europe and Beyond: Detect, Resolve, Re-integrate’ Grant Agreement n. 959198, and has been the principal investigator in the EC Horizon 2020 Research project ‘SIRIUS’ Grant agreement n. 770515. Her most recent publication is the co-edited volume *Migrants, Refugees and Asylum Seekers’ Integration in European Labour Markets. A Comparative Approach on Legal Barriers and Enablers*, published with Springer in 2021. **Email:** veronica.federico@unifi.it

**James Foley** is a Lecturer in Politics at Glasgow Caledonian University. Having received his PhD from the University of Edinburgh. He is the author of two books on Scottish independence and the crisis of the British state, and the editor, with Professor Korkut, of *Contesting Cosmopolitan Europe* (forthcoming, 2022). **Email:** james.foley@gcu.ac.uk

**Ela N. Gökalp-Aras** is a senior research fellow and Principal Investigator at the Swedish Research Institute in Istanbul (SRII). She holds a PhD degree in Sociology from the Middle East Technical University, Turkey. She is the co-leader of WP3 and WP8. Her research and teaching experience focus on European integration, EU–Turkey relations, international organizations, international migration (irregular and transit) and asylum regimes, border management, security (particularly human security) and international human rights. Her most recent publications include the co-authored book *Türkiye’de Mültecilik: Koruma, Kabul ve Entegrasyon (Refugees in Turkey: Protection, Acceptance and Integration)* published in 2021 with Bilgi University Press (in Turkish) and the article ‘Right to Health and Access to Healthcare for Refugees in Turkey’, published in the *Journal of Service Marketing* in 2021.  
**Email:** ela.gokalparas@sri.org.tr

**Sabine Hess** is Full Professor in Cultural Anthropology and European Ethnology at the University of Göttingen. Her research focus is on migration and border studies, specifically on Southeastern Europe and gender-related perspectives. She is the principal investigator of the Göttingen team and a co-leader of WP2. Her most recent publications include a special issue co-edited with Marijana Hameršak, Marta Stojić Mitrović and Marc Speer for *Movements. Journal für kritische Migrations- und Grenzregimeforschung* entitled ‘The European Border Regime in the Balkans’ and (as co-author) ‘The Post-2015 European Border Regime: New Approaches in a Shifting Field’ in *Anthropology & Critical Border Studies*, edited by Chiara Brambilla.  
**Email:** shess@uni-goettingen.de

**Nils Holtug** is Professor of Philosophy at the University of Copenhagen. His current works focus on the politics of social cohesion, immigration, community, justice, national identity, nationalism, multiculturalism, and egalitarianism. He is the principal investigator of the Copenhagen team of RESPOND. His most recent publications include *The Politics of Social Cohesion. Immigration, Community, and Justice* published with Oxford University Press 2021 in and (as co-editor) *National Identity and Social Cohesion* published with the ECPR Press and Rowman & Littlefield in 2021.  
**Email:** nhol@hum.ku.dk

**Ivan Josipovic** is a researcher, lecturer, and PhD candidate in the Institute for Political Science at the University of Vienna. In his dissertation project, he studies digital infrastructures of migration control in the EU. His interests focus on the study of European asylum and border policies through his engagement in the RESPOND project. **Email:** ivan.josipovic@oeaw.ac.at

**Lena Karamanidou** holds a PhD in Sociology from the City University of London and is a researcher at the Department of Economics and Law of

Glasgow Caledonian University. She is a member of the GCU team of RESPOND, working mainly on WP2 and WP4. Her interests focus on the European border regime, Greek–Turkish land border, the EU border agency Frontex, border violence, and pushbacks in EU border management. Recent publications include ‘From Exceptional Threats to Normalized Risks: Border Controls in the Schengen Area and the Governance of Secondary Movements of Migration’ in the *Journal of Borderlands Studies* and ‘A welcome for 8 months: Europe, the summer of migration and global justice’ in *Migration and the Contested Politics of Justice* (both with B. Kasperek). She works with activists, researchers and NGOs trying to document and expose violence at the Greek–Turkish border. **Email:** lena.karamanidou@gcu.ac.uk

**Bernd Kasperek** is a cultural anthropologist, and his interests focus on the European border agency Frontex, the government of migration, Europeanization, digital infrastructures, racism, and regime theory. He is a member of WP2 border of the RESPOND, and his most recent publication is *Europa als Grenze: Eine Ethnographie der Grenzschutz-Agentur Frontex Kultur und soziale Praxis* (Europe as Border: An Ethnography of the Border Protection Agency Frontex) (in German) published by transcript Verlag. **Email** bernd.kasperek@hu-berlin

**Ayhan Kaya** is Professor of Politics and Jean Monnet Chair of European Politics of Interculturalism at the Department of International Relations, Istanbul Bilgi University and Director of the Jean Monnet Centre of Excellence. He is also a member of the Science Academy, Turkey. He is the Principal Investigator from Turkey and co-leader of the WP4 Reception in the RESPOND project. He is currently a European Research Council Advanced Grant holder (ERC AdG, 2019–2024, Agreement No. 785934). His most recent manuscript is *Populism and Heritage in Europe. Lost in Diversity and Unity*, published by Routledge in 2019. He recently co-edited *Memory in European Populism* (2019) also with Routledge. **Email:** ayhan.kaya@bilgi.edu.tr

**Umut Korkut** is a professor of International Politics at Glasgow School for Business and Society at Glasgow Caledonian University. He holds expertise in Turkish and Hungarian politics. He has published numerous books and articles on issues covering religion, nationalism, gender, migration, and challenges of liberalisation in these states. Prof Korkut currently leads the EC Horizon 2020 funded research projects *DRad: De-radicalisation in Europe and beyond: Detect, Resolve, Reintegrate project* and *Demos: Democratic Efficacy and Varieties of Populism in Europe*. He also serves the International Political Science Association as a Vice-President. **Email:** umut.korkut@gcu.ac.uk

**Nadina Leivaditi** is a member of the RESPOND team of the University of the Aegean (Greece) and is working on her PhD thesis concerning the various aspects of ‘reception’ and ‘hospitality’ of unaccompanied minors on the island of Lesbos. She studied Social Anthropology and History at the University of the Aegean and earned her Master's degree in Architectural Design–Space– Culture at the National Technical University of Athens. Against the background of the refugee crisis (2015–2016), she moved to Lesbos to coordinate programs on protection assistance for children and vulnerable people on the move. As a field researcher, she also participated in various research projects focusing on refugees’ educational support (‘Press’, funded by the Hellenic Open University) and family reunification procedures and implications for unaccompanied children in Greece (funded by NGO ‘Safe Passage UK’). **Email:** livaditin@yahoo.gr

**Alexander-Kenneth Nagel** is a sociologist of religion, and his interests focus on migration and religious pluralization, the accommodation of religious and cultural diversity in refugee accommodation centres. He is co-principal investigator within the Göttingen team, co-leader of WP4, and a member of the WP5 and WP6 teams. His most recent publication is ‘Restriction, Simplification, and Externalization: How German Refugee Accommodation Centres Deal with Diversity Related Uncertainty’, published in the *Journal of Refugee Studies* in 2021 and (with Ursula Reeger) ‘Stuck in Reception: How Refugees in Austria and Germany Experience Long-Term Reception Constellations’, published in 2021 in the *Journal of Immigrant & Refugee Studies*. **Email:** alexander-kenneth.nagel@sowi.uni-goettingen.de.

**Marta Pachocka** is head of the Migration Policies Research Unit at the Centre of Migration Research (CMR) of the University of Warsaw and Assistant Professor in the Institute of International Studies of SGH Warsaw School of Economics. Her interests focus on international relations and economics, migration studies, EU studies, and refugee studies. She is a deputy-coordinator of the SGH team in the project ‘Investing in “Welcoming Spaces” in Europe: revitalizing shrinking areas by hosting non-EU migrants’ (2020–2024) within the Horizon 2020 Framework Programme (consortium leader: Utrecht University). She is involved in WP1, WP3, WP4, and WP5 activities for the RESPOND project. Her most recent (co-authored) publication is ‘Measuring the Cultural Dimension of Migrant Integration and Integration Policy in the European Context: Dilemmas and Discussions, published in 2021 in *International Migration*. **Email** m.pachocka@uw.edu.pl

**Paola Pannia** is a Postdoctoral Research Fellow in Comparative Public Law in the Department of Legal Sciences at the University of Florence. She is a member of almost all work packages, especially WP1. Her interests focus on immigration law, cultural diversity, and judicial reasoning from a compara-

tive, socio-legal perspective. Her most recent publication is the book chapter ‘Tightening Asylum and Migration Law and Narrowing the Access to European Countries: A Comparative Discussion’, in *Migrants, Refugees and Asylum Seekers* published with Springer. Her most important and recent project is SIRIUS: Skills and Integration of Migrants, Refugees and Asylum Applicants in European Labour Markets (H2020). **Email** paola.pannia@unifi.it

**Eva (Evangelia) Papatzani** is a PhD Candidate in Urban Studies and Social Geography at the National Technical University of Athens (NTUA). Her interests focus on the geographies of migrant settlement in urban space, accommodation and asylum policies, urban encounters with difference, inter-ethnic networks, and sociospatial segregation, urban policies, and transformations. She has participated as a researcher in the RESPOND research project at the Department of Geography, University of the Aegean, Greece. **Email** evaliapap@yahoo.gr

**Electra Petracou** is an Associate Professor in Political Geography in the Department of Geography at the University of the Aegean and her interests focus on movements of populations, asylum, refugee and migration issues, global, European, and national policies on borders and migration, decision-making on social, political, and international issues. She is co-director of the Laboratory of Movements on Borders in the Department of Geography of the University of the Aegean. **Email:** ipetr@aegean.gr

**Konrad Peździwiatr** is an Associate Professor in the Department of International Relations at the Cracow University of Economics. His interests focus on religion and ethnicity in the processes of migration, migration policy, Islam and Muslims in Europe, and the politicization of Islam in Europe and the Middle East, and North Africa. He is an Investigator of the Warsaw team and a member of WP4 and WP5 of the RESPOND. His most recent publications include the book chapter ‘Halal Certification as a Source of Intra- and Inter-group Tensions among Muslims in Poland’, in *Rethinking Halal* edited by Ayang Utriza Yakin and Louis-Léon Christians for Brill in 2021 and (as co-editor) *Immigrants in Krakow: From Students to Entrepreneurs*, published in 2021 with Nomos. His most important and recent project is ‘FUME -The Future Migration Scenarios for Europe’ (Horizon 2020).

**Email:** k.pedziwiatr@gmail.com

**Vasileios Petrogiannis** holds a PhD in Social Sciences and is affiliated with the Centre for Contemporary History at Södertörns University (SH). He is a member of WP2 and WP6 of the RESPOND project. His interests focus on migration, spatial (national, regional, European) identifications and the sense of belonging, gender studies and gender mainstreaming, as well as men and masculinity studies. His most important publication is his recent doctoral

dissertation: ‘European Mobility and Spatial Belongings: Greek and Latvian migrants in Sweden’ which he defended in 2021 at Södertörn University).

**Email:** vpetrogiannis@gmail.com

**Ursula Reeger** is a senior researcher at the Institute for Urban and Regional Research of the Austrian Academy of Sciences. In RESPOND, she is the principal investigator in the Austrian team and co-led WP6 together with the team at the GCU. Her interests focus on international migration, social and structural integration, interethnic relations on the local level, attitudes towards migration and their formation, urban development, and the governance of migrant integration. Her most recent publication (co-authored with Alexander-Kenneth Nagel) is ‘Stuck in Reception: How Refugees in Austria and Germany Experience Long-Term Reception Constellations’ in the *Journal of Immigrant and Refugee Studies*. She is now a member of the project D.Rad – Deradicalisation in Europe and Beyond: Detect, Resolve, Reintegrate (H2020). **Email:** ursula.reeger@oeaw.ac.at

**Susan Rottmann** is the principal investigator within the Özyeğin University team and a co-leader of WP10 of RESPOND. She is currently an Assistant Professor at Özyeğin University with expertise in qualitative research methods, migration, transnationalism, gender, ethnicity, religion, and politics in Europe and the Middle East. Her most recent publications include “‘We Can’t Integrate in Europe: We Will Pay a High Price If We Go There’: Culture, Time and Migration Aspirations for Syrian Refugees in Istanbul’, published in 2021 in the *Journal of Refugee Studies* and ‘Beyond Legal Status: Exploring Dimensions of Belonging among Forced Migrants in Istanbul and Vienna’, published in *Social Inclusion*.

**Email:** susan.rottman@ozyegin.edu.tr

**Zeynep Şahin-Mencütek** is a Senior Researcher at the Bonn International Center for Conversion and a research affiliate with the Canadian Excellence Research Chair in Migration and Integration at Ryerson University. She holds a PhD degree in Politics and International Relations from the University of Southern California. Her research interests focus on comparative migration studies, diaspora politics, refugee policies, and international relations of the Middle East. She was the co-leader of WP3 and WP8. Her most recent publications are ‘Governance of Refugee Children Protection in Turkey: Between Vulnerability and Paternalism’, published in 2021 in the *Journal of Immigrant & Refugee Studies* and ‘Governing Practices and Strategic Narratives for the Syrian Refugee Returns’, also published in 2021 in the *Journal of Refugee Studies*. **Email:** zeynep.mencutek@bicc.de

**Karolina Sobczak-Szelc** is an Assistant Professor in the Centre of Migration Research at the University of Warsaw and in the Centre for Advanced Studies of Population and Religion at Cracow Economic University. She combines earth science, social geography, spatial development, and sociology to study forced migrations in countries of origin and destination and her main research interests include integration of forced migrants, environmental migrations, and strategies of adaptation to environmental changes and limitations. She is the principal investigator for the Polish team and a co-leader of WP7. Her most recent (co-authored) publication is *Migration as One of Several Adaptation Strategies for Environmental Limitations in Tunisia: Evidence from El Faouar*. She is currently part of the project ‘FUME — The Future Migration Scenarios for Europe’ (Horizon 2020).

**Email:** k.sobczak-szelc@uw.edu.pl

**Justyna Szalańska** is a researcher at the Centre of Migration Research, University of Warsaw, a research assistant at the Social Policy Department in SGH Warsaw School of Economics, and is a member of the WP4, WP5, and WP6. Her interests focus on European integration, identity issues in Turkey and Europe, citizenship policies, and refugee and asylum seeker protection policies. Her most recent co-authored publication is ‘The Integration of Asylum Seekers and Refugees in the Field of Education and the Labour Market – Comparative Thematic Report’ for the RESPOND project in 2021. And her most important and recent project is ‘Investing in “Welcoming Spaces” in Europe: revitalizing shrinking areas by hosting non-EU migrants’ (2020–2024). **Email:** justyna.szalanska@uw.edu.pl

**Andrea Terlizzi** is a Postdoctoral Researcher in the Institute of Law, Politics, and Development (DIRPOLIS) at the Sant’Anna School of Advanced Studies. His interests focus on public and social policy, public administration and management, critical policy studies, theories of the policy process, institutional and policy change, and qualitative methods. He has participated in WP1, WP2, WP3, WP4, WP5, and WP6 of the RESPOND. His most recent publications include ‘New Public Management Reform Ideas and the Remaking of the Italian and Danish Health Systems’ in *Territory, Politics, Governance* with Giovanni Esposito in 2021 and, in 2020, ‘Policy Narratives and Megaprojects: The Case of the Lyon-Turin High-speed Railway’, co-authored and published in *Public Management Review*.

**Email:** andrea.terlizzi@santannapisa.it



# Preface

The initial idea to conduct research on the 2015 refugee emergency was developed through several workshops hosted at the Swedish Research Institute in Istanbul–SRII (with the financial support of SRII and Forte–Swedish Research Council for Health, Working Life and Welfare) during the ‘peak’ of this emergency. Most of the researchers involved in this research project were present at these workshops and felt the moral obligation and academic and intellectual responsibility to do something about this topic. As a result, this research project took shape. We wanted to study policy formation and implementation in different localities and conduct an ethnographic study that would record and shed light on refugee experiences and their responses to those policies. We also wanted to have a societal and political impact. For that reason, we used various experimental tools and methods (such as advice hubs, kino eyes, migration governance networks). All this was made possible by the grant received from the European Commission within the framework of the Horizon 2020 programme.

Coordinating such a complex project in the last four years was harder than we thought and, at the same time, more rewarding than we could have ever imagined. None of this would have been possible without the hard work of all researchers involved in 14 different institutions across 11 countries. We would like to thank our team members and principal investigators for their efforts to turn this into a successful project with an impressive amount of outputs. In addition, we are grateful to our Project Officer Eugenia Stranza at the European Commission and our advisory board members for their continuous support throughout the project.

Special thanks go to our research participants and those who took part in our advice hub and migration governance network activities. We would also like to extend our gratitude to our intern students who contributed invaluable work and to our various host faculties and organizations, which have provided the crucial context for research.

Last but not least, we would like to thank the blind reviewers of this book. A special thanks goes to our copy-editor Simon P. Watmough who has carefully read and copy-edited the entire manuscript.

Editors  
October 2021, Uppsala



# 1 Introduction

*Soner Barthoma and Önver A. Çetrez*

---

‘What’s past’, as the famous line in Shakespeare’s *The Tempest* has it, ‘is prologue’. Just as this edited volume is being compiled in mid-2021—some six years after the 2015 refugee emergency— developments in Afghanistan and the Belarus-Polish border appear once again to be laying the path for a new migration emergency. The past undoubtedly weighs heavily on many Western and refugee-receiving countries as they prepare for a new influx of refugees from the region while promising not to repeat earlier ‘mistakes’. The situation in Afghanistan lays bare in no uncertain terms precisely how foreign intervention can exacerbate state failure and trigger waves of migration. It also showcases the moral failure of intervening powers in failing to heed the complexity of the cultures they encounter or take responsibility for the social, political and economic consequences of their interventions.

This volume takes up the challenge of providing a comparative understanding of migration regimes and practices and their consequences for political systems and the people who have fled their homelands due to conflict, war and poverty between 2011 and 2020. Empirically, the chapters included in this volume are based on the research conducted in 11 countries (Iraq, Lebanon, Turkey, Greece, Italy, Hungary, Austria, Poland, Germany, the UK and Sweden) within the framework of the Horizon 2020 RESPOND project (2017–2021), funded by the European Commission.

RESPOND is a comprehensive study of migration governance in the wake of the 2015 Refugee Emergency, which has long been constructed as a ‘crisis’ in policy discourses. This ‘crisis’ has foregrounded the apparent vulnerability of European borders, the tenuous jurisdiction of the Schengen system and broad problems with the multilevel governance of migration and integration. One of the most visible impacts of the refugee crisis has been the polarization of politics in European Union (EU) member states and the policy (in)coherence among them in responding to the crisis and its aftermath.

RESPOND studied the migration phenomena from a holistic perspective at macro, meso and micro levels, enabling the researchers involved in this project to understand the connections between policies, practices and experiences through a narrative that is constructed through five thematic fields: 1) border management and security, 2) refugee protection regimes, 3) Reception policies, 4) integration policies, and 5) conflicting Europeanization. Each thematic field reflects a juncture in the migration journey of refugees.

Taken together, the thematic fields offer a holistic view of policies, their impacts and the affected actors' responses to them.

Migration governance is about controlling borders and security, but it is also about defining who will be allowed 'in' and who will be kept 'out'. The responses of the actors involved and their interactions matter for the outcomes of the policies. We observe that in the face of the 2015 Refugee Emergency, policy-making has been stretched and polarized between *the particular* (the development of 'more efficient' measures to tackle the mass movement of people across borders) and *the universal* (the preservation of the foundational 'normative principles' of the global governance of migration).

RESPOND's focus has been on the Eastern Mediterranean route, especially the mass migration triggered by the Syrian civil war from 2011 onward. The countries included in the project and the target refugee populations have been selected accordingly. The selection was also guided by the significance of the chosen cases as the source, transit, and destination countries. The source countries we studied were Syria, Iraq and Afghanistan. The transit countries were Turkey, Lebanon, Greece, Italy, Poland, and Hungary. Finally, the destination countries were Germany, Sweden, the United Kingdom and Austria. An important note here is the absence of examples of 'transit only' countries. Instead, given that conditions change quickly, countries that start as spaces of transit become, after some time, destinations for some migrants to settle more or less permanently. Turkey is one such case.

## Method

RESPOND applied a mixed methodology, combining legal and policy analysis of textual material with an ethnographic study conducted among refugees in 11 countries as well as with stakeholders working in the field of migration in all these countries. As for the overall sampling in each country, researchers conducted a minimum of 15 interviews on the meso level (with stakeholders from a range of government agencies—including law enforcement, customs and border officials, the coast guard, and migration agencies—and civil society actors—such as lawyers, opinion leaders, NGOs, trade unions, and concerned residents and citizen groups

On the micro level of individual refugees and asylum seekers, we sought interviews with a minimum of 60 individuals in the larger receiving countries (Germany, Sweden, Turkey, Greece, Lebanon, Iraq) and 30 interviews in smaller receiving countries (Italy, Austria, UK, Poland), with variations when needed. Each country team chose the two or three most salient refugee groups for the period 2011–2018. We practised a flexible sampling strategy within this general sampling plan, as the needs for each research cluster (i.e.,

work package) and country were context-specific. For example, a stronger emphasis was put on integration issues in destination countries, whereas in transit countries, the focus was more on *border and protection issues*. Furthermore, each country team operationalized the criteria based on this overall sampling strategy and developed its own sampling document. As an example, the 2016 Turkey–EU deal set the time frame for interview selection in Turkey.

We applied an inclusive approach to the legally and politically defined terms applied to those we interviewed between 2011 and 2018 (early arrivals 2011–2014 and late arrivals 2015–2017)—namely, ‘refugees’, people ‘under subsidiary protection’, those with ‘special status’ and ‘residence permits’, and ‘internally displaced populations’. However, we limited the sampling to people originating from conflict areas who had been part of ‘mass migration’. We also focused on the Eastern Mediterranean route, with flexibility in some countries. In total, we ended up with 539 interviews with refugees.

Another sampling criterion was the distinction between centre and periphery, which allowed us to cover a diversity of migrant circumstances and contingent experiences. Furthermore, gender was underscored to ensure as equal a balance as possible between women and men in the sample. Age groups were also identified to ensure we included the experiences of younger, middle-aged, and older individuals. However, for ethical reasons, we excluded children and youth under the age of 18 and individuals who could not independently express themselves due to illness or poor health, mental impairment, or similar vulnerable condition.

The project draws on an impressive amount of empirical material gathered in 11 countries, including macro- (policies), meso- (implementation/stakeholders), and micro-level (individuals/asylum seekers and refugees) data. The most significant data source in the project is the interviews. We conducted 539 interviews with refugees and asylum seekers, the majority being between 27–50 years old, married, and with a higher secondary or tertiary education. Of the refugees we interviewed, 293 were from Syria, 61 from Iraq, 58 from Afghanistan, and 127 from other countries. The gender divide was 316 men and 218 women (5 interviewees gave no information about gender). We also conducted more than 210 interviews with stakeholders.

The empirical material covered four major themes, each linked to a work package: the migration journey and border experiences (Work Package 2), protection regimes and experiences during the application for asylum (Work Package 3), experiences during the reception period (Work Package 4), and integration experiences, including education, working, living, health, and belonging (Work Package 5). The interviews were conducted using a semi-structured format, with central themes guiding the interviews and flexibility for adjustment to fit each interview situation best.

Additional data produced through the project includes two larger surveys, one in Turkey (n=789) and one in Sweden (n= 639), both using convenience sampling (Work Package 7), legal and policy material providing historical context and background (Work Package 1), and media material and policy documents (Work Package 6). Analysis was conducted following the best-fitting method to address the given research questions, including textual analysis, cultural analysis, political claims analysis, and legal and policy analysis. For the textual analysis, we first applied an overall coding of the data according to the research themes (Work Packages 2–5); each thematic or country report followed up with further coding to elicit finer details. Roundtable discussions with stakeholders, observations, Kino eye material, art collection, and a documentary round out the empirical data sourced for the project.

It is our sincere hope that all the RESPOND project data—most of which is open access and in different formats—will prove useful as primary and secondary data for other researchers, government authorities, local actors, and stakeholders. The material from the project is further described in the Data Management Plan (DMP) and follows the general guidelines on FAIR data management. The principles of research ethics pertaining to human participants, enshrined in the Declaration of Helsinki of 1964, are central to all empirical studies. These principles cover informed consent, how participants are treated and protected (including ensuring that their well-being precedes any scientific interest and balancing the risks and benefits for participants), and ensuring the research has positive consequences for society. We established general ethical guidelines for the project, which were adjusted by the country teams to their specific requirements. Ethical approval was applied for and granted by the specific ethics board in each country.

Concerning the research ethic of positive consequences for society, the RESPOND project has maintained compelling societal relevance and a demonstrable impact. For example, all country and comparative reports have included specific policy or program recommendations. In addition, the project has issued several policy briefs and a final press release (see the appendix) that presents the main findings linked to actionable policy recommendations. All reports and other types of publications produced within this project can be accessed via the project’s website ([www.respondmigration.com](http://www.respondmigration.com)).

One of the challenges of this cross-national research has been at the comparative level. Even though RESPOND issued clear guidelines for sampling, coding, and report writing, there are limitations and variations in the data gathered and coded by 14 different partners in 11 countries. One is the unavoidable but challenging use of different languages to gather data. With this comes the need for translation into English, either during the interview or when transcribing significant parts of the material, lowering the level of validity from one context to another. Additionally, the coding was performed by each country team separately. Although it was done with detailed proce-

dures for inter-rater reliability in mind, there are still limits to a qualitative approach. However, such limitations arise in every complex comparative study on any topic. The critical consideration is to be transparent in highlighting limitations and reflecting on their impact on the findings.

## Findings

When we started this project four years ago, our point of departure was to study migration from a holistic perspective. The underlying goal was to understand the connections between policies, practices and experiences along the migration journey of individuals. Therefore, in different work packages, we applied this methodological framework and studied the many steps and dimensions of migration, including legal and policy frameworks of migration governance, border and protection regimes, as well as reception and long-term integration of immigrants. Our guiding framework drew on the *metaphor of the journey* as the individual migrant experiences it. We also focused on the consequences of migration for discourses of Europeanization.

Looking back, the primary contribution of this project has been the way it foregrounds the nexus between the individual, yet patterned (in terms of origin, gender, age), experiences of refugees and the broader policy and legislative frameworks with which they interact. The three levels of analysis that the RESPOND research has engaged show how legislation and policy filter down into implementation processes and are then felt and experienced by refugees themselves. The simultaneous charting of these different scales, underpinned by the dual-methodological approach of interviews and policy mapping, tells an expansive story of migrant journeys towards full participation in host societies, constrained by *de jure* and *de facto* policies and practices.

The results of the RESPOND project and its thematic work package lend themselves to concrete conclusions and key messages, which we want to point out.

***A shift from a civic welcoming approach to a hostile one.*** In the initial phase, policy responses to the unprecedented scale of human movement in 2015–2016 were oriented to the perceived ‘emergency’ underway. We witnessed some remarkable examples of civic spirit and solidarity in acts of welcome shown to people fleeing war zones (see Chapters 8, 9 and 10). However, over time—indeed, rather quickly—this welcoming approach swung toward one of opposition if not outright hostility (see Chapters 8, 9 and 10). With the formidable articulation of far-right populist discourses, opposition to immigration became a salient political issue in many countries (see Chapter 4). Consequently, the policy responses shifted towards the se-

curitization of migration: countries strengthened their borders, built fences and applied stricter migration control regimes.

***Governance of migration through migration control regimes.*** Tightening entry rules, introducing hard external borders and externalizing migration control regimes have become the new modus operandi for migration governance. Simultaneously, many countries have introduced more restrictive regulations for immigrant integration at the domestic level, driven by a rationale of deterrence. Restrictive policies should be understood in the context of the rise of populism, in which migration is constructed as the main scapegoat of all societal failures (see Chapters 2 and 3).

***Governance failure.*** In the aftermath of the crisis, migration policy has increasingly been informed by nationalist agendas (see Chapters 2, 3, 4 and 7). Thus, when it comes to the global governance of migration, we have observed a massive failure to develop joint solutions to ongoing problems, resulting in the weakening of global governance structures and fragmented and divergent practices.

***Two contrasting trends in migration governance: ‘renationalization’ and ‘externalization’.*** Our study focused on a period (2011–2018) in which the governance of migration was very much affected by the climax of the ‘crisis’. It was in this sense an example of ‘crisis governance’. Crisis constitutes a (radical) rupture in the status quo or established governance structures. In our research, this has been reflected in an increasingly fragmented legal framework, a high level of ad hocism in legal and political practices, dysfunctional institutions in the face of crisis and emergencies, and decoupling of practices in the governance of migration (see Chapter 2). Overall, we have observed two contrasting trends in migration governance—‘renationalization’ (in line with the rise of right-wing populism) and ‘externalization’, such as remote-control migration policies, the so-called ‘hotspot approach’, and bilateral agreements with frontline states/neighbouring countries (see Chapter 2).

***Protracted transitionality and extended EU waiting rooms.*** Another important conclusion is that in the aftermath of the 2015–2016 migration ‘crisis’, European migration and asylum regimes have created the conditions of what we call protracted transitionality. We observed this especially in frontline states, where refugees were physically and emotionally trapped in ‘waiting rooms’, living desperately in *legal limbo* under precarious conditions and uncertainty (see Chapters 2, 5, 7, 16 and 18). There is a wealth of research pointing to the detrimental consequences of such conditions on the mental health and well-being of individuals and families (see Chapters 11 and 16).

***Lack of understanding.*** Our research has also revealed the deep gap between (migration) policies and people (refugees). The policies analysed during the research generally pay little heed to why people want to migrate, nor



do they seek to understand the root causes and main drivers of migration at structural and individual levels. Thus, migrant agency is overlooked. While refugees are objectified and isolated during the asylum procedure, once granted asylum in the settlement/integration process, they are expected to abruptly transform into ordinary members of society and integrate rapidly and seamlessly into the system. In our understanding, this is one of the main shortcomings of the integration policies deployed in migration governance (see Chapter 16).

***The agency of refugees and hope.*** With its focus on the micro level and anthropological gaze, RESPOND has consistently viewed newcomers as full agents and sought to shed light on their lived experiences. Thus, the research has focused on how they navigate through highly complex asylum and border regimes to reach their destinations, the multiple coping strategies they activate along the journey and how they negotiate their rights and space in a new country (see Chapter 16). These are all very notable manifestations that foreground the agency of newcomers in both the migration journey and the settlement process. People migrate to find a remedy to the ‘existential crisis’ that they find themselves in. Here, ‘hope’—both at individual and collective levels—is the central ground sustaining their resilience and explains how they tackle and overcome the many hardships faced during the migration journey.

***Well-being, trauma and the policy-making process.*** Refugees, the subject of integration, usually carry the baggage of traumatic experiences. Their traumas are exacerbated during the journey and post-migration stressors, triggered by everyday life experiences and their encounters with society and institutions in the new country. However, the psychosocial well-being of refugees has seldom been the driving criterion in Western countries in which settlement expectations are primarily developed with an eye toward rapid labour market integration. Still, more than half of our participants report being unemployed, and the same number of participants have experienced discrimination in the labour market. In this regard, RESPOND research lays bare the close connection between the health and well-being of people arriving in a new country and social determinants during their integration (see Chapter 11).

***Migration and homelessness.*** One of the most interesting conclusions of our research is the light it has shed on the dialectical relationship between migration and settlement in the context of home/homeland and homelessness. When people migrate, they burn their bridges, leaving everything—their homes, extended family, and a lifetime of memories—to start a journey to unknown shores or pre-imagined destinations. Despite the strong emphasis on the political discourse on return migration, this journey is usually a one-way trip. In this journey, ‘home’ becomes a central marker for settlement and safety, a safe zone to imagine the future in which the experienced homelessness and precarities come to an end (see Chapters 17 and 18).

## Structure

The volume is structured in four parts, consisting of both comparative and single-case studies, following the same holistic framework applied in the RESPOND research, which we believe is a promising heuristic lens for studying migration in a comprehensive manner. Bordering policies communicate with protection and reception policies as well as integration policies. As observed in this research, the externalization of migration policies dovetails with restrictive approaches to reception and integration policies. Understanding the dialectic relationship between all these migration-related policy fields is needed to contextualize change in policies and analyse the relationship between policies (macro level), practices (meso level) and individual and group experiences (micro level).

**Part I** sheds light on the European migration regime and focuses on new bordering practices and their consequences for the discourse on Europeanization. Veronica Federico and Paola Pannia's contribution offers a comparative legal analysis of migration governance across countries, highlighting trends and similarities, as well as differences and relevant inconsistencies in the response to mass migration. The chapter begins by illustrating the complexity and hypertrophy in the legal framework concerning migration and asylum/international protection in all RESPOND countries, with lawmakers frequently resorting to secondary legislation. The analysis then explores the variety of actors involved in the multilevel and subsidiary-based management of migration flows. Their analysis reveals that given the lack of a solid architecture of national migration policies backed by adequate coordination, control and monitoring systems, and stable economic resources, the interaction among different actors frequently becomes a synonym for fragmentation and discrimination.

The chapter by Sabine Hess, Lena Karamanidou, and Bernd Kasperek revisits bordering policies and analyses the 'summer of migration' of 2015 as a watershed moment for border management and migration control in the European Union. Since then, we have seen some noticeable shifts in terms of border management and migration control legal frameworks, policies and practices across Europe, at both the European and national levels. The authors argue that since 2015, the logic of borders has intensified and expanded. This shift is evidenced by new policies and practices (at both the EU and member-state levels) and by the proposals contained in the New Pact on Migration. Moreover, they suggest that the logic constituting the border as the primary instrument of responding to migratory movements is seeping into the wider governance of migration and asylum.

In their comparative study of the Europeanization discourses of seven EU member states, Ivan Josipovic, Umut Korkut, James Foley, Ursula Reeger, and Tarik Basbugoglu show how contestation over migration has influenced

discursive constructions of ‘Europe’ in mainstream politics and media. Drawing on post-functionalist theories of European order, the authors shed much-needed light on the growing politicization and contestation in areas of EU governance that had previously been depoliticized at the national level. This analysis is then extended to examine the impact of contestation on European self-understanding at the supranational level.

Eva Papatzani, Nadina Leivaditi and Electra Petracou’s chapter critically discuss the grid of legislation, policies, discourses, practices, institutions, and actors that shape the governance of movements and configure borders from the global to the local scale by focusing on the Greek island of Lesbos. The authors argue that specific geographic areas have moved to the epicentre of global migration governance, emerging as important border sites configured by a complex ensemble of policies and actors at multiple scales. In the same vein, Andrea Terlizzi’s chapter explores border management and external migration control policy in Italy between 2011 and 2018 by tracing the role of narratives in the policy-making process. According to the author, evidence shows that policy-makers have constantly pointed to the excessive migratory pressure and ‘illegal’ immigration as the main issues at stake. Moreover, Terlizzi shows how the dominant policy narratives have revolved around the discursive nexus of humanitarianism and securitization.

Chapters in **Part II** discuss the fragmented implementation of refugee protection regimes in the wake of the 2015 refugee emergency. In their comparative analysis Ela Gökalp-Aras, Electra Petracou, Zeynep Şahin Mencütek, Eva Papatzani, and Nadina Leivaditi look at the implementation of international protection policies (especially asylum procedures and refugee protection) in the EU as well as in non-EU countries and underline four findings that are evident across country cases: 1) a highly restrictive and complex legal framework; 2) the proliferation and fragmentation of forms of protection and asylum procedures; 3) the ambiguous role of multiple actors; and 4) the failure of the hotspot approach and the Dublin Regulation.

In his critical assessment of existing policies and practices in migration governance, Nils Holtug shows how the refugee emergency has revealed that the European refugee regime provides inadequate protection for refugees. This chapter provides a normative account of refugee protection, explains the moral basis for refugee protection, explains how, in light of the previous two points, the present refugee scheme in the EU offers inadequate refugee protection. The focus of this analysis is border policies, the hot spot approach, border externalization and, more generally, non-arrival measures. Finally, the chapter proposes a ‘solution’ to the refugee crisis that is designed to meet the triple aim of providing basic protection for all refugees, not imposing excessive costs on particular destination countries, and removing the incentive for nation-states to partake in a race to the bottom as regards being unattractive for refugees.

In their joint contribution, Sabine Hess and Alexander-Kenneth Nagel deconstruct the prevalent myth of German exceptionalism by embedding it in a wider picture of asylum politics in Germany. They argue that the almost unanimous framing of the large-scale arrival of refugees in Europe in 2015–2016 as the ‘European refugee crisis’ set the ground for a humanitarian approach to governance under ‘emergency’ conditions. This approach undermined existing legal regimes through ad hoc policies and measures in the name of restoring public order. The chapter also shows how the political discourse quickly turned towards perceiving the situation as a ‘state of emergency’ in Germany in the aftermath of the so-called refugee crisis.

The chapter by Ayhan Kaya, Ela Gökalp-Aras, Zeynep Şahin-Mencütek, and Susan Rottmann offers an overview of Turkey’s responses to refugee immigration between 2011 and 2018 with a specific emphasis on the policy fields of border management, protection, reception, and integration. Their analyses illustrate that Turkey’s open-door policies and border management practices initially revolved around the principle of humanitarianism, which later transitioned to a politics of deterrence and securitization. The authors detail the shift from welcome and hospitality to reluctance in reception and the permanent protection of Syrian refugees. Despite lacking an official national integration programme and the rise of a return discourse (to Syria) among public officials and the media, Syrians are gradually integrating into all major areas of society in Turkey.

Turning to Sweden, Karin Borevi and Önver Çetrez analyse refugee integration and psychological health in light of the macro-level conditions of post-2015 policy changes. Using the Adaptation and Development after Persecution and Trauma (ADAPT) model, the authors analyse the concerns for safety/security, bonds/networks, justice, roles/identities, and existential meaning, as expressed by participants (n=61) in Sweden. They conclude that uncertainty in legal status and temporary residence, including related dimensions in the ADAPT model, have adverse health consequences. They also conclude that health issues warrant much more attention in the development of new protection and integration policies.

**Part III** includes chapters on different aspects of reception and integration policies. Ayhan Kaya and Alexander Nagel’s chapter illustrates how the period of reception has gradually become extended in a way that has created limbo situations in the lives of refugees and asylum seekers. Focusing on reception policies, practices and responses in several RESPOND countries, this chapter assesses similarities and differences among different cases by bringing the recurring themes to the fore. In their comparative analysis of the housing market in Germany and Austria, Ursula Reeger, Alexander Nagel, and Ivan Josipovic show how access to housing is a crucial factor for the structural integration of refugees. While asylum seekers in the EU are subject to reception systems that encompass housing and social benefits, receiv-

ing a title of protection marks a major juncture in refugees' lives as they need to find an affordable place to stay in a relatively short period of time.

Karolina Sobczak-Szelc, Marta Pachocka, Konrad Pędziwiatr, and Justyna Szałańska offer an overview of the integration of asylum seekers and refugees in Poland. The authors detail the absence of a coherent migration policy and an official strategy for integrating migrants in Poland. Several legal acts deal with different aspects of integration policy (usually limited to the beneficiaries of international protection) yet to varying degrees and in a fragmented manner. The authors discuss integration challenges experienced by asylum seekers and refugees in three specific areas: education, access to the labour market, and access to housing.

Based on an analysis of the Austrian legal framework regulating immigrant integration as well as a thematic analysis of interviews with affected individuals, Ivan Josipovic and Ursula Reeger provide a critical reading on how multicultural policies have given way to an assimilationist paradigm through the expansion of civic integration programmes. While the micro-level mechanisms underpinning the effects of integration policies have recently been theorized, they remain to be investigated empirically. This chapter contributes to closing this gap by studying the lived experiences of groups targeted by integration policy in Austria, a country that has traditionally pursued an assimilationist policy paradigm.

**Part IV** offers chapters discussing the agency of refugees, their belonging and vulnerabilities in the context of migration. Chapter by Önver Çetrez, Vasileios Petrogiannis, and Justyna Szałańska present the various degrees of refugee agency in three areas—the journey, civic participation, and health—and seeks to answer the question of the extent to which refugees exhibit agency against a backdrop of unfavourable external structural conditionings. Based on the empirical RESPOND interview data, the authors conclude that refugees are rarely seen as agents of their lives due to the involuntary nature of their migration and the limited scope of choices they have. Paradoxically, despite the many structural limitations refugees face and the many hardships they have experienced, there is also an expectation that they will integrate quickly into their new countries and that they will be able to demonstrate a considerable degree of agency. Although belonging is widely recognized as an essential component of refugee integration, there is a need for more comparative research to understand how belonging is created and maintained.

Susan Rottmann's chapter examines belonging in nine different country cases by investigating two domains. First, Rottmann shows that belonging is highly related to the specific social locations of individual refugees (i.e., their legal status, employment, ethnic background and gender). Second, she demonstrates that meso-level inclusion (either in existing organizations or via forming migrant-led organizations) matters for belonging. Finally, the chapter shows that a variety of conditions in the host country and character-

istics of migrants come together to increase or decrease belonging. In their chapter, Naures Atto and Soner Barthoma discuss the concept of vulnerability in the case of the forced displacement of Yazidis in the aftermath of the 2014 genocide perpetrated by ISIS. The authors conducted fieldwork<sup>1</sup> among Yazidi survivors of this genocide. Interview accounts also cover explicit descriptions of extreme violence or assault that the respondents faced. In an attempt to explain the Yazidis' enduring vulnerability, the authors draw on the idea of 'nested' traumas. Here, the authors point to the historical formation and sedimentation of specific traumas transmitted over generations. By introducing the term 'multilayered', the authors analyse the relationship between vulnerabilities produced and reproduced in different time zones and contexts. In the case of the Yazidis, the authors conclude that while living in a subordinated position in their homeland, their forced displacement has added a new layer to their earlier vulnerabilities. While producing subjective feelings of safety, equality and empowerment, the settlement context has made it possible for Yazidis to foster a non-national mode of belonging in these new spaces of settlement that provide them with the essentials they were deprived of in their homelands.

## Review process and copyright

All contributions to this edited volume were double-blind reviewed by external researchers.

Some chapters draw on previously presented sources, primarily from the RESPOND Working Paper series. The authors have the right to use or re-use portions of excerpts of their work, following proper referencing or acknowledgement.

---

<sup>1</sup> In this sensitive case, as with all RESPOND fieldwork, the interviews were conducted only after ethical approval was granted. During the fieldwork, it is important to note that the authors provided external professional support to their respondents (whenever it was needed) and created a safe space for the interviews. Directly after the interviews the data gathered was anonymized and this process was repeated during the coding process.

# PART I

## The European Migration Regime and New Bordering Practices





## 2 The Ever-Changing Picture of the Legal Framework of Migration: A Comparative Analysis of Common Trends in Europe and Beyond<sup>1</sup>

*Veronica Federico and Paola Pannia*

---

### Introduction

In a recent judgement, the Italian Constitutional Court stated that excluding asylum seekers from registering with the municipal administrative office (as occurred under the rules introduced by the Salvini Decree) is constitutionally illegitimate.<sup>2</sup> The reasoning underlying the ruling does not rely solely upon the principle of non-discrimination. The Court also objected to the intrinsic irrationality of the provision. Preventing asylum seekers from registering would complicate the process of identifying them (in addition to excluding them from several services and benefits). As such, the Court ruled, the regulation contradicts the very purpose of the decree, which is to enhance security and territorial control.

This is a paradigmatic and vivid example of one of the main features of migration law: a stark, systematic contradiction between the proclaimed goals and actual results achieved through laws and regulations. This phenomenon is well known in politics under the term ‘policy gap’—namely, the gap that often occurs between policy formulation and policy outcomes. It has been in the spotlight of migration studies since the mid-1990s when migration started attracting broader attention among scholars (Lahav and Guiraudon 2006; Castles 2004). It remains a central topic that continues to engage policy-

---

<sup>1</sup> The authors have jointly discussed and conceived this chapter. Nonetheless, V. Federico is mainly responsible for the following sections: Labyrinthine and hypertrophic legislation, Horizontal subsidiarity, The role of courts, and the Conclusion. P. Pannia is mainly responsible for the following sections: Introduction, Vertical and horizontal subsidiarity, Vertical subsidiarity, and the *subsidium* of European and international agencies.

<sup>2</sup> Constitutional Court, judgement No. 186/2020. The press release is available at [https://www.cortecostituzionale.it/documenti/download/pdf/request\\_20200803143349.pdf](https://www.cortecostituzionale.it/documenti/download/pdf/request_20200803143349.pdf).

makers, stakeholders and researchers alike as they reflect on the reasons for the failure of migration policies. In legal research, the gap between the law as it is formally laid down and the law as it is actually implemented was masterfully described by Roscoe Pound way back in 1910, when he drew a distinction between ‘law in books’ and ‘law in action’ (Pound 1910). This refers to the distance that sometimes exists between black-letter law, on the one hand, and how the law works is and actually applied, on the other.

In migration studies, scholars have mainly addressed this gap, both in political and legal terms, by emphasizing the complexity surrounding this research field. Notably, the hermeneutical tool of ‘multilevel governance’ has been used to capture and explain the phenomenon (Zincone and Caponio 2006; Scholten and Penninx 2016) by taking into account the polycentric and multilayered nature of migration management. This approach has debunked a traditional state-centric perspective (Gill 2010) by drawing attention to the role of the manifold ‘sources’ of migration regulation, which applies at several scales—local, supranational and international. These sources at different levels actively contribute to migration governance (at various stages and to different degrees) depending on the specific matter at stake.

However, the concept of ‘multilevel governance’ has recently met with some criticism from those who question its scope of applicability and theoretical robustness. Many have pointed to the polysemy of the term, along with the inconsistent use made of it by scholars (Caponio and Jones-Correa 2018). In addition, some authors also argue that the universe of migration regulation is too chaotic and disorderly to be wholly circumscribed within the cognitive categories of ‘multilevel governance’ or MLG (Campomori and Ambrosini 2020). Thus, alternative theoretical frameworks have been proposed based on such concepts as the ‘battleground’ or ‘multilevel playing field’,<sup>3</sup> deemed better able to explain the constellations of actors who interact and pursue conflicting objectives, strategies and spheres of interest. What these authors contest is the ‘irenic (pacific) view’ supported by the MLG approach.

In contrast, the analysis often reveals the lack of a clear distribution of competences, a lack of coordination and the impossibility of reaching a ‘negotiated order among interdependent actors’ (Campomori and Ambrosini 2020: 16). In this regard, a condition of ‘institutional uncertainty’ seems in many instances to pervade every level of national migration systems, where it is

---

<sup>3</sup> The term ‘battleground’ was coined by Maurizio Ambrosini to describe the nature of ‘the multi-actor, conflictual and plural local dynamics’ (Campomori and Ambrosini 2020: 3. See also Ambrosini 2018). The ‘multilevel playing field’ concept was introduced by Lahav and Guiraudon (2006: 208) and is referred to by Campomori and Ambrosini as a useful basis for investigating ‘not only the various levels of policy making, but also the diverse actors and logics that prevail in it’ (Campomori and Ambrosini 2020: 16).

the law in itself and not only the way it is implemented that instils uncertainty, instability and discrimination into the system (Pannia 2020). This condition raises the question of whether, in some contexts, the management of migration can be accurately described as ‘governance’ (Sabchev 2020).

Based on these considerations, some critics also challenge the methodology traditionally adopted in migration research. In this respect, the issue’s complexity should be considered when defining migration as a field of study and when addressing the analytical process per se and how migration is studied and understood (Lahav and Guiraudon 2006; Scholten 2020). Doing so requires adopting a comparative perspective and a more flexible and dynamic methodology, which attempts to grasp the real dimensions of the phenomenon with its inherent fluidity and continuous transformation.

This chapter aims to analyse, precisely from such a perspective, how selected states in Europe and beyond (namely the RESPOND countries of Austria, Germany, Greece, Hungary, Italy, Lebanon, Poland, Sweden, Turkey<sup>4</sup>) have responded to post-2014 migration flows. Drawing upon evidence provided by national reports within the RESPOND research project, the chapter provides a comparative legal and institutional analysis of migration governance across countries, highlighting trends and similarities, as well as differences and relevant inconsistencies in the response to mass migration. It will attempt to offer an overview of a changing situation that, while acknowledging the peculiarities of very diverse national contexts, may help capture the main tendencies and common mechanisms, if any, underlying the formulation and implementation of migration law across countries.

The chapter also offers analytical insights for evaluating the potential implications of the dynamics of migration management in the aforementioned countries concerning the respect for fundamental rights. Indeed, any analysis of the ‘policy gap’ and the lack of efficacy of migration laws needs to be complemented with a rights-based perspective. What is at stake is not exclusively a governance issue, which can be assessed and measured against the parameter of effectiveness, but also the protection of vulnerable people, where the salient parameters are human dignity and fundamental rights (Cholewinski and Taran 2009). Mapping out the multiplicity of actors involved in the management of migration and analysing the complex dynamics of their interactions also entails an assessment of the implications that these extremely mobile and fast-changing dynamics have on migrants’ rights. That is the aim of this chapter.

The chapter begins by illustrating that, in all RESPOND countries, the legal framework concerning migration and asylum/international protection is ex-

---

<sup>4</sup> The RESPOND study also included the case of Iraq, which is not included in this chapter, as the data gathered are not homogeneous and therefore not comparable.

tremely complex and hypertrophic, with lawmakers frequently resorting to secondary legislation (such as decrees, by-laws, regulations, and the like) instead of proper statutes/acts of parliament. The outcome is a stratified legal framework that is extremely fragmented and largely unintelligible, making consistent interpretation and implementation very difficult. Therefore, the enforcement of laws and guarantees of fundamental rights are jeopardized and often greatly depend on the discretionary power of individual offices and officials. The analysis then goes on to explore the variety of actors who are involved in the multilevel and subsidiary-based management of migration flows. All tiers of government (from international to local) are involved, with different, often overlapping, or not clearly defined competences. In addition, third-sector actors and private companies are also part of national migration management mechanisms, making the picture even more complex, fluid and blurred.

The third section is devoted to courts, which play a relevant role in migration governance, in the name both of the rule of law and of unfringeable rights. On the one hand, judges are crucial in securing remedies for those whose rights have been violated and are, on the other, a crucial source of sound interpretations of legal provisions. However, their interventions, especially when court judgements do not have an *erga omnes* effect (that is, they are not constitutional/supreme court rulings), may also result in further fragmentation and personalization of rights entitlements and guarantees. Finally, the concluding remarks of the chapter highlight that the interaction among actors involved in the management of migration often ends up exacerbating the fragmentation of legal guarantees and protection.

## Labyrinthine and hypertrophic legislation

In all countries involved in the RESPOND study, the legal framework governing migration and asylum is extremely complex and cumbersome. This is even more true for the RESPOND countries that are also EU member states. While EU law partially harmonizes several aspects of the legal framework for migration, it still falls short of expectations for a common European asylum system and more coherent economic, family and migration law across the continent.

The national legislation of each RESPOND country has undergone continuous changes, not necessarily in a coherent fashion. For example, in the UK, 12 Acts of Parliament regulating immigration issues have been approved in the last 20 years (Hirst and Atto 2018). In Italy, the Consolidated Law on Immigration consists of multiple fragmentary provisions and lacks internal consistency, precluding its effective application. The same complexity, inconsistency and rapid evolution are also apparent in the legal frameworks of Germany and Austria. Concerning the latter, scholars have highlighted that

the Aliens Act was created in 1992 as a follow-up to the former Aliens Police Act and merged with the Residence Act in 1997. However, the same subject matter was later separated again into the Foreign Police Act (FPG) and Settlement and Residence Act (NAG), which have formed the legal basis of the provisions adopted since 2005 (Hirst and Atto 2018: 80). In Germany, the ‘law distinguishes between the various migrant groups in a very bureaucratic way, extending to 107 legal paragraphs with some 50 different types of residency permits’ (Franzke 2021: 110).

Adding further to this complexity is the fact that in most RESPOND countries, acts of primary legislation only provide a general framework and immigration issues are de facto regulated in detail and implemented by congeries of acts of secondary legislation (by-laws, regulations, ministerial circulars, administrative rules, and the like). This trend can be seen above all in Turkey, where the rules regarding ‘temporary protection’ status (currently the main form of protection granted to most asylum seekers in the country) are defined in acts of secondary legislation. The leading example of such legislation is the Temporary Protection Regulation issued on 22 October 2014 by a Board of Ministers. However, the Regulation on Work Permits of Foreigners under Temporary Protection also maintains a certain relevance. In addition, a plethora of circulars complement the regulation of the temporary protection status, but most are not publicly accessible. As a result, the authorities’ discretion is further broadened, especially when it comes to circulars dealing with public order and security issues (Çetin et al. 2018).

Acts of secondary legislation also play a central role in the legal frameworks of Poland and Austria, and even the UK. The ‘hotspot approach’ in Italy was developed entirely based on secondary legislation, up until the introduction of Legislative Decree No.13/2017, which, nevertheless, fails to provide a thorough legal basis for the operations carried out, and thus to guarantee their constitutional legitimacy.<sup>5</sup> In Italy, there is an abundance of evidence pointing to this trend, which sees a secondary role for the parliament and constant erosion of the mechanisms of democratic scrutiny. The numerous readmission agreements signed by the country are a good example of the approach that has been taken (and is mirrored at the EU level by the EU–Turkey Statement).<sup>6</sup> The ‘code of conduct for the NGOs operating in the rescue of migrants at sea’, issued by the Italian Ministry of the Interior in consultation with the European Commission, further echoes this type of pol-

---

<sup>5</sup> Moreover, from a substantive point of view it should be noted that in the last three years, legislative decrees have been approved without any real parliamentary control, as the cabinet asked for a vote of confidence on each bill, thus reducing the possibilities of amending it (Pannia et al. 2018: 63).

<sup>6</sup> Some of these readmission agreements can be found at the following page of the Italian Ministry of Foreign Affairs website: <http://atrio.esteri.it/>.

icy approach. It aims to regulate search and rescue operations in the Mediterranean conducted by non-governmental actors, including those flying third states' flags. However, as stressed by ASGI (the Italian Association for Legal Studies on Immigration), this 'code of conduct' is just another example of a more general and regrettable trend towards regulating migration through atypical acts in order to evade the judicial and democratic checks and balances that are inherent to a society based on the rule of law (ASGI 2017; MSF 2017).

Along similar lines, a new reform was recently introduced in Hungary, which authorized parliament to declare a 'state of terror threat' (Gyollai 2018: 296) upon a government proposal and subject to the approval of a two-thirds majority of the members present. In the event of authorization, the government may enact extraordinary measures, suspending or waiving the ordinary procedures established by law. The 'state of terror threat' is triggered in cases where there is a 'significant and direct threat of a terrorist attack'. Unfortunately, this extremely vague definition has led to several misuses of these exceptional powers. For example, in 2015, clashes at the Roszke border crossing were reportedly depicted by members of the press as a 'quasi-terror threat situation'. This provided the pretext for the arrest of 11 migrants, one of whom was sentenced to 10 years imprisonment for terrorism (Gyollai 2018; Kovács 2016; Amnesty International 2016).

The dominance of secondary regulation over proper acts of parliament does not solely impact the rule of law as formally understood; it has serious implications for the quality of regulation, the separation of powers and democratic scrutiny over legislation by parliaments. Human rights theories include, among the mechanisms of rights protection, the constitutional and legal provisions requiring that certain matters be governed by parliament alone (Malfatti 2018). A person can be deprived of or limited in his or her fundamental liberties 'only in such cases and in such manner as provided by the law'.<sup>7</sup> This bastion of legal protection is based on a twofold guarantee: a *procedural one*, which relies on the formal law-making process, and a *demo-*

---

<sup>7</sup> See for example Art. 13 of the Italian Constitution or Art. 2 of the German Basic Law ('These rights may be interfered with only pursuant to a law') or Arts. 13 and 16 of the Turkish Constitution, which provide that fundamental rights can be restricted only by law, in accordance with the constitution, and, in the case of aliens, also in accordance with international law (Art. 13 'Fundamental rights and freedoms may be restricted only by law and in conformity with the reasons mentioned in the relevant articles of the Constitution without infringing upon their essence. These restrictions shall not be contrary to the letter and spirit of the Constitution and the requirements of the democratic order of the society and the secular republic and the principle of proportionality'; Art. 16 'The fundamental rights and freedoms in respect to aliens may be restricted by law compatible with international law').

*cratic one*, which relies on the function of political control over parliamentary decision-making.

Such a twofold guarantee becomes even more relevant when the rights at stake are those of a particularly vulnerable category of people: migrants. Migrants, who are by definition non-citizens, remain outside the scope of representation based on citizenship. This means that they are subject to the legal systems of the countries they live in, with no power to influence the rules that govern their lives. It is the citizens' choices (as expressed through their representatives in parliament) that define the statuses, rights, duties and conditions of aliens, as the latter are systematically prevented from having a say (at least directly, because they are disenfranchised) in the law-making and decision-making processes that have such a crucial impact on their lives. Against such a fragile background, bypassing the primary role of parliaments may seriously jeopardize the guarantee of rights.

However, secondary acts are rarely subjected to parliamentary debate. The lack of adequate parliamentary control results in broad executive discretion regarding the concrete regulation of important migration issues. The secondary role of the parliament and the increasing range of policies that are not subject to democratic scrutiny are another general trend observable throughout RESPOND countries. Indeed, the governments of most countries bypass the use of ordinary legislation to manage migration and frequently resort to decrees or other informal acts, such as communications, standard operating procedures and circulars, thereby *de facto* eliminating parliamentary control and concentrating both decision-making and implementation in the hands of the executive.

Therefore, the principle of separation of powers has had a different configuration regarding migration policy, where the executive has historically been allocated a preeminent role compared to the legislature and the judiciary. However, the refugee crisis has amplified the imbalance between the state powers, so much so that the traditional doctrine on the separation of powers should be reassessed in light of current developments (Bilchitz and Landau 2018).

## Vertical and horizontal subsidiarity

The principle of subsidiarity is neither a universal nor univocal concept: its definition changes depending on the context, interests and ideological background surrounding its use (Kazepov 2010; Rinella 1999). Also for this reason, the relationship between the concepts of subsidiarity and multilevel governance remains controversial in scholarly debates. Some authors conceive this relationship as divisive and conflicting. Here, the principle of subsidiarity is seen to represent a 'localist' ideal-type of governance (where the local level prevails upon the central level of government), as opposed to

‘multilevel governance’, which refers to an ‘interaction and joint coordination of relations between the various levels of government without clear dominance of one level’ (Scholten and Penninx 2016: 94). However, if we question the notion (as advanced by the ‘MLG’ model) that the relations among the various levels of government are irenic (pacific) and static, we can reappraise the concepts of horizontal and vertical subsidiarity and then take them up as a critical tool enabling us to gain insights that are relevant to the analytical approach undertaken here. Indeed, as they refer to ‘processes’, these terms are better able to capture the complexity, variability and dynamism surrounding the interactions among different levels of government.

More precisely, vertical subsidiarity concerns the territorial reorganization of regulatory powers across the different levels of government, while subsidiarity in its horizontal dimension looks at the interconnection between the public and private sectors (including both non-profit and for-profit actors) (Kazepov 2010). The premises underlying these processes (and principles) mostly revolve around the idea that the management and delivery of services should be left up to civil society and the government level that is closest to citizens (as long as these prove to be efficient).

However, reality has demonstrated that this is not always the case. On the one hand, the principle of vertical subsidiarity may generate the phenomenon of ‘public inertia’, which places lower government tiers (particularly local municipalities) under financial and logistic strain. On the other hand, horizontal subsidiarity can lead to fragmented management, which, instead of enhancing participation, may limit accessibility and accountability, especially regarding vulnerable groups such as foreigners (Martinelli, Anttonen and Mätzke 2017). This is especially the case when solid mechanisms of coordination and monitoring, which are essential to guarantee the system’s efficiency, are not in place. As the sections below will illustrate, the migration domain well exemplifies the ambiguities related to the concrete implementation of the principle of subsidiarity.

### *Vertical subsidiarity*

In most RESPOND countries, all tiers of government (from the national to the local) are endowed with different, often overlapping competences. However, as will be illustrated below, it is usually the delivery of services that is affected most by vertical subsidiarity: regional and local actors are strongly involved in the provision of education, health care, child care services and social welfare. In addition, in some RESPOND countries, the management of migration also involves other relevant actors, such as the third sector, private companies and the courts, as well as EU and United Nations (UN) agencies. This multiplicity of actors often results in substandard and uneven services and uncertainty vis-à-vis the enforcement of rights.



Certainty and predictability are two basic defining features of the law *per se* and the principle of the rule of law. This means that laws, and the legal framework they are part of, should satisfy the requirements of clarity, stability, and intelligibility. This is even more true for migration law, as the individuals involved are obviously more susceptible to precariousness and are likely to have difficulty understanding. However, legal certainty and predictability require neither absolute stability nor complete homogeneity, regardless of decentralization. Needless to say, some degree of unevenness in services and rights enforcement is an inherent trait of decentralized states, and it is equally apparent that such unevenness also affects some aspects of migration governance. This should allow the responsible tier of government to better accommodate local communities' needs (Horowitz 2007). However, when the lack of homogeneity is not reasonable or understandable, or, even worse, when it exacerbates inequality instead of filling the gaps, it impacts rights enforcement.

In Germany, the management of migration is distributed over different levels of government. For example, the national government is in charge of border management and protection, whereas migrant reception and integration are the responsibility of the *Bundesländer* (federal states), which sometimes delegate ample powers of implementation to local municipalities (Caponio, Ponzio and Giannetto 2019; Franzke 2021). As a result, in practice, gross disparities exist in the provision of basic services. For instance, in the state of Lower Saxony, the municipal authorities are totally responsible for providing accommodation and care to asylum seekers, and most cities have established their own local accommodation policies. Since 2014, municipalities have also been responsible for funding the services provided. This has caused them significant financial strain due to the insufficient contributions from the state (Chemin et al. 2018). Significant differences can also be observed in the standards of the accommodation provided: for example, according to data from the Federal Statistical Office, in 2017, in Schleswig-Holstein, 83.4 per cent of the asylum seekers were living in decentralized accommodation, whereas this was the case only for a total 44 per cent of asylum seekers in Mecklenburg-West Pomerania (Franzke 2021: 114).

In Austria, the system is highly centralized, but this has not reduced fragmentation in terms of standards and rights. The fundamental immigration and asylum policies, such as those regarding legal status, entry and return, are determined by legislators at the federal level. Regarding reception within the asylum system, by contrast, the federal government and provinces share legislative competence, whereas responsibility for some other areas is entirely delegated to the provinces. For example, the provinces are responsible for providing the so-called 'needs-based minimum benefit'—a social welfare benefit granted to all persons legally residing in Austria (including citizens

and beneficiaries of international protection) who lack adequate means of subsistence.<sup>8</sup>

Since 2016, upon the expiry of a harmonizing agreement between the federal and provincial authorities, which imposed the same standards throughout Austria, the degree of support provided through the needs-based minimum benefit has diverged significantly from one province to another. In some Austrian provinces, refugees are entitled to smaller allowances than nationals. Meanwhile, the province of Upper Austria passed legislation making entitlement to the needs-based minimum benefit subject to the duration of stay, but it was annulled by the Constitutional Court (Josipovic and Reeger 2018; AIDA 2018a). Besides their policies regarding the provision of social welfare services, provinces have also taken a restrictive stance regarding the quota of asylum seekers they are willing to receive. This has led to the establishment of a compulsory quota system under federal constitutional law (Josipovic and Reeger 2018).

However, despite these shortcomings, the ‘multilevel model’, involving the participation of subnational entities in the management of migration, has also proven crucial for promoting the rights of foreigners. Indeed, while it is true that the multilevel scheme has generally exacerbated fragmentation in respect of migrants’ rights, it is important to note that it has also paved the way for more progressive approaches in specific regions, provinces and local municipalities, in contrast with the overall restrictive tendency at the national level. Thus, for example, in Austria, the policy of the federal government is to allow access to social integration programs only to refugees, whereas the Viennese authorities decided to extend integration courses to all applicants (Josipovic and Reeger 2018).

In the UK, legislative powers regarding immigration and asylum are vested exclusively in the central government. However, the devolved governments of Scotland, Wales and Northern Ireland possess legislative power in fields that are relevant to immigration and asylum, such as housing, health care, education, childcare services and social welfare. The fuzzy distinction between national and subnational legislative competencies regarding immigration and asylum has led to conflicts between the central UK government and the devolved administration of Scotland. The Scottish administration has traditionally embraced a more inclusive and protective approach compared to the rest of the UK, as in the case of the Children (Scotland) Act 1995, which collided with three pieces of UK legislation providing, among the other things, for the detention of children (Hirst and Atto 2018).

---

<sup>8</sup> More precisely, the ‘needs-based minimum benefit’ is provided to persons who have personal savings of no more than €4,189 (2016), reside legally in Austria and are available for employment (Josipovic and Reeger 2018: 34).

Conflicts among the central and regional tiers of government have also arisen in Italy, where a 2001 constitutional reform attributed exclusive responsibility for policy-making and management concerning immigration and (the right of) asylum, as well as the legal status of non-EU foreign nationals to the central government (Art. 117, sections a) and b) of the Italian Constitution). However, the regions have continued playing a decisive role in this field, as they retain legislative competences in the realms of healthcare, education, child care services and social welfare.

Furthermore, the Constitutional Court has clearly promoted a ‘multilevel model’ (Panzeri 2018),<sup>9</sup> which has highlighted that asylum and migration necessarily involve both central and regional interventions, notwithstanding the strict distribution of legislative powers provided by Article 117 of the Italian Constitution.<sup>10</sup> Based on such considerations, the Constitutional Court dismissed the government’s requests to declare the illegitimacy of some regional laws, such as those extending undocumented migrants’ entitlements to health, housing and social services (Salazar 2010; Biondi dal Monte 2011; Corsi 2012; Gentilini 2012). As a result, undocumented migrants currently enjoy a wide range of rights and benefits in regions such as Tuscany, Apulia and Campania, though different standards of protection are currently applied to undocumented third-country nationals across the country (Salazar 2010; Spencer and Delvino 2014).

A decentralized system has also been established in Poland, where regions have the responsibility, among other things, to grant residence permits and provide social assistance; however, the processing of applications for international protection is centralized (Mołęda-Zdziech, Pachocka and Wach 2020). Hungary stands as an exception to the pattern of decentralization displayed to some extent in the majority of RESPOND countries. In Hungary, since 2019, the entire system has fallen within the scope of authority of the National Directorate General for Aliens Policing, a department of the Minis-

---

<sup>9</sup> Italian Constitutional Court, judgements No. 300/2005; No. 269/2006; No. 156/2008; No. 50/2008; No. 134/2010; No. 269/2010; No. 299/2010; No. 61/2011.

<sup>10</sup> Art. 117 of the Italian Constitution distributes legislative power between the central state and the regions. In particular, following the amendments introduced by Constitutional Law No. 3/2001, Art. 117 identifies a number of policy areas divided into two lists. The first list (Art. 117(2)) specifies the matters falling under the exclusive legislative competence of the national parliament. The second list (Art. 117(3)) specifies the matters for which the central state and the regions share responsibility (so-called ‘concurrent competences’). The central state is responsible for issuing general guidelines regulating the subject matter, while regional authorities have to enact detailed legislation in observance of the general principles laid down in national legislation.

try of the Interior, and local authorities are excluded from the management of migration.<sup>11</sup>

In Turkey as well, a highly centralized system has developed since the introduction of the Law on Foreigners and International Protection (LFIP) in 2013. The Directorate General for Migration Management, operating under the Ministry of the Interior, has become the institution responsible for dealing with immigration and asylum issues (Art. 158 of Presidential Decree No. 4). However, local authorities still maintain the responsibility for organizing the delivery of important services related to the integration of foreign nationals (Art. 96 of the LFIP) (Çetin et al. 2018).

The same also applies to Greece, where the central government bears exclusive responsibility for the reception of asylum seekers and integration services.<sup>12</sup> More specifically, after the 2016 elections, a new Ministry of Migration Policy was established, with responsibilities encompassing asylum, migration and integration policies. Furthermore, in March 2016, a new inter-ministerial entity was created to tackle the many loopholes in the national system of reception. The responsibilities of this new entity, headed by the Deputy Minister of National Defence, range from managing migrant flows to establishing reception centres (Petraçou 2018; Triandafyllidou and Mantanika 2016). In 2019, the Ministry of Migration Policy was subsumed into the Ministry of Citizen Protection, which has competences in the area of public order and public security. This institutional change raised many concerns due to the stigmatization that could arise from linking security with migration. Therefore, in 2020, the Ministry of Migration Policy was re-established (AIDA 2019: 27).

The urgent need for more transparent and more efficient cooperation among all the actors involved has also been addressed in Sweden, where a decentralized system operates under the oversight of the Ministry of Justice. Up to 2013, migrants reportedly had to engage with about 40 different governmental officials during and after the lengthy asylum procedure (Swedish Migration Agency 2017: 7). In order to solve this problem, in 2014, a Memorandum

---

<sup>11</sup> Sections 1, 2 and 4 of Government Decree No. 126/2019 (V.30.). The National Directorate General for Aliens Policing took the place of the Asylum and Immigration Office. The latter was similarly under the responsibility of the Ministry of Interior. However, the new agency operates as a branch of the police. This has had the effect not only of making immigration and security issues more closely linked, but also of generating deadlocks and long delays in procedures because ‘asylum officers needed to receive training and pass physical and psychological exams in order to be appointed as police officers’ (AIDA 2020b: 11).

<sup>12</sup> In 2010, Law No. 3852 allowed local municipalities to provide additional services in the social welfare domain. However, the government did not allot any specific funds for this purpose (Sabchev 2020: 2).

dum of Understanding (MoU) was signed with all the relevant authorities to boost dialogue and cooperation (Shakra et al. 2018).

### *Horizontal subsidiarity*

Together with subnational authorities, third-sector and private actors are also part of national migration management mechanisms, making the picture even more complex and fluid. Italy and the UK are emblematic of such a pattern. In the UK, the entire reception system for destitute asylum applicants is managed by private companies (House of Commons Home Affairs Committee 2017: 12).<sup>13</sup> The outsourcing of immigration-related services to the private sector results in a ‘convoluted web of contractors, subcontractors and hundreds of private landlords’, with limited coordination between the private providers, local municipalities, the central government and subnational authorities (Hirst and Atto 2018: 856). Meanwhile, the standards in the reception of foreigners are inconsistent and often poor; two out of the three providers operate at a loss (House of Commons Home Affairs Committee 2017).

Similarly, in Italy, the reception services provided to asylum seekers are highly fragmented and diversified. The Italian reception system is complex, with most responsibilities being shared among municipal authorities, NGOs, and third-sector associations and cooperatives (Ambrosini 2018; Campomori and Ambrosini 2020), which end up producing very different outcomes. Thus, effective communication among all relevant actors is hampered by a lack of adequate mechanisms of coordination. Furthermore, the limited implementation of the ‘ordinary’ reception system as envisaged by Legislative Decree No. 142/2015 has resulted in the addition of new actors to the Italian reception landscape, which has, in turn, generated inconsistency in the system’s administration and exposed asylum seekers to further uncertainty. Articles 9 and 14 of the aforementioned legislative decree provide for asylum applicants to be channelled into a two-tiered system. It comprises first-line governmental accommodation in centres set up to receive newly arrived asylum seekers and carry out the necessary formalities to define their legal status, and second-line reception and integration services to be provided over a longer period. The latter services are run by local authorities (together with

---

<sup>13</sup> From 2012 to September 2019 accommodation services were entrusted to three private providers (namely Serco, G4S and Clearsprings Group) to whom regional contracts, known as COMPASS contracts, were awarded by the Home Office. In 2019, COMPASS was replaced by different regional contracts, which were awarded to Clearsprings Ready Homes (Clearsprings), Mears Group (Mears) and Serco (National Audit Office 2020: 5).

third-sector actors) within the SPRAR network (the national system of protection for asylum seekers and refugees).

Since 2015, the Italian government has made a great effort to boost the capacity of the national reception system, providing for 180,000 new places to be made available (UNHCR 2017: 3). However, this has not been enough to enable the SPRAR network to respond to existent needs, due also to the volunteer-based system underlying the SPRAR since the interest and participation of local authorities have been limited. In this context, migrants have been often accommodated in special reception centres (CAS) set up at the initiative of prefectures (provincial offices of the central government). Prefectures, in turn, subcontract to the private and third sectors. CAS facilities, conceived in principle as temporary measures of last resort, accommodated 80.9 per cent of asylum seekers as of December 2017 (Pannia et al. 2018; Parliament of Italy 2017: 98).<sup>14</sup>

However, the selection procedures of the CAS have been strongly questioned, there being doubts as to their transparency and the accountability of those in charge. In addition, there have often been complaints about the inadequate organization and poorly trained staff (see Parliament of Italy 2017: 109, 116; Parliament of Italy 2019: 50). As a result, the Italian reception system is highly fragmented. There is a plurality of centres with highly diverse standards, and foreign nationals' fundamental rights are not always respected (Banca d' Italia 2017; Oxfam 2017). The lack of consistency is the result of the complex interplay among the various actors involved in the reception system in each local context and their often-conflicting logics and interests, such as the role of stakeholders involved in reception system management or the role of anti- and pro-immigrant associations (Campomori and Ambrosini 2020).

Adding further complexity, in 2018, the national reception system was dismantled by the so-called Salvini Decree (Legislative Decree No. 113/2018). Under the new rules, the SPRAR changed its name (to SIPROIMI), as well

---

<sup>14</sup> A concern about the lack of coherent and updated data has been voiced by some NGOs, such as Openpolis and Actionaid, which have complained of the lack of transparent data about the way in which CAS are managed (such as information about those who manage the centres, the number of foreigners accommodated, and so on). See also Actionaid (2020). The same disparity also existed in 2018. See Ministry of Interior (2019: 16). The report for 2019 has not yet been presented. The percentage of people accommodated in CAS facilities seems to have decreased in 2020, when people accommodated in SIPROIMI accounted for 31 per cent of the total number of people accommodated in the national reception system. However, these data also reflect the reduction in the number of arrivals and the legislative changes introduced by the Salvini Decree, which, as illustrated elsewhere in this chapter, dismantled the SPRAR (Legislative Decree No. 113/2018).

as the recipients of its services: asylum seekers were no longer allowed access to the integration services provided by the SPRAR. Pending the determination of their refugee status, asylum seekers were accommodated in CAS facilities, where a substantial cut in funding further exacerbated the poor standard of care and inadequacy of services. This ended up favouring large reception facilities, whose major deficiencies (inefficiencies, social tensions and infiltrations by criminal organizations) have already been pointed out by monitoring reports issued by NGOs (Actionaid 2020: 11; Parliament of Italy 2019: 64).

Meanwhile, confirming the trend of hectic legislative changes, in late October 2020, a new legislative decree (No. 130/2020) was issued. According to Art. 4(3)(b) of the new decree, the scope of action of the national reception system will no longer be limited to refugees and unaccompanied minors. Pending a decision regarding their status, asylum seekers will also be channelled into the new 'system of reception and integration', where highly trained staff will provide an ample range of services, such as health care, social and psychological support, cultural and linguistic mediation, Italian language courses and legal assistance.

Nonetheless, it would be an oversimplification to say that the interconnection between the public and the third and private sectors has been only detrimental and prevented the smooth, effective management of migration. Indeed, in some cases, their interaction has positively contributed to the delivery of services and social innovation. The region of Thessaloniki in Greece offers a good example in this respect.

Against the lack of an integration plan at the national level in Greece, in Thessaloniki, the local government was able to develop a comprehensive set of progressive reception and integration services for asylum seekers and refugees. The partnership that the Municipality of Thessaloniki built with the third sector and UN agencies proved crucial to guaranteeing foreigners' fundamental rights (Sabchev 2020). The same can be said for Turkey, where in the absence of a national integration plan, local municipalities and NGOs and UN agencies had a central role in delivering services, also aimed at the long-term integration of newcomers. However, this also resulted in the fragmentation of service provision, while a condition of uncertainty governed interaction between various actors and fulfilment of migrants' rights. Recently the central government issued a Cohesion Strategy and National Action Plan (2018–2023), the effects of which are still to be evaluated (AIDA 2020a: 63).

Also in Germany, integration policies were mainly driven by the initiative of civil society actors and local governments, which proved to be crucial while a coherent strategy had yet to be developed at the national level (Franzke 2021: 116). In Italy and the UK, as well, non-governmental organizations (NGOs) have attempted to close the many loopholes of the reception system,

which fails to meet asylum applicants' needs of protection adequately. The NGOs' activities encompass the provision of essential goods and basic services, such as emergency healthcare, legal advice and support toward integration, including training and language classes. Beneficiaries of international protection are not the exclusive recipients of NGO intervention, which also address legally resident foreigners and undocumented migrants.

In Austria, until recently, NGOs have been actively engaged in a number of fields spanning legal advice, the provision of certain care services for asylum seekers, programs of integration and voluntary return (Josipovic and Reeger 2018). However, in 2019, the third sector's role was drastically reduced by a new law approved by the Austrian parliament (ECRE 2019: 2). Following the legislative change, many crucial services, such as reception conditions, legal assistance for asylum seekers, translations during the asylum procedure, have been centralized and included among the competences of a new federal agency falling under the responsibility of the Ministry of Interior. Serious concerns have been raised regarding the independence of the new body stressing how the potential conflict of interest risks undermining the safeguarding of access to free legal assistance and representation for asylum seekers (ECRE 2019). This tendency aiming at subjecting NGOs to various restrictions did not feature only the Austrian legal framework.

In Poland, from the beginning, NGOs and municipalities with many foreign residents have played a crucial role, especially for those falling outside the 'international protection circuit'. This picture can be explained in the light of multiple factors, including the poorly developed social assistance system in Poland, the lack of an 'integration strategy' at the national level and policy-makers' persistent understanding of integration as a 'pull factor' (Mołęda-Zdziech, Pachocka and Wach 2021: 174–175). However, currently, NGOs' intervention in asylum-related services (such as legal advice, reception and monitoring) is increasingly at risk, and their presence is visibly reduced, especially in reception centres. This can be related to the Law and Justice Party (PiS) government's policy of a 'closed society', which has progressively reduced NGOs' room for manoeuvre, significantly complicating the access to European funding (the primary source of economic support not only of specific projects but also of entire organizations) (Szałańska 2019; Mołęda-Zdziech, Pachocka and Wach 2021: 179).

In this respect, the Hungarian case is even more striking. For a long time, the role of NGOs in Hungary proved vital in ensuring the basic rights of asylum seekers and refugees, filling the increasingly broad void of assistance from the Hungarian government. In 2015, the government declared the 'crisis situation caused by mass migration' a 'quasi-state of emergency'. The state of crisis has been successively extended until covering the entire territory of Hungary and routinely prolonged (after the recent extension, until 7 September 2021). Under the aforementioned state of crisis, special rules apply to



asylum applicants, who are allowed to submit their claims only in transit zones. Here, NGOs have played a crucial role considering that government reception services only include accommodation, food and healthcare for the very few asylum seekers who are not de facto detained in transit zones, whereas subsequent applicants are excluded from any kind of material support. Meanwhile, in June 2016, the government dismantled the integration programme in place for beneficiaries of international protection, leaving the delivery of essential services aimed at supporting refugees' integration (such as assistance in housing, language courses, job-searching) to the NGOs' intervention (Josa and Fedas 2018).

Despite all the efforts to meet the basic human rights of asylum seekers and refugees, NGOs work continues to be hampered by the Hungarian government in many instances. There are multiple reasons. First, as in the Polish case, NGOs are running out of funds. Indeed, the EU-based funding mechanism (the so-called Asylum, Migration and Integration Fund or AMIF), which used to represent one of the primary sources of finance for NGOs' projects and activities, has been put on hold by the Ministry of Interior, which withdrew all the calls for tenders in 2018 (AIDA 2020b: 120). Furthermore, in 2017, a law was approved imposing the mandatory registration and transparency of foreign-funded NGOs.<sup>15</sup> These rules were approved amid a defamatory campaign launched by the government, portraying NGOs as part of the so-called Soros network and 'enemies of the state' (Gyollai 2018; Nagy 2016). Although the fierce criticism raised by several human rights bodies and the judgement of the European Court of Justice, which in June 2020 declared the legislation in breach of EU law,<sup>16</sup> the stigmatization of NGOs in Hungary has not abated.

---

<sup>15</sup> See Act LXXXVI of 2017 on the Transparency of Organisations Receiving Foreign Funds, Available at <https://www.helsinki.hu/wp-content/uploads/LexNGO-adopted-text-unofficial-ENG-14June2017.pdf>.

<sup>16</sup> Court of Justice, Judgment in Case C-78/18, *Commission v Hungary*. The judgement of the Court of Justice concludes the infringement procedure launched by the European Commission in the summer of 2017. See the press-release at <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-06/cp200073en.pdf>, where the Court states that 'by imposing obligations of registration, declaration and publication on certain categories of civil society organisations directly or indirectly receiving support from abroad exceeding a certain threshold and providing for the possibility of applying penalties to organisations that do not comply with those obligations, Hungary had introduced discriminatory and unjustified restrictions with regard to both the organisations at issue and the persons granting them such support. Those restrictions run contrary to the obligations on Member States in respect of the free movement of capital laid down in Article 63 TFEU and to Articles 7, 8 and 12 of the Charter of Fundamental Rights of the European Union ("the Charter"), on the

## *The subsidium of European and international agencies*

In some RESPOND countries, UN and EU agencies have played a crucial role in addressing the whole issue of migration. For example, in Italy, EU agencies are actively involved in ‘hotspots’, and the United Nations High Commissioner for Refugees (UNHCR) caseworkers are part of the ‘Territorial Commissions’ – local administrative bodies in charge of examining asylum applications and ruling on international protection status (Article 4(3) Legislative Decree 25/2008)<sup>17</sup>. Until 2018, the UNHCR was in charge of registering asylum applications in Turkey, whereas this responsibility currently lies with the Provincial Directorate for Migration Management. Since the handover of responsibility, there have been many reports, particularly from Afghan nationals, about difficulties accessing international protection due to uneven practices and lack of coordination (AIDA 2020a: 24). As of 24 April 2018, the UNHCR has supported Greece’s reception system under the Emergency Support to Integration and Accommodation programme, creating more than 24,000 new places to accommodate refugees and newly arrived asylum seekers (Petraçou 2018).

However, in some cases, the role of EU and UN agencies has proven problematic. A specific case is once again Greece, where Frontex<sup>18</sup> and the European Asylum Support Office (EASO),<sup>19</sup> originally meant only to provide assistance, now exercise de facto power over identification operations and interviews of asylum applicants, respectively, under fast-track procedures

---

right to respect for private and family life, the right to the protection of personal data and the right to freedom of association’.

<sup>17</sup> According to art. 4(3) of Legislative Decree 25/2008, as amended by Legislative Decree 220/2017, “the Territorial commissions are composed, in compliance with the principle of gender balance, of a prefectural career officer, acting as president, [...] by an expert in the field of international protection and human rights protection designated by UNHCR and administrative officers [...] assigned to the Commission [...]”. Within this normative framework, from August 2021, UNHCR is gradually replacing its own representatives in the Territorial Commissions with external experts, by identifying a shortlist of suitable candidates, to be designated as experts and assigned to each Territorial Commission. Read more about this: <https://www.unhcr.org/it/wp-content/uploads/sites/97/2021/08/call-for-expression-of-interest-August-2021-with-template.pdf>

<sup>18</sup> The European Border and Coast Guard Agency (Frontex) is a European agency whose aim is to cooperate with national authorities in the management and control of the EU’s external borders. For further details see <https://frontex.europa.eu/>.

<sup>19</sup> The European Asylum Support Office (EASO) is a European agency set up to support the implementation of the Common European Asylum System. Its objective is ‘to ensure that asylum cases are dealt with in a coherent way by all Member States’. For further details see <https://www.easo.europa.eu/>.

that have been set explicitly in place (Petraçou 2018). The involvement of these external actors, particularly of EASO, has met with fierce criticism and raised questions regarding the lawfulness of the activities conducted by the agency and its compliance with fundamental rights (Guild 2021; Tsourdi 2020; European Center for Constitutional and Human Rights 2019). Indeed, EASO caseworkers, after having interviewed asylum applicants, issue a recommendation to the Greek Asylum Service, which essentially grounds its decision on the EASO opinion, without having any direct contact with the applicant. Consequently, EASO plays a highly influential role in the process of refugee status determination in the absence of any legal basis and engages in activities that are outside its competence. Furthermore, the quality of the interview process has been strongly questioned. EASO caseworkers are reportedly not fully acquainted with Greek legislation on asylum and sometimes lack experience and cultural sensitivity (AIDA 2018b). Despite these allegations, in 2018, the government presented a bill aiming to extend EASO involvement in the regular asylum procedure (AIDA 2018b).

Finally, Lebanon represents another case worth examining, given its specificity. Two UN agencies—the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA)<sup>20</sup> and the UNHCR—intervene in the country to provide fundamental services and undertake quasi-state responsibilities in an attempt to compensate for the absence of any coherent and complete legislation on asylum. Specifically, the UNWRA is highly engaged in providing social services to Palestinian refugees, including medical services, to which Palestinian refugees would otherwise have no access (Jagarnathsingh 2018).

However, the role attributed to the UNHCR is more complicated. Originally charged with helping the Lebanese authorities provide protection and assistance to non-Palestinian asylum seekers and refugees, the UNHCR has become increasingly marginalized and deprived of legal relevance. Collaboration between the Republic of Lebanon and the UNHCR was made official in 2003 when an MoU was signed in light of the Iraqi refugee crisis. Under the 2003 MoU, the UNHCR was entrusted with conducting refugee status determinations in specific cases. It was also to act as a ‘surrogate state’ tasked with finding long-term solutions for refugees. However, given the lack of additional formal agreements with the Lebanese state, Lebanese authorities have attributed little significance to the UNHCR’s refugee status determination outside the cases falling under the MoU, which only covers a minority of refugees. As a result, the majority are not protected against refoulement, nor have they the right to automatic and timely issuing of residence permits (Jagarnathsingh 2018). Furthermore, in 2015, intending to halt the flow of Syrian refugees, the Lebanese government asked the UNHCR to ‘temporari-

---

<sup>20</sup> For further details, see <https://www.unrwa.org/who-we-are>.

ly' suspend the registration of Syrian refugees and to deregister those who returned to Syria, even for a very short time. In 2018, 'the total figure of refugees residing in the country informally [was] estimated to be around 2, or even 2.5 million' (Jagarnathsingh 2018: 503).

## The role of courts

Courts also are relevant actors when it comes to governing migration. Judges play a crucial role in granting remedies to victims of rights violations. Moreover, they are relied on to provide a sound interpretation of legal provisions related to migration issues. In Austria, for instance, the Constitutional Court (VfGH) has repeatedly stymied the restrictive approach undertaken by the federal and subnational governments. Among other things, the VfGH annulled provisions aimed at reducing the time allowed for an appeal to be lodged in asylum procedures and the restrictive social welfare provisions approved by some Austrian provinces (Josipovic and Reeger 2018).

In Sweden, an important ruling of the Migration Court of Appeal contributed to abolishing a measure introduced by the Temporary Law, which provided for a blanket suspension of family reunifications for beneficiaries of subsidiary protection. Indeed, the Court ruled that excluding a Syrian child from the right to family reunification was in breach of Article 8 (the right to privacy and family life) of the European Convention on Human Rights and the UN Convention on the Rights of the Child (Migration Court of Appeal, 19 June 2018, UM16509–17).

In Italy, the Constitutional Court has played a fundamental part in promoting foreign nationals' legal entitlements and preventing a lowering of standards. In this regard, the Constitutional Court's consolidated case law has reaffirmed foreigners' entitlements to social rights, such as the right to health and healthcare services (Judgement No. 269/2010) and to 'essential social benefits', such as invalidity benefits for mobility impairment, blindness and deafness, regardless of the foreigner's length of residence. Nonetheless, the issue of foreigners' entitlement to social rights still remains open. In fact, despite the egalitarian approach of the Consolidated Law on Immigration, Law No. 388/2000 (Budget Law) provides that only EU long-term residence permit holders are entitled to social welfare allowances. On several occasions, the Constitutional Court has declared that the limitation is unreasonable (Judgements No. 306/2008; No. 11/2009; No. 187/2010; No. 329/2011; No. 40/2013; No. 22/2015; No. 230/2015).

However, since the Court has declared the unconstitutionality only of specific provisions relating to certain rights, Italian legislation still maintains a distinction between long-term residents (with EU long-term residence permits) and migrants who have short-term permits (one or two years). Under the law, the latter are denied a number of social welfare allowances, such as

maternity allowances. Concerning maternity allowances, a substantial body of case law has extended this right also to women holding a permit to stay for work, family or humanitarian reasons. This means, however, that access to social benefits is subject to access to a court. Therefore, those who cannot reach the judicial arena are excluded from some social rights and face unlawful discrimination (Pannia et al. 2018). Hence, as shown by the Italian case, the intervention of judges may actually result in further fragmentation and personalization of entitlements and guarantees, thus increasing the legal uncertainty for migrants.

Various authors have already underlined the crucial role of courts in migration governance (Guiraudon and Lahav 2000; Joppke 2001). However, much more specific, in-depth comparative analysis is required to determine the actual effects of court decisions, especially vis-à-vis political power. Indeed, courts are caught in between two equally strong but opposing forces. On the one hand, given the imperatives of the global doctrine on fundamental human rights, they are called on to protect the rights and dignity of one of the most vulnerable categories of individuals in current times: migrants. On the other, courts have to respect and enforce the right of each nation-state to maintain both its discretionary power over the entry and stay of aliens, and the distinction between citizens and aliens, which, according to the post-Westphalian notion of statehood, defines their sovereignty (Marmo and Giannacopoulos 2017).

Therefore, courts may themselves be Janus-faced. On the one hand, they may reject migration policies whose conformity with supranational and constitutional fundamental rights is questionable (Anagnostou 2016). But on the other, they are required to actively protect the rule of law and constitutional principles (Pannia 2019).

Given the above observations, it is worth taking a careful look at the role of courts as actors involved in the governance of migration, also in the light of the structural organization of courts and their jurisdiction. Here we do not intend to re-open the discussion on the separation of powers and the rule of law in the migration domain, nor do we wish to engage in an analysis of the legal reasoning of courts or their activism. We shall simply highlight the fact that, especially when decisions are not *erga omnes*, the remedies granted in cases of rights violations are relevant solely for the parties concerned, not for the broader category of people the claimant belongs to. This has the effect of exacerbating the unevenness of the legal framework and migrants' perception that they are victims of unequal treatment and injustice. Moreover, courts are not necessarily easy to access: free legal aid is not readily available in all RESPOND countries (ECRE/ELENA 2017), and migrants may not be in the habit of resorting to courts to have their rights enforced. Thus, despite the crucial role of courts in protecting and enforcing rights, the struc-

tural limits of their actions should be considered when assessing their action within the overall process of migration governance.

## Conclusions

In the aftermath of the ‘refugee crisis’, states have responded to the pressing need for sound management of migration with a large variety of strategies, policies and tools. However, it is possible to identify some common trends among them. What emerges from our analysis is rapidly evolving legislation and a complex and fragmented legal framework. The provisions adopted by governments are often difficult to correctly and consistently implement and duly interpret and apply. The institutional landscape has added further complexity, given the multiplicity of entities involved in the ‘multilevel’ and subsidiary-based management of migration, with different, often blurred or uncoordinated responsibilities. Migration management involves complex networks of diverse actors who adhere to different political visions and engage in a wide range of actions.

As discussed above, migration governance often ends up relying on pragmatic and informal processes in the absence of a solid legal basis or comprehensive structural policies. Legal and political voids left by national governments are filled by different entities, such as NGOs, subnational tiers of government, courts and international and EU agencies. The outcomes are not always positive. Local authorities are often in the front line when it comes to addressing reception and integration issues. However, in the absence of effective monitoring mechanisms, practices vary greatly among different subnational governments: local policies may be much more progressive than national ones while coexisting with regressive measures approved just a few kilometres away, cases of Italy and Germany have demonstrated.

The intervention of NGOs, which has proven to be crucial, nonetheless often has very limited scope due to their dependence on national policy and the difficulty of securing adequate funding, as shown in the cases of Austria, Poland and Hungary. The role of international and EU agencies, which have been at the forefront in seeking to compensate for weak interstate solidarity and inadequate national policies, has raised multiple concerns, also given the extension of their mandates, which is often not justified by a proper legal basis or a coherent system of control.

Finally, court actions—which have frequently been essential to counteract restrictive policies and secure migrants’ rights—are subject to some structural limits. Problems of accountability, monitoring and respect for migrants’ fundamental rights have emerged on a large scale, with ample margins of discretionary powers being granted to single entities, offices and individuals.

In this context, the principle of subsidiarity (both vertical and horizontal), which is usually aimed at enhancing efficiency and unity of action, proves to

be highly problematic due to the lack of coherent, sound rules. In the absence of explicit provisions stating who should do what, ensuring the accountability of the system and the actors involved, the dynamics among the multiple entities populating the migration field change continuously under the pressure of conflicting logics and difficult negotiations. Given the lack of a solid architecture of national migration policies backed by adequate coordination, control and monitoring systems, and stable economic resources, the principle of subsidiarity frequently becomes a synonym of fragmentation and discrimination. Thus, besides facing a need to introduce greater order and efficiency into the management of migration, states are being called on to find new, adequate responses to even more urgent needs, such as guaranteeing accountability and respect for fundamental rights in the framework of migration governance.

## References

- AIDA. 2018a. 'Country Report: Austria'. Retrieved 1 September 2021 from <https://www.asylumineurope.org/reports/country/austria>.
- AIDA. 2018b. 'Country Report: Greece'. Retrieved 1 September 2021 from <https://www.asylumineurope.org/reports/country/greece>.
- AIDA. 2019. 'Country Report: Greece'. Retrieved 1 September 2021 from <https://www.asylumineurope.org/reports/country/greece>.
- AIDA. 2020a. 'Country Report: Turkey'. Retrieved 1 September 2021 from <https://asylumineurope.org/reports/country/turkey/>.
- AIDA. 2020b. 'Country Report: Hungary'. Retrieved 1 September 2021 from <https://asylumineurope.org/reports/country/hungary/>.
- Ambrosini, M. 2018. *Irregular Immigration in Southern Europe: Actors, Dynamics and Governance*. Cham: Springer.
- Amnesty International. 2016. 'How a family man in Cyprus ended up in a Hungarian jail cell accused of "terrorism"', 29 November. Retrieved 19 October 2021 from <https://www.amnesty.org/en/latest/news/2016/11/how-a-family-man-in-cyprus-ended-up-in-a-hungarian-jail-cell-accused-of-terrorism/>.
- Anagnostou, D. 2016. 'Judicial Activism in the Name of the Nation: Reneging on the Integration of Immigrants in Greece', *Journal of Law and Society* 43(4): 596–618.
- ASGI. 2017. 'Position paper on the proposed "Code of conduct for NGOs involved in migrants rescue at sea"'. Available at: [https://www.asgi.it/wp-content/uploads/2017/07/Draft-ASGIPosition-Paper\\_Final\\_EN.pdf](https://www.asgi.it/wp-content/uploads/2017/07/Draft-ASGIPosition-Paper_Final_EN.pdf).
- Banca d'Italia. 2017. 'I rifugiati e i richiedenti asilo in Italia, nel confronto europeo'. Available at: [https://www.bancaditalia.it/pubblicazioni/qef/2017-0377/QEF\\_377\\_17.pdf](https://www.bancaditalia.it/pubblicazioni/qef/2017-0377/QEF_377_17.pdf).

- Biondi dal Monte, F. 2011. 'Regioni, immigrazione e diritti fondamentali', *Le Regioni* 1: 1102–23.
- Campomori, F., and M. Ambrosini. 2020. 'Multilevel Governance in Trouble: The Implementation of Asylum Seekers' Reception in Italy as a Battleground', *Comparative Migration Studies* 8(22): 1–19.
- Caponio, T., and M. Jones-Correa. 2018. 'Theorising Migration Policy in Multilevel States: The Multilevel Governance Perspective', *Journal of Ethnic and Migration Studies* 44(12): 1995–2010.
- , I. Ponzio, and L. Giannetto. 2019. 'Comparative Report on the Multilevel Governance of the National Asylum Seekers' Reception Systems'. Chemnitz: *CEASEVAL Research on the Common European Asylum System No. 24*. Available at: [http://ceaseval.eu/publications/24\\_WP3\\_Comparative%2520Report.pdf](http://ceaseval.eu/publications/24_WP3_Comparative%2520Report.pdf).
- Castles, S. 2004. 'Why Migration Policies Fail', *Ethnic and Racial Studies* 27(2): 205–227.
- Çetin, E., N. Ö. Öztürk, N. E. Gökalp-Aras and Z. Şahin Mencütek. 2018. 'Turkey – Country Report: Legal and Policy Framework of Migration Governance', *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/11*, May 2018. Available at <https://doi.org/10.5281/zenodo.1418591>
- Cholewinski, R. and P. Taran. 2009. 'Migration, Governance and Human Rights: Contemporary Dilemmas in the Era of Globalization', *Refugee Survey Quarterly* 28(4): 1–33, <https://doi.org/10.1093/rsq/hdq019>.
- Corsi, C. 2012. 'Diritti sociali e immigrazione nel contraddittorio tra stato regioni e corte costituzionale', *Diritto Immigrazione e Cittadinanza* 2: 43–61.
- Council of Europe Commissioner for Human Rights. 2019. 'Lives Saved. Rights Protected: Bridging the Protection Gap for Refugees and Migrants in the Mediterranean'. Retrieved 1 September 2021 from <https://rm.coe.int/lives-saved-rights-protected-bridging-the-protection-gap-for-refugees-/168094eb87>.
- Court of Justice of the European Union. 2020. 'The restrictions imposed by Hungary on the financing of civil organizations by persons established outside that Member State do not comply with EU law'. *Press release 73/20*, June 2020. Retrieved 1 September 2021 from: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-06/cp200073en.pdf>.
- ECRE. 2019. 'Reforming Legal Assistance in Austria: An End to Independent Provision?' Available at <https://www.ecre.org/wp-content/uploads/2019/07/Legal-Note-5.pdf>.
- ECRE/ELENA. 2017. 'Legal Note on Access to Legal Aid in Europe', Retrieved November 2017 from <https://bit.ly/2zIZeAU>.
- European Center for Constitutional and Human Rights. 2019. 'Case Report: EASO's Involvement In Greek Hotspots Exceeds The Agency's Competence And



Disregards Fundamental Rights’. Available at:  
[www.ecchr.eu/fileadmin/Fallbeschreibungen/ECCHR\\_Case\\_Report\\_EASO\\_Greek\\_Hotspots\\_042019.pdf](http://www.ecchr.eu/fileadmin/Fallbeschreibungen/ECCHR_Case_Report_EASO_Greek_Hotspots_042019.pdf).

- Franzke, J. 2021. ‘Germany: From Denied Immigration to Integration of Migrants’, in J. Franzke and J. M. Ruano de la Fuente (eds), *Local Integration of Migrants Policy: European Experiences and Challenges*. London: Palgrave, pp. 107 – 121.
- Gentilini, A. 2012. ‘Tendenze della legislazione regionale, statutaria e ordinaria, in tema di migranti’, in L. Ronchetti (ed) *I diritti di cittadinanza dei migranti: il ruolo delle regioni*. Milano, pp. 55– 110.
- Gill N. 2010. ‘New State-theoretic Approaches to Asylum and Refugee Geographies’, *Progress in Human Geography* 34(5): 626–645.
- Guild, E. 2021. ‘The Frontex Push-Back Controversy: Lessons on Oversight’. Retrieved 1 September 2021 from <https://eumigrationlawblog.eu/the-frontex-push-back-controversy-lessons-on-oversight-part-i/>.
- Guiraudon, V., and G. Lahav. 2000. ‘A Reappraisal of the State Sovereignty Debate: The Case of Migration Control’, *Comparative Political Studies* 33(2): 163–195, <https://doi.org/10.1177/0010414000033002001>.
- Gyollai, D. 2018. ‘Hungary – Country Report: Legal and Policy Framework of Migration Governance’, *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/05, May 2018*. Available at <https://doi.org/10.5281/zenodo.1418573>
- Hirst, C., and N. Atto. 2018. ‘United Kingdom – Country Report: Legal and Policy Framework of Migration Governance’, *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/12, May 2018*. Available at <https://doi.org/10.5281/zenodo.1418593>.
- Horowitz, D. L. 2007. ‘The Many Uses of Federalism’, *Drake Law Review* 55(4): 953–966.
- House of Commons Home Affairs Committee. 2017. ‘Asylum Accommodation. Twelfth Report of Session 2016–17’, 31 January. Available at: <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/637/637.pdf>
- Italian Coast Guard. 2017. ‘Maritime Rescue Coordination Centre Roma, SAR operations in the Mediterranean Sea’. Rome: Maritime Rescue Coordination Centre. Available at: [https://www.guardiacostiera.gov.it/attivita/Documents/attivita-sar-immigrazione-2017/Rapporto\\_annuale\\_2017\\_ENG.pdf](https://www.guardiacostiera.gov.it/attivita/Documents/attivita-sar-immigrazione-2017/Rapporto_annuale_2017_ENG.pdf).
- Jagarnathsingh, A. 2018. ‘Lebanon – Country Report Legal and Policy Framework of Migration Governance’, *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/08, May 2018*. Available at <https://doi.org/10.5281/zenodo.1418581>

- Joppke, C. 2001. 'The Legal-domestic Sources of Immigrant Rights: The United States, Germany, and the European Union', *Comparative Political Studies* 34(4): 339–366.
- Josa B. and A. Fedas. 2018. 'NGOs in Hungary Learn to Adapt Under Pressure', 5 November. *New Eastern Europe*. Retrieved 1 September 2021 from <https://neweasterneurope.eu/2018/11/05/ngos-hungary-learn-adapt-pressure/>.
- Josipovic, I. and U. Reeger. 2018. 'Austria – Country Report: Legal and Policy Framework of Migration Governance', *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/02, May 2018*. Available at <https://doi.org/10.5281/zenodo.1418553>
- Kazepov, Y. (ed.). 2010. *Rescaling Social Policies towards Multilevel Governance in Europe*. Avebury: Ashgate.
- Kovács, K. 2016. 'Hungary's Struggle: In a Permanent State of Exception', *Verfassungsblog on Matters Constitutional*, 17 March. Retrieved 1 September 2021 from <https://verfassungsblog.de/hungarys-struggle-in-a-permanent-state-of-exception/>.
- Lahav, G., and V. Guiraudon. 2006. 'Actors and Venues in Immigration Control: Closing the Gap Between Political Demands and Policy Outcomes', *West European Politics* 29(2): 201–223.
- Landau, D. and D. Bilchitz (eds). 2018. *The Evolution of the Separation of Powers Between the Global North and the Global South*. Cheltenham, UK: Edward Elgar.
- Malfatti, E. 2018. *I "livelli" di tutela dei diritti fondamentali nella dimensione europea*. Milano: Giappichelli.
- Marmo, M. and M. Giannacopoulos. 2017. 'Cycles of Judicial and Executive Power in Irregular Migration', *Comparative Migration Studies* 5(16): 2–18, <https://doi.org/10.1186/s40878-017-0059-x>.
- Martinelli, F., A. Anttonen and M. Mätzke. 2017. *Social Services Disrupted: Changes, Challenges and Policy Implications for Europe in Times of Austerity*. Cheltenham, UK: Edward Elgar.
- Moleǳa-Zdziech M., M. Pachocka and D. Wach. 2021. 'Immigration and Integration Policies in Poland: Institutional, Political and Social Perspectives', in J. Franzke and J. M. Ruano de la Fuente (eds), *Local Integration of Migrants Policy: European Experiences and Challenges*. London: Palgrave, pp. 160–199.
- MSF. 2017. 'Codice di condotta: la lettera di MSF al Ministro dell'Interno'. Available at: <http://www.medicisenzafrontiere.it/notizie/news/codice-di-condotta-la-lettera-di-msf-alministro-dellinterno>.
- Nagy, B. 2016. 'Hungarian Asylum Law and Policy in 2015–2016: Securitization instead of Loyal Cooperation', *German Law Journal* 17(6): 1033–1081.

- National Audit Office. 2020. *Asylum Accommodation and Support*. London: Home Office. Available at <https://www.nao.org.uk/wp-content/uploads/2020/07/Asylum-accommodation-and-support.pdf>.
- Oxfam. 2017. *La lotteria dell'accoglienza. Il Sistema dell'emergenza permanente*. Available at: [https://www.oxfamitalia.org/wp-content/uploads/2017/11/La-Lotteria-Italiadellaccoglienza\\_Report-Oxfam\\_8\\_11\\_2017\\_Final.pdf](https://www.oxfamitalia.org/wp-content/uploads/2017/11/La-Lotteria-Italiadellaccoglienza_Report-Oxfam_8_11_2017_Final.pdf).
- Parliament of Italy. 2017. 'Chamber of Deputies Committee Report on the System of Protection and Reception of Asylum Seekers'. Available at: [http://documenti.camera.it/\\_dati/leg17/lavori/documentiparlamentari/IndiceETesti/022bis/021/INTERO.pdf](http://documenti.camera.it/_dati/leg17/lavori/documentiparlamentari/IndiceETesti/022bis/021/INTERO.pdf).
- . 2019. 'Monitoring Report on the Functioning of the Reception System in Meeting the Extraordinary Needs Related to the Exceptional Arrival of Foreigners on National Territory'. Committee Report presented to the Ministry of the Interior. Available at: <http://www.senato.it/service/PDF/PDFServer/BGT/1132370.pdf>.
- Pannia, P. 2019. 'Securing Spaces of Legal Protection for Migrants: The Role of the Italian Constitutional Court', Paper presented at the *IMISCOE Annual Conference 'Understanding International Migration in the 21st Century: Conceptual and Methodological Approaches'*, Malmo, 26–28 June 2019.
- Pannia, P. 2020. "'Institutional Uncertainty" as a Technique of Migration Governance: A Comparative Legal Perspective', *DPCE Online* 45(4). Retrieved 1 September 2021 from <http://www.dpceonline.it/index.php/dpceonline/article/view/1205>.
- , V. Federico, A. Terlizzi, and S. D'Amato. 2018. 'Comparative Report: Legal and Policy Framework of Migration Governance', *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/15, August 2018*. Available at <https://doi.org/10.5281/zenodo.1458945>
- Panzeri, L. 2018. Fenomeno migratorio e ruolo degli enti locali: prime note, *Associazione Italiana dei Costituzionalisti, Osservatorio costituzionale*.
- Petracou, E. 2018. 'Greece – Country Report: Legal and Policy Framework of Migration Governance', *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/04, May 2018*. Available at <https://doi.org/10.5281/zenodo.1418569>
- Pound, R. 1910. 'Law in Books and Law in Action', *American Law Review* 44: 12–36.
- Rinella, A. 1999. 'Il principio di sussidiarietà: definizioni, comparazioni, e modello di analisi', in A. Rinella, L. Coen, R. Scarciglia,(eds), *Sussidiarietà e ordinamenti costituzionali*. Padova: CEDAM.

- Sabchev, T. 2020. 'Against All Odds: Thessaloniki's Local Policy Activism in the Reception and Integration of Forced Migrants', *Journal of Ethnic and Migration Studies* 47(7): 1435–1454, <https://doi.org/10.1080/1369183X.2020.1840969>.
- Salazar, C. 2010. 'Leggi regionali sui 'diritti degli immigrati', Corte costituzionale e 'vertigine della lista': considerazioni su alcune recenti questioni di costituzionalità proposte dal Governo in via principale', in Gambino, S. and G. D'Ignazio (edited by), *Immigrazione e diritti fondamentali*, Giuffrè: Milano
- Scholten, P. 2020. 'Mainstreaming Versus Alienation: Conceptualising the Role of Complexity in Migration and Diversity Policymaking', *Journal of Ethnic and Migration Studies* 46(1): 108–26.
- , and R. Penninx. 2016. 'The Multilevel Governance of Migration and Integration', in B. Garcés-Mascreñas and R. Penninx (eds), *Integration Processes and Policies in Europe: Contexts, Levels and Actors*. Cham: Springer Open, pp. 91–108.
- Shakra, M., J. Wirman, J. Szałańska, and Ö. Çetrez. 2018. 'Sweden – Country Report: Legal and Policy Framework of Migration Governance', *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/10, May 2018*. Available at <https://doi.org/10.5281/zenodo.1418587>
- Spencer, S. and N. Delvino. 2014. 'Irregular Migrants in Italy: Law and Policy on Entitlements to Services', ESRC Centre on Migration, Policy and Society (COMPAS), University of Oxford.
- Swedish Migration Agency. 2017. Sveriges Nationella Program för (AMIF) (2017). Retrieved October 22, 2021, from <https://www.migrationsverket.se/download/18.6f22e3491708b85db6e18fc/1588836101529/Sveriges%20nationella%20program%2010.0%20sv.pdf>
- Szałańska, J. 2019. 'Uneasy Mission of NGOs in Protection and Reception of Asylum Seekers and Refugees in Poland. Reflections from Fieldwork', *RESPOND blog*, 30 October. Retrieved 21 October 2021 from <https://respondmigration.com/blog-1/mission-ngos-protection-reception-asylum-seekers-refugees-poland>.
- Triandafyllidou, A., and R. Mantanika. 2016. 'Migration in Greece: Recent Developments'. Athens: Hellenic Foundation for European and Foreign Policy (ELIAMEP). Available at <http://www.eliamep.gr/wp-content/uploads/2014/10/2016.pdf>.
- Tsourdi, L. 2020. 'Beyond the 'Migration Crisis': The Evolving Role of EU Agencies in the Administrative Governance of the Asylum and External Border Control Policies', in J. Pollak and P. Slominski (eds), *The Role of EU Agencies in the Eurozone and Migration Crisis: Impact and Future Challenges*. Palgrave.

UNHCR. 2017. *Raccomandazioni dell'UNHCR per rafforzare la protezione e l'integrazione dei rifugiati in Italia nel 2017*. Available at <https://www.unhcr.it/wpcontent/uploads/2016/10/Italy-Recommendations-2017-ITA.pdf>.

Zincone, G., and T. Caponio. 2006. 'The Multilevel Governance of Migration', in R. Pennix, M. Berger and K. Kraal (eds), *The Dynamics of International Migration and Settlement in Europe: A State of the Art*. Amsterdam: Amsterdam University Press, pp. 269–304.



### 3 The Expanding Significance of Borders for the European Migration Regime After 2015

*Sabine Hess, Lena Karamanidou  
and Bernd Kasperek*

---

#### Introduction

In 2015 nearly one million people on the move managed to cross the different layers of the European border regime. The events culminating in Western Europe in the ‘summer of migration’ (Kasperek and Speer 2015) had, in fact, begun to surface already in the wake of the Arab Spring and the Syrian civil war in 2011. The result was mass arrivals in neighbouring countries like Turkey, Jordan, and Lebanon by 2013. Yet, while foreseeable and only shortly beforehand addressed through the European Agenda on Migration (European Commission 2015a; Hess and Kasperek 2017a), the migratory movements of 2015 were quickly constructed as a ‘refugee’ or ‘migration crisis’ by member state governments and the EU. The response of the EU and the respective national governments has been described as ‘crisis’ or ‘emergency governance’, ad hoc and spontaneous policy-making, often outside ‘democratically approved processes’ (Panizzon and Van Riemsdijk 2019: 1229. See, also, Fine and Thiollet 2020). Other scholars have emphasized how crisis frames have been repeatedly utilized in EU and European policy-making to steer policy developments (Fine and Thiollet 2020; Jeandesboz and Pallister-Wilkins 2014). The ‘presentism’ of the ‘crisis’ narratives since 2015 have thus obscured the utilization of crisis governance in the past—for example, to frame movements following the Arab Spring—as well as the ‘crisis-prone’ architecture of the European border regime itself (Hess and Kasperek 2017b). Framing the 2015 events as a ‘crisis’ further allowed for a ‘politics of exception’ (Fassin 2012. See also Fine and Thiollet 2020b; Jeandesboz and Pallister-Wilkins 2014) undermining access to protection and basic rights.

In this chapter, we explore shifts in the European border regime since 2015. Most measures taken since 2015 draw upon the existing legal and policy framework on border management. This framework had developed and solidified in previous decades along the two central logics widely described as ‘securitization’ and ‘externalization’. Despite this, our research material

indicates some significant shifts. We draw on research conducted by the ten RESPOND teams on border and migration control policies in 11 EU and non-EU countries,<sup>1</sup> EU border management and migration control, and the European Border and Coast Guard Agency, commonly known as Frontex. These reports were based on legal and policy analysis, analysis of dominant narratives and interviews with informants from the policy domain, human rights organizations, and NGOs.

The research suggests certain evident changes in the governance of European borders since 2015. First, we observe a hardening of external border manifested through the expansion of border infrastructure such as walls and fences at the national level, but also the expansion of the mandate and capabilities of Frontex at the EU level, the adoption of the so-called ‘hotspot’ system containing migrants in Greece and Italy, as well as informal policy instruments such as the EU–Turkey statement. Reforms to the Common European Asylum System (CEAS) have so far been unsuccessful, and the future of the so-called ‘New Pact on Migration and Asylum’ announced by the EU Commission in 2020 is still highly uncertain (Heller and Kasparek 2020). Nevertheless, the reform of the mandate of Frontex—introducing the EU’s first uniformed service of 10,000 border guards with executive powers—was quickly tabled and consensually agreed in 2019 (Karamanidou and Kasparek 2020b).

Secondly, internal borders have been reinforced by intensifying governance technologies such as detention, deportation, internal controls such as residence provisions, identity checks and employer checks, and the normalization of internal border controls. Thirdly, the hardening of the borders is accompanied by an overt ‘spectacle’ of border violence (de Genova 2015), including a systematic exercise of refusals of entry and pushbacks<sup>2</sup> as evidenced in multiple RESPOND country reports. All three dynamics enhance the ‘logic of the border’ as a central means of migration governance in the EU and increasingly colonizing the domain of asylum and protection.

Policy responses since the ‘summer of migration’ have been interpreted to a great extent by political science through the lens of Europeanization, focusing on the tensions between intergovernmental and supranational tendencies

---

<sup>1</sup> Iraq, Turkey and Lebanon as transit and receiving countries, geographically followed by Greece and Italy as Southern European arrival countries, Hungary as a transit country, and Austria, Germany, Sweden, the UK, and Poland. The latter two countries were not at the centre of the refugee-migration movements in this period. Nevertheless, they passed several restrictive laws justified in terms of the ‘crisis’.

<sup>2</sup> Pushbacks violate international refugee protection and human rights law such as the non-refoulement principle and the prohibition of collective expulsions enshrined in the European Convention for Human Rights and the EU Charter of Fundamental Rights.



within EU institutions and their implications for the EU governance of migration, and in particular undermining a Europeanized mode of governance. The RESPOND findings suggest a strong tendency towards renationalization and intensification of intergovernmental modes of governance, exemplified in new forms of unilateral control measures and forms of bilateral and trilateral cooperation. Nevertheless, we find that supranationalization tendencies are also present in the expansion of Frontex and its involvement in the Greek ‘hotspots’, as well as a transnational mode of governance involvement of international actors like the UNHCR or the International Organization for Migration (IOM), for example, in Greece or recently in Bosnia–Herzegovina.

However, rather than focusing on the supranationalism / intergovernmentalism dilemma, we draw on the concept of the European border regime and critical perspectives on ‘crisis’ governance to interrogate shifts in post-2015 governance. The RESPOND project findings, we argue, suggest that the ‘logic of the border’ has intensified and expanded at the EU and national levels. This logic has also seeped into the domains of asylum and reception governance, for example, through the expansion of asylum detention and the blurring of reception and border-control practices as in the Greek ‘hotspots’. We further argue that this logic has been increasingly evident not just in the responses of the member states but also of European institutions, as evidenced in the proposals of the European Pact on Migration and Asylum (European Commission 2020a).

We first provide an overview of how European responses to the 2015 movements have been conceptualized, focusing on the notion of the ‘crisis’ and critiques of its temporal and structural aspects, Europeanization-based approaches and critical migration and border studies. We then outline the fundamental shifts that the empirical research for the RESPOND project shows have emerged. Then, we explore the hardening of the external border, the parallel hardening of internal borders, and the occurrence of human rights violations within policies and practices of border management. Finally, we conclude with a discussion of the implications of the European border regime and expanding role of the border and bordering practices in EU asylum and migration policy.

## Conceptualizing the crisis response

Like other migratory movements towards Europe before them (such as those following the Arab Spring), the migrations of 2015 were quickly conceptualized as a ‘crisis’. The national reports by the RESPOND teams show how a ‘crisis narrative’ became dominant in the national discourses (public and political) across many countries. On the one hand, the notion of ‘crisis’ was used to descriptively reflect the situation on the ground: the sheer number of

people meeting a non-sufficiently established reception infrastructure, but also moving across external as well as internal borders translated as yet another ‘crisis of Schengen’ (Ceccorulli 2019). At the same time, the crisis framing also reflected a perception of ‘loss of state control’ vis-à-vis migratory movements depicted as ‘unprecedented’ and endangering public order and societal peace (Hänsel et al. 2019). A further meaning of the ‘crisis’ concerned policy responses: perceptions that some member states were unable or unwilling to control the external borders according to EU policies and of an EU-level, collective inability to control migratory movements, resulting in unilateral renationalized responses departing from Europeanized modes of governance.

Such narratives have not only been present in national and European policy and political discourses but also *in migration scholarship*. Scholars have also conceptualized the 2015 migratory movement triggering ‘crisis’—sometimes in inverted commas, sometimes not, sometimes qualified as a ‘refugee’ or ‘migration’ crisis—in European migration policy (Ceccorulli 2019; Fine and Thiollet 2020; Hampshire 2016; Rizcallah 2019). Hence, even though a critical approach to member state and EU narratives of crisis was often adopted, even researchers see 2015 as a significant temporal point for the governance of migration in the EU and its member states.

The interpretation of 2015 as a temporal ‘crisis’ has been challenged on several grounds. First, as we noted above, narratives of crisis are frequently adopted to frame migratory movements (such as the Arab Spring) as well as the effects of the European border regime, such as loss of lives in the Mediterranean (Fine and Thiollet 2020; Jeandesboz and Pallister-Wilkins 2014; Vaughn Williams 2013). Secondly, discourses of crisis call for new, exceptional responses and justify more securitized, restrictive and violent border policies. In this respect, it is not the actual events per se that drive change but how they are perceived and framed and acted upon by EU institutions and member states (Trauner and Ripoll Servent 2016).

Further, even when framed as a ‘crisis’ that demands ‘new’ policies, responses draw on ‘pre-existing modes of governance and routines of control’ (Jeandesboz and Pallister-Wilkins 2016: 318. See also Fine and Thiollet 2020) as we can observe since 2015. EU and member state responses since 2015 have to a great extent reproduced existing policies and discourses such as the reinforcement of external borders, the externalization of borders controls, the illegalization of migratory movements, and the curtailment of secondary movements. The combination of securitized policies and discourses with humanitarian narratives observed in many RESPOND country reports was also an established mode of governance before 2015.

From another perspective, responses to the 2015 events have been theorized as a ‘crisis’ of policy or governance, rooted in the existing architecture of EU migration governance. The EU border and asylum governance arrange-

ments can be conceptualized, as in the RESPOND project, as a multilevel governance system, involving complex arrangements at *multiple levels* (supranational, intergovernmental, national) and implicating *multiple actors* (national governments, EU institutions and agencies, and international organizations) (Panizzon and Van Riemsdijk 2019). These levels increasingly get fuzzy, and border and migration policies are enacted by a ‘complex, fluid patchwork of innumerable overlapping jurisdictions’ (Panizzon and Van Riemsdijk 2019: 1231), producing a ‘complex regime of “Europeanization”’ (ibid.: 1232).

However, the existing regime is characterized by dysfunction and conflicts among actors due to incomplete integration and harmonization in the domain of border and migration management (Nieman and Speyer 2018; Niemann and Zaun 2018; Trauner and Ripoll Servent 2016). Thus, responses to 2015 have been interpreted, as we will explore further in the following section, as reflecting conflictual tendencies towards supranationalization and intergovernmentalism, influenced by the diverse interests and values of the actors involved and existing institutional arrangements (Bonjour, Servent and Thielemann 2018; Börzel and Risse 2018; Schimmelfennig 2018; Niemann and Speyer 2018).

The multiplication of conflicts suggests that the ‘border and migration regime’ approach, as developed in sociology and cultural anthropology (Sciortino 2004; Tsianos, Hess and Karakayalı 2009; Hess 2018), can offer critical insight vis-à-vis the notion of ‘crisis’. Similar to multilevel governance approaches, the ‘border and migration regime’ approach foregrounds the multiplication of actors and fuzziness of levels and hence prioritizes the metaphor of a network instead of levels to present the theoretical insight (Walters and Haahr 2005). This approach draws on international regime theory (Krasner 1983), insights from critical theories of the state (Trouillot 2001), and a Foucauldian notion of power to conceptualize crisis and instability as a common feature of capitalist societies in an uneven global world order, an element often missing from multilevel governance approaches (Fine and Thiollot 2020). Crises are not the exception but the structural norm in such a configuration. This points to the *systematic dimension of contention* and the continuing need for *conflictual negotiations* that produce only temporary configurations of stability.

Hess and Kasparek (2017b) further argue that migration movements themselves constantly challenge existing policies, introducing structural uncertainty to the border regime. Crises are, therefore, at the core of its foundation, urging constant ‘repair work’, as Sciortino has outlined vis-à-vis this central feature of the EU migration and border regime (Sciortino 2004). Including migratory movements themselves as decisive forces in the theoretical picture—as the ‘border and migration regime’ approach does—introduces a further instability factor reconceptualizing migration and border

politics as structurally crisis-ridden and in steady need of re-adjustment due to the agency and tactics of migratory movements.

### *Against either-or approaches*

Scholarship on EU responses to the events of 2015 oscillates between *diagnosing renationalization and strong intergovernmental tendencies* on the one hand and the observation of *robust supranationalizing efforts* on the other. There is little disagreement that responses to the migratory movements of 2015 are indicative of strong(er) intergovernmental tendencies (Hampshire 2016; Niemann and Zaun 2018) and intensified processes of renationalization, as we will detail further on. Hampshire (2016) and Börzel and Risse (2018) point to the right-wing populist politicization of migration as an explanation for the responses of many member states to tighten the borders and restrict access to the asylum and protection regime. The RESPOND reports also clearly indicate a state-led call across the respective countries for law-and-order policies and robust nation-state responses, all of which has undermined the legitimacy of more humanitarian approaches (Hänsel et al. 2019).

In contrast, Niemann and Speyer (2018) have argued that the 2015 ‘crisis’ provided the impetus for greater supranationalization, exemplified by the establishment of Frontex and the increase of supranational competencies in the field of border control. In this case, member states did not resist the European Commission’s initiative. Several factors lay behind this reticence, including the economic and political costs of obstacles to free movement within Schengen, the functional legacies of cooperation within forums like the Council of Ministers, and the Commission’s rationale for the ‘necessity’ of strengthening external border controls. Beyond the Commission’s role as an initiator of policy change, supranational institutions are assumed to have more ‘liberal’ policy preferences, to curtail the restrictive tendencies of member states and to steer policy changes towards further harmonization—albeit often in the form of adopting minimum standards (Bonjour, Ripoll Servent and Thielemann 2018).

As indicated above, we are somewhat sceptical of interpretations that either emphasize supranationalization dynamics or herald ‘de-Europeanization’ in the form of increasing reassertions of national state sovereignty. Instead, we interpret policy developments since 2015 as a *complex interplay between renationalization and further supranationalization*. While an intergovernmental tendency may be dominant in post-2015 governance, exemplified by the unilateral actions by member states and informal modes of governance outside the scope of EU law—such as bilateral cooperation agreements and the EU–Turkey statement—developments such as the expansion of Frontex suggest that member states are not entirely opposed to further Europeanization insofar as it pertains to reinforcing the external border or externalizing

migration controls. This interpretation challenges the linear and teleological approach of most Europeanization studies, which assume a steady progression in Europeanization. As such, these studies tend to treat the recent re-nationalization processes as a ‘backlash’ and an ‘exit of Europe’ (Panizzon and Van Riemsdijk 2019) and point to the instrumental ‘use’ or ‘non-use’ of EU governance architecture (Slominski and Trauner 2018).

Rather than analysing developments through the lens of Europeanization, we argue that the post-2015 restabilization of the European border regime has reinforced the already securitized, racialized and violent logics of EU migration governance. The ‘crisis’ mode of governance and the persistent securitization of migratory movements calling for exceptional measures in response to the crisis has legitimated policies that have further reinforced both external border and internal borders of the EU and further eroded the self-proclaimed commitment of the European Union to human rights norms.

While these trends are manifested in all policy domains concerning border and migration, we focus on three prominent areas in all national reports: the *hardening of the external border*, the *tightening of internal borders*, and the *intensification of border violence*, in particular in the form of pushbacks. Contrary to views that construct the Commission and other EU institutions as curtailing the excessive securitarian tendencies of member states due to a preference for more ‘liberal’ policies and commitment to EU fundamental values regarding human rights and the rule of law (Bonjour, Ripoll Servent and Thielemann 2018), we observe that they equally reinforce the securitizing and violent modes of the European border regime. This was evident before 2015 and has been since then, but particularly in the proposals of the New Pact on Migration and Asylum in 2020.

## Hardening the external border

Hardening the external border has been a core element of responses to the 2015 migration wave. It has manifested in a host of policy developments that we will briefly sketch in the following paragraphs. These include two reforms to the mandate of Frontex (the first in 2016; the second in 2019), the associated tightening of border controls, intensified militarization through increased involvement of the armed forces and deployment of military technologies such as drones, and, finally, construction of new border infrastructure (fences and walls), such as those erected along the Hungarian–Serbian and Greek–Turkish borders.

### *Frontex: The European Border and Coast Guard Agency*

Already at the height of the ‘summer of migration’, the Commission presented a proposal to substantially reform the mandate of the European border

agency Frontex (European Commission 2015b), which was adopted in late 2016 (European Parliament and Council 2016). Previously known as the ‘European Agency for the Management of Operational Cooperation at the External Borders’, Frontex was transformed into the ‘European Border and Coast Guard Agency’ with a reinforced mandate and expanded capacities (Karamanidou and Kasperek 2020b).

This reorganization of the institutional structure of border management in the EU also introduced the new concept of ‘European Integrated Border Management’ (EIBM). While there had been a mode of integrated border management functioning at the EU level for some time, the new Frontex regulation expanded on this concept and made it legally binding. Furthermore, Frontex was tasked with running periodic evaluations of member states’ border-control systems to assess their compliance with EIBM rules (see Kasperek 2021 for a genealogy of the agency). The second reform of the agency in 2019 stipulated the creation of a ‘standing corps of border guards’ and an accompanying budget expansion. The agency was tasked with recruiting 10,000 border guards up to 2027, who would then be deployed at the external borders of the European Union. This step clearly signalled the EU’s aim to step up border control and border surveillance.

## Tightening border controls

Hungary constitutes the most clear-cut example of the securitization of borders and the tightening of border controls. Supported by a political discourse ‘overwhelmed by security-focused narratives’ (Gyollai and Korkut 2019: 8), the border-control regime has been significantly expanded since 2015 through legislative changes coupled with the creation of new border units and extensive deployment of police and military personnel that sought to restrict entry into Hungarian territory (Gyollai and Korkut 2019).

Policies aimed at tightening border controls and hindering access can also be observed in other EU member states, albeit not as drastic as in the Hungarian case. The reintroduction of border controls by Germany, Austria, and Sweden—which we will revisit in a later section—certainly falls into this category. Austria also introduced harsher punishment for acts of irregular entry, as well as for facilitating irregular entry, while Germany sought to prevent the entry of asylum seekers with a very specific interpretation of the Dublin Regulation (Hänsel et al. 2019). In Italy, securitization has always been central to border management and migration control efforts, which translate into an extensive externalization effort to limit the cross-border movements of migrants (Terlizzi 2019). This strategy was extended to limit opportunities even to reach Italian territory, leaving NGOs to facilitate access to persons in distress at sea, and even severely criminalizing such humanitarian efforts.

The migrations of 2015 did not have a direct impact on Poland. Nevertheless, they ‘became the point of reference for its law proposals and changes in practices aimed at restricting border control’ while new anti-terrorism legislation introduced in 2016 also contained provisions concerning non-citizens (Szulecka 2019: 15). Similarly, although the UK was geographically distant from the 2015 migrations, discourses of crisis and threat were used to justify the further strengthening of an already expansive border regime (Karamidou 2019).

### *Militarization of border control*

After 2015, the military began to play a more important role in border control. While operation EU NAVFOR Med/Sophia in the Central Mediterranean technically predates the ‘summer of migration’, it is nevertheless indicative of a larger trend that has accelerated since 2015. The NATO operation in the Aegean Sea, initiated in spring 2016, similarly constitutes an unprecedented inclusion not only of military actors but a global military alliance into the EU’s border regime.

However, due to the lack of an independent European-level military force, the shift towards militarization is more pronounced at the level of its member states, at times reversing attempts to de-militarize border control. For example, the Hungarian Border Guard Force was rebadged as the Border Police in 2008, thus shedding its ‘militarist identity’. This was, however, reversed with the creation of the ‘border hunter’ units in 2016, whose name carries military connotations in the Hungarian context, specifically of soldiers and military organizations who defended the ‘borders of Hungary against the advancing Soviet troops during World War II’ (Gyollai and Korkut 2019: 19f). Further, not only can the army be mobilized in ‘crisis situations caused by mass migration’ but may even be called upon to aid in the registration of asylum seekers. Austria also deployed military units to assist border controls in 2015 at the Brenner border-crossing point directly adjacent to Italy (Josipovic and Reeger 2019).

Intensifying militarization is particularly evident in Greece. The army played an important initial role in setting up refugee camps (called ‘hotspot’ centres), as well as running the logistical processes connected with this infrastructure (Ilias et al. 2019). Additionally, the Greek army is strongly involved in border-control activities at the Greek–Turkish land border, particularly since tensions erupted between Greece and Turkey in March 2020 (HumanRights360 2020). Since then, this border has become even more militarized by constructing new walls and observation posts, the deployment of sound cannons, more thermovision cameras and armoured vehicles (Stavris 2021).

## Border infrastructure

RESPOND research findings also point to multiple expansions of border infrastructure. Under this term, we not only include the installation of fences accompanied by new laws but surveillance technologies and the creation of new kinds of detention and reception facilities in the proximity of the border.

Already in 2011, Greece constructed a fence along its northeastern land border with Turkey, also featuring technological equipment such as thermo-vision cameras. Following the ‘border spectacle’ of March 2020, the Greek government announced the construction of three more walls in south Evros due to be completed at the time of writing (Stavris 2021). Hungary has constructed 175 km of fencing along its border with Serbia, as well as another 116 km along its border with Croatia, while legislative changes criminalized damage to this infrastructure. Initiatives to add such fencing to the border with Romania and Slovenia did not come to fruition. However, a law made causing damage or obstructing the construction of the fence, actions relating to the materiality of the fence, a criminal offence. Austria also constructed a fence at the border crossing point Spielfeld-Sentilj with Slovenia and introduced systematic border controls at the Brenner Pass with additional barbed wire fences kept in containers in 2016.

A variety of camp infrastructure measures have been implemented throughout Europe. The most exemplary of the shifts in border management since 2015 have been the mixed identification, registration and detention infrastructures of the ‘hotspot’ centres in Greece and Italy (Ilias et al. 2019; Terlizzi 2019). Hungary introduced so-called transit zones at its border with Serbia, constituting the only site where asylum applications may be lodged (Gyollai and Korkut 2019). However, these transit zones were abandoned following a judgement by the Court of Justice for the European Union (CJEU) that they did not comply with the CEAS (Court of Justice for the European Union 2020). In Austria, former reception centres were repurposed as ‘return centres’, which—although not detention centres—impose restrictions of movement both legally and through their placement in remote locations of the country. Germany introduced so-called ‘first reception’ centres and AnKER centres—namely, integrated facilities that combine functions of reception, asylum processing and deportation facilitation (Hänsel et al. 2019).



## Hardening the internal borders

### *Repeated introductions of temporary Schengen internal border controls*

The reintroduction of internal border controls in the Schengen Area since autumn 2015 has been interpreted as one of the most evident signs of re-nationalization and persistent intergovernmentalism (Karamanidou and Kasparek 2020a). While in total, nine Schengen states have made use of the provisions in the Schengen Borders Code or SBC (Austria, Belgium, Denmark, France, Germany, Malta, Norway, Slovenia, and Sweden), we focus on the three countries—Sweden, Germany, and Austria—which are included in the scope of the RESPOND project.

These three countries with largely Schengen-internal borders opted to reintroduce border controls in autumn 2015 in response to migratory movements and have since then extended them repeatedly. Germany introduced temporary border controls at three highway border-crossing points (BCP) from Austria into Bavaria in September 2015 and reinforced previously existing checks on international trains from Austria and in areas near the border. However, the introduction of border controls at only three sites left the vast majority of border-crossing from Austria unpoliced (Hänsel, Hess and Kasparek 2019).

The Austrian government introduced internal border controls in September 2015 at two border-crossing points—one with Slovenia (BCP Spielfeld) and the other with Hungary (BCP Nickelsdorf)—which were at the time extensively transited by asylum seekers using the Balkan route (Josipovic and Reeger 2019). In November 2015, Sweden introduced border controls at its territorial border with Denmark under Article 25 of the SBC. The article provides for ‘special measures in the event of serious danger to public order or internal security’ (Borevi and Shakra 2019). Notably, these measures were combined with national legislation to allow for and mandate comprehensive ID checks in these border controls.

The rationales for extending temporary internal border controls have shifted over time, with member states finding new reasons to continue to reintroduce checks aimed at controlling migratory movements. Initial reintroductions in 2015 cited the impact of migratory movements on public policy and security, according to Article 25 of the SBC (Borevi and Shakra 2019; Karamanidou and Kasparek 2020a). Following the exhaustion of Article 25 grounds, the Commission proposed the extension of internal border controls on the grounds of Article 29 failures of border control at the external borders. When this possibility was exhausted, the reasons cited were to prevent secondary movements and the risk of terrorism (Karamanidou and Kasparek

2020a). Then, they were reintroduced again in March 2020 due to the COVID-19 pandemic.

Contrary to crisis narratives of the ‘death of Schengen’, the selective nature of these border controls does not signify a desire to abolish Schengen free movement but instead the use of the SBC to control secondary migratory movements. Further, despite much research treating the reintroduction of temporary internal border controls as an example of persistent intergovernmentalism, the Commission’s interpretation of Article 25 in September 2017—which allowed for the extension of temporary border controls to six months—and their proposal for legislative reform point to the same end (Karamanidou and Kasparek 2020a).

### *Return, detention and internal control measures*

Controls within the territory of the member states have been significantly strengthened since 2015, as have returns and deportations. Internal controls include a wide range of measures such as ID and employment checks, time limitations to protection status, practices of detention—applying both in the processing of asylum applications and during deportation procedures—and deportation regimes. Such policies often work in a continuum: identifying people without legal status, containing them, and enabling their deportation. It should be noted that they have been indispensable technologies of border regimes in both EU and non-EU contexts well before 2015, but the RESPOND findings suggest they have been reinforced significantly since then.

In Sweden, permanent residence permits issued with protection status were changed to a three-year duration and introduced stricter workplace controls (Borevi and Shakra 2019). The introduction of the 8km-rule in Hungary in 2016 and its extension to the whole country in 2017 provided for the ‘escort’ of migrants without status and asylum seekers back to the transit zone at the border (Gyollai and Korkut 2019). Austria adopted stricter provisions for establishing a person’s identity and allowed mandates for asylum seekers to remain in designated accommodation centres if they had committed criminal offences, on public order grounds or for accelerating the processing of applications (Josipovic and Reeger 2019). Accommodation and residency obligations, such as remaining in first reception centres for a time and terminating asylum procedures in cases where applicants had violated residency obligations—were also tightened in Germany. At the same time, other measures included enhanced reporting obligation, the replacement of cash social benefits with in-kind benefits, and limiting the granting of residency permits (Hänsel et al. 2019).

Provisions for detention during the asylum process were also expanded in several countries. Austria, for example, introduced new grounds for detaining asylum seekers, including on the basis of endangering public order. In

Hungary, since 2017, asylum seekers have been detained in transit zones near the border. In Greece (and to a lesser extent Italy), practices of detention and limitation on residence were shaped by the hotspot regime. In 2016, Greece introduced a law that allowed a 3-day restriction of liberty within hotspots to complete registration and screening procedures, which could be extended to 25 days if the procedures were not completed. Further, the geographical limitation imposed on hotspots obliges applicants for international protection to stay on the island where the hotspot is located. Migrants seeking international protection can be detained in hotspots in Italy, but questions were raised regarding the legal basis for detention (Terlizzi 2019; AIDA 2020).

Detention for the purpose of return was also enhanced in several countries, in conjunction with policies enhancing capacities for return and deportation since 2015. Austria extended the time limit of detention from six to the maximum allowed limit in EU law of 18 months in 2017, extended periods of repulsion, and established return centres for rejected asylum seekers. Germany introduced further grounds for detention for the purpose of return, expanded provisions for pre-removal detention both in custody facilities and accommodation centres, reduced the time limit for suspension of deportation and prohibited its notification, tightened provisions for the expulsion of migrants with a criminal record, and limited the grounds for suspending a removal due to health concerns (Hänsel et al. 2019). Italy extended time limits for pre-return detention from three to six months in 2018 and introduced a law allowing for readmission agreements with third countries for the purpose of return (European Migration Network 2017). Sweden expanded police powers on deciding the detention and return of minors. In Hungary, returns—in essence, pushbacks—were facilitated by the introduction of the 8km-rule and new grounds for deportation, such as entering through the border closure or damaging the border fence.

Return was also identified as a policy priority in the 2015 European Agenda on Migration and subsequent policy proposals, which included increasing the number of returns and increasing the use of EU and bilateral agreements with non-EU countries (Karamanidou and Kasperek 2018). Informal arrangements, such as the ‘Joint Way Forward with Afghanistan’ and the 2016 EU–Turkey statement, which, although not a legal instrument, allowed for returns from Greece to Turkey, were examples of the policy emphasis on return. Furthermore, in the New Pact on Migration, return was designated as a key priority, an aim reiterated by Commission officials along with the willingness to reinforce the role of Frontex in returns (European Commission 2020; Euronews 2021). This again suggests both the continuity of a preference for a securitized mode of migration governance and the interconnections between national and supranational levels.

## *Border violence and violations of human rights*

Like much recent research by academics, human rights organizations, and activists, the research done in the 11 countries of the RESPOND project highlights that human rights violations are a regular occurrence within the border regime. While such violations are evident in every aspect of the border regime, we focus on two practices—pushbacks and refusals of entry. These violations occur in multiple national contexts and are particularly significant in terms of preventing access to EU territory and protection.

Refusing entry is not illegal within national and EU law. However, the SBC provides for exceptions from the refusal of entry provisions for people seeking international protection. Yet, the practice of refusing entry even to those who appear to have legitimate asylum claims seems to have intensified in several countries. In Poland, refusals of entry have been a long-standing practice at the Brest/Terespol crossing point on the Polish–Belarussian border and the Medyka BCP with Ukraine (Szulecka 2019). Refusals of entry and the Polish border guards’ practice of impeding submission of asylum applications were deemed by the European Court of Human Rights (ECtHR) judgement *M.K. v Poland* to violate human rights law covering non-refoulement, collective expulsions, and the right to asylum (Brandl and Czech 2020). Refusals of entry within the EU increased at the German and Austrian internal borders (Hänsel et al. 2019; Josipovic and Reeger 2019). Similarly, the Dublin administrative arrangements that Germany has entered into with Greece, Italy, and Spain purport to form a legal basis that in practice pre-empts the lodging of an asylum application in specific cases.

Pushbacks were a particularly salient feature of border regimes in four national contexts: Greece, Italy, and Hungary<sup>3</sup> (see also Hess and Petrogiannis 2020). While a long-standing practice in Greece (Pro Asyl 2013), since 2015, pushback practices have intensified at both maritime and land borders. They have been extensively documented at the Greek–Turkish land border since 2018 (ARSIS et al. 2018; Mobile Info Team 2019; Human Rights Watch 2020; Barker and Zajović 2020a, 2020b), while dramatically escalated at the Greek–Turkish maritime border since 2020 (Legal Centre Lesbos 2021; Refugee Support Aegean 2020).

Unlike refusals of entry, where the described practices are carried out in the open, in the Greek case, the authorities involved seem to act in a more clandestine manner, which has complicated the adjudication of violations of

---

<sup>3</sup> In ‘Border Experience and Practices of Refugees’ and based on 560 interviews with refugee-migrants in the 11 RESPOND countries, Hess and Petrogiannis (2020) show that pushbacks were experienced along the routes also before 2015 but mostly not as a systematic practice.

fundamental rights in national and international courts (Ilias et al. 2019). In Hungary, pushback practices were, in essence, legalized through the introduction of the 8km-rule and its extension to the entire national territory. This constitutes a prime example of a ‘legal device’ to legitimize pushbacks by allowing immediate return without access to asylum (Gyollai and Korkut 2019; Hungarian Helsinki Committee 2020). In December 2020, a judgement by the CJEU following infringement procedures initiated by the Commission found that these practices violated EU law (Court of Justice for the European Union 2020), later triggering the suspension of Frontex operations in the country.

Pushbacks have also been documented in Italy (Terlizzi 2019; ASGI 2020). One pattern concerns pushbacks across the land border to Slovenia. While an Italian minister justified them as informal readmissions based on a 1996 bilateral agreement with Slovenia, an Italian court ruled this practice unlawful and in violation of EU and national law (Statewatch 2021). Similarly, pushbacks have been recorded from the Adriatic ports of Italy to Greece (ASGI 2020). Even more controversial are the multifarious and long-standing practices of non-assistance instead of rescue in the Mediterranean. Italy has cooperated with Libya based on bilateral agreements, the most recent in 2017. While presented as having a humanitarian logic of rescue, cooperation on maritime surveillance has resulted in systematic pushbacks—or, more accurately, ‘pullbacks’—to Libya following interceptions in international waters. More significantly, these pushbacks occur in the context of cooperation between the EU and the Libyan authorities, including the training of the Libyan coast guard and practices of notifying the Libyan coast guard of detected ships that are intercepted returned to Libya (Amnesty International 2021). The Italian and EU practices in the Mediterranean have been controversial not only because of refoulement to a territory where widespread violations of human rights have been recorded—including torture, arbitrary detention in degrading conditions and multiple forms of violence—but also because of the resulting high death toll (Amnesty International 2021; Heller and Pécoud 2020; Hess and Petrogiannis 2020).

It should be noted that pushbacks are not limited to the countries studied within the RESPOND project. Indeed, pushbacks have been documented extensively across the external borders of the EU (for example, in Spain, Croatia, and Bulgaria) as well as along the Balkan route. Moreover, their adoption by multiple EU member states and associated countries such as Albania, North Macedonia, and Bosnia–Herzegovina—and mounting evidence of the involvement of the European Border and Coast Guard Agency in them—suggest that pushbacks have become an indispensable technology for the European border regime. Yet, as extensively documented by NGOs and becoming the focus of investigations into the practices of Frontex, the European Commission has remained largely inactive on the issue. It has, for instance, turned a blind eye to the actions of the Greek authorities (for ex-

ample, by not initiating infringement proceedings) and has pulled back its initial support for inquiries into the activities of Frontex, swinging its full support behind the agency (Euronews 2021).

## Conclusion

Throughout our contribution, we have highlighted the many developments that have contributed to a profound reconfiguration of the European border regime. We see a complex interplay between renationalizing tendencies and appeals to supranational harmonization—also exemplified by the New Pact proposals—which will not necessarily result in a clear separation of levels, but instead forms of authority that cut across levels and arrange their respective actors in networks, and networks of networks. The most striking example is the construction of the European Border and Coast Guard as a network of member state institutions. To further analyse these emergent hybrid forms of border management and migration control, a methodological departure from a pure multilevel governance approach is required.

More fundamentally, our findings have showcased that borders—and thus sovereign forms of the governance of exception—have been strengthened since 2015. To all appearances, induced by multiple crises, the European project has entered a new phase, which challenges established European integration theories and calls for adjustments. We see a heterogeneous interplay of renationalizing as well as supranationalizing tendencies, which are not necessarily in contradiction. This particularly applies to the continuum of modes of governance which currently exhibit a unidirectional move towards intensified violence, human rights abuses, and securitization at the EU's borders.

## References

- AIDA. 2020. 'Place of Detention: Italy'. Retrieved 11 June 2021 from <https://asylumineurope.org/reports/country/italy/detention-asylum-seekers/detention-conditions/place-detention/>.
- Amnesty International. 2021. 'Europe: Pushback Practices and their impact on the Human Rights of Migrants and Refugees'. Available at <https://www.amnesty.org/download/Documents/IOR4036692021ENGLISH.PDF>.
- ARSIS, Greek Council for Refugees and HumanRights360. 2018. 'The New Normality: Continuous Pushbacks of Third Country Nationals on the Evros River'. Retrieved 30 July 2020 from <https://www.humanrights360.org/the-new-normality-continuous-push-backs-of-third-country-nationals-on-the-evros-river/>.

- ASGI. 2020. 'Italy: Access to the Territory and Push Backs'. Retrieved 1 September 2021 from <https://asylumineurope.org/reports/country/italy/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>.
- Barker, H. and M. Zajović (eds). 2020a. *The Black Book of Pushbacks, Volume I*. Border Violence Monitoring Network.
- . 2020b. *The Black Book of Pushbacks, Volume II*. Border Violence Monitoring Network.
- Bonjour, S., A. Ripoll Servent, and E. Thielemann. 2018. 'Beyond Venue Shopping and Liberal Constraint: A New Research Agenda for EU Migration Policies and Politics', *Journal of European Public Policy* 25(3): 409–421, <https://doi.org/10.1080/13501763.2016.1268640>.
- Borevi, K. and M. Shakra. 2019. 'Border Management and Migration Controls: Sweden – Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/23, August 2019*. Available at <http://www.diva-portal.org/smash/get/diva2:1343561/FULLTEXT01.pdf>.
- Börzel, T.A. and T. Risse. 2018. 'From the Euro to the Schengen Crises: European Integration Theories, Politicization, and Identity Politics', *Journal of European Public Policy* 25(1): 83–108, <https://doi/full/10.1080/13501763.2017.1310281>.
- Brandl, U., and P. Czech. 2020. 'A Human Right to Seek Refuge at Europe's External Borders: The ECtHR Adjusts its Case Law in M.K. Vs Poland', *EU Immigration and Asylum Law and Policy blog*. Retrieved 30 March 2021 from <https://eumigrationlawblog.eu/a-human-right-to-seek-refuge-at-europes-external-borders-the-ecthr-adjusts-its-case-law-in-m-k-vs-poland/>.
- Court of Justice of the European Union. 2020. *Hungary has failed to fulfil its obligations under EU law in the area of procedures for granting international protection and returning illegally staying third-country nationals*, press release. Luxembourg, 17 December 2020. Retrieved 1 September 2021 from <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-12/cp200161en.pdf>.
- De Genova, N. 2015. 'Extremities and Regularities: Regulatory Regimes and the Spectacle of Immigration Enforcement', in Y. Jansen, R. Celikates, and J. de Bloois (eds), *The Irregularisation of Migration in Contemporary Europe: Detention, Deportation, Drowning*. London: Rowman & Littlefield, pp. 3–14
- Düvell, F., 2002. *Die Globalisierung des Migrationsregimes*. Berlin: Assoziation A.
- Euronews. 2021. 'EU Plans to Boost Power of Border Agency Frontex Raise Eyebrows'. 27 April. Retrieved 1 September 2021 from <https://www.euronews.com/2021/04/27/eu-plans-to-boost-power-of-border-agency-frontex-raise-eyebrows>.
- European Commission. 2015a. *Communication for the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Agenda on Migration*. COM(2015) 240 final, Brussels, 13 May.
- . 2015b. *Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC*. COM(2015)671, 2015/0310(COD), Strasbourg, 15 December.

- . 2020. *Communication for the Commission on a New Pact on Migration and Asylum*. COM(2020) 609 final, Brussels, 23 September.
- European Migration Network. 2017. ‘The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards – Synthesis Report’. Brussels.
- European Parliament and Council. 2016. Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC.
- Fassin, D. 2012. *Humanitarian Reason. A Moral History of the Present*. Berkeley, CA: University of California Press.
- Fine, S. and H. Thiollot. 2020. ‘Does crisis matter for European migration governance? A Framework Paper’. Available at <https://www.magyc.uliege.be/wp-content/uploads/2020/01/D2.1-Does-crisis-matter-for-European-migration-governance-A-Framework-Paper-.pdf>.
- Gyollai, D., and Ü. Korkut. 2019. ‘Hungary Report: Border Management and Migration Controls’. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/20, July 2019*. Available at <http://uu.diva-portal.org/smash/get/diva2:1334555/FULLTEXT01.pdf>.
- Jeandesboz, J., and P. Pallister-Wilkins. 2014. ‘Crisis, Enforcement and Control at the EU Borders’, in A. Lindley (ed.), *Crisis and Migration: Critical Perspectives*. London: Routledge, pp. 115–135.
- Hampshire, J. 2016. ‘European Migration Governance Since the Lisbon Treaty: Introduction to the Special Issue’, *Journal of Ethnic and Migration Studies* 42(4): 537–553.
- Hänsel, V., S. Hess, and B. Kasparek. 2019. ‘Germany Report: Border Management and Migration Controls’. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/21, June 2019*. Available at <http://www.diva-portal.org/smash/get/diva2:1335153/FULLTEXT01.pdf>.
- Hänsel, V., and B. Kasparek. 2020. ‘Hotspot-Lager als Blaupause für die Reform des Gemeinsamen Europäischen Asylsystems?’ Berlin: Rat für Migration.
- Hess, S. 2018. ‘Border as Conflict Zone—Critical Approaches on the Border and Migration Nexus’, in D. Bachmann-Medick and J. Kugele (eds), *Migration. Changing Concepts, Critical Approaches*. Berlin: De Gruyter, pp. 83–100
- , and B. Kasparek. 2017a. ‘De- and Restabilising Schengen. The European Border Regime After the Summer of Migration’, *Cuadernos Europeos de Deusto: Governing Mobility in Europe: Interdisciplinary Perspectives* 56: 47–78, <https://doi.org/10.18543/ced-56-2017>.
- , and B. Kasparek. 2017b. ‘Under Control? Or: Border (as) Conflict!’ *Social Inclusion* 5(3): 58–68.
- , and V. Petrogiannis. 2020. ‘Border Experiences and Practices of Refugees: Comparative Report’. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/62, August 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1462507/FULLTEXT01.pdf>.



- Heller, C. and B. Kasperek. 2020. 'The EU's Pact Against Migration, Part One', *OpenDemocracy*, 5 October. Retrieved 18 October 2020 from <https://www.opendemocracy.net/en/can-europe-make-it/the-eus-pact-against-migration-part-one/>.
- , and A. Pécoud. 2020. 'The Politics of Counting Migrants' Deaths in the Mediterranean'. *Oxford Border Criminologies blog*. Retrieved 1 September 2021 from <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2020/10/politics-counting>.
- Human Rights Watch. 2020. 'Greece: Violence Against Asylum Seekers at Border: Detained, Assaulted, Stripped, Summarily Deported'. Retrieved 1 September 2021 from <https://www.hrw.org/news/2020/03/17/greece-violence-against-asylum-seekers-border>.
- HumanRights360. 2020. 'Defending Human Rights in Times of Border Militarization'. Available at: <https://www.humanrights360.org/wp-content/uploads/2020/10/Evros-Report-19.10.pdf>.
- Hungarian Helsinki Committee. 2020. 'Hungary: Access to the Territory and Push backs'. Retrieved 30 March 2021 from <https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>.
- Stavris, T. 2021. 'Ο φράχτης στον Έβρο «δεν πέφτει ούτε με άρμα»'. *Kathimerini*, 29 March. Retrieved 1 September 2021 from <https://www.kathimerini.gr/society/561309472/o-frachtis-ston-evro-den-peftei-oyte-me-arma/>.
- Ilias, A., N. Leivaditi, E. Papatzani and E. Petracou. 2019. 'Border Management and Migration Controls in Greece: Greece Country Report', *RESPOND Working Papers*, <http://uu.diva-portal.org/smash/get/diva2:1343553/FULLTEXT01.pdf>.
- Josipovic, I., and U. Reeger. 2019. 'Country Report: Border Management and Migration Controls in Austria'. *RESPOND Working Papers, Global Migration: Consequences and Responses Paper 2019/19, June 2019*. Available at <http://uu.diva-portal.org/smash/get/diva2:1330169/FULLTEXT01.pdf>.
- Karamanidou, L. 2019. 'UK Report: Border Management and Migration Controls'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/18, June 2019*. Available at <http://www.diva-portal.org/smash/get/diva2:1325287/FULLTEXT01.pdf>.
- , and B. Kasperek. 2018. 'Border Management and Migration Control in the EU'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/14, July 2018*. Available at <http://uu.diva-portal.org/smash/get/diva2:1248445/FULLTEXT01.pdf>.
- , and B. Kasperek. 2020a. 'From Exceptional Threats to Normalized Risks: Border Controls in the Schengen Area and the Governance of Secondary Movements of Migration', *Journal of Borderlands Studies*: 1–21, <https://doi.org/10.1080/08865655.2020.1824680>.
- , and B. Kasperek. 2020b. 'Fundamental Rights, Accountability and Transparency in European Governance of Migration: The Case of the European Border and Coast Guard Agency FRONTEX'. *RESPOND Working Papers*. Available at <http://doi.org/10.5281/zenodo.3967784>.

- Kasperek, B. 2021. *Europa als Grenze: Eine Ethnographie der Grenzschutz-Agentur Frontex*. Bielefeld: Transcript.
- Krasner, S.D. (ed.). 1983. *International Regimes*. Ithaca: Cornell University Press.
- Legal Centre Lesvos. 2021. ‘Crimes against Humanity in the Aegean’. Retrieved 11 June 2021 from <http://legalcentrelesvos.org/wp-content/uploads/2021/02/Collective-Expulsions-in-the-Aegean-LCL-01.02.2021-1.pdf>.
- Mobile Info Team. 2019. ‘Illegal Pushbacks at Evros’. Retrieved 24 July 2020 from <https://www.mobileinfoteam.org/pushbacks-en>.
- Niemann, A., and J. Speyer. 2018. ‘A Neofunctionalist Perspective on the “European Refugee Crisis”’: The Case of the European Border and Coast Guard’, *Journal of Common Market Studies* 56(1): 23–43. <http://doi.wiley.com/10.1111/jcms.12653>.
- Niemann, A., and N. Zaun. 2018. ‘EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives’, *Journal of Common Market Studies* 56(1): 3–22. <http://doi.wiley.com/10.1111/jcms.12650>.
- Panizzon, M. and M. van Riemsdijk. 2019. ‘Introduction to Special Issue: “Migration Governance in an Era of Large movements: A Multi-level Approach”’, *Journal of Ethnic and Migration Studies* 45(8): 1225–1241, <https://doi.org/10.1080/1369183X.2018.1441600>.
- Pro Asyl. 2013. ‘Pushed Back: Systematic Human Rights Violations against Refugees in the Aegean Sea and at the Greek–Turkish Land Border’. Retrieved 30 July 2020 from <https://www.proasyl.de/en/material/pushed-back-systematic-human-rights-violations-against-refugees-in-the-aegean-sea-and-the-greek-turkish-land-border/>.
- Refugee Support Aegean. 2020. ‘Push Backs and Violations of Human Rights at Sea: A Timeline’. Retrieved 30 March 2021 from <https://rsaegean.org/en/push-backs-and-violations-of-human-rights-at-sea-a-timeline/>.
- Ripoll Servent, A., and F. Trauner. 2014. ‘Do Supranational EU Institutions Make a Difference? EU Asylum Law Before and After “Communitarization”’, *Journal of European Public Policy* 21(8): 1142–1162, <https://doi.org/10.1080/13501763.2014.906905>.
- Rizcallah, C. 2019. ‘Facing the Refugee Challenge in Europe: A Litmus Test for the European Union’, *European Journal of Migration and Law* 21(2): 238–260.
- Sassen, S. 2008. *Territory, Authority, Rights: From Medieval to Global Assemblages*. Princeton, NJ: Princeton University Press.
- Sciortino, G. 2004. ‘Between Phantoms and Necessary Evils: Some Critical Points in the Study of Irregular Migrations to Western Europe’, *IMIS-Beiträge* 24: 17–43.
- Schimmelfennig, F. 2018. ‘Liberal Intergovernmentalism and the Crises of the European Union’, *Journal of Common Market Studies* 56(7): 1578–1594.
- Slominski, P., and F. Trauner. 2018. ‘How do Member States Return Unwanted Migrants? The Strategic (non-)use of “Europe” during the Migration Crisis’ *Journal of Common Market Studies* 56(1): 101–118, <https://doi.org/10.1111/jcms.1262>.

- Statewatch. 2021. 'When Informal Means Illegal: Italian Interior Ministry Guilty of Pushbacks to Slovenia'. Retrieved 30 March 2021 from <https://www.statewatch.org/news/2021/january/when-informal-means-illegal-italian-interior-ministry-guilty-of-pushbacks-to-slovenia/>.
- Szulecka, M., 2019. 'Research Report: Border Management and Migration Controls in Poland'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/24, August 2019*. Available at <http://uu.diva-portal.org/smash/get/diva2:1348294/FULLTEXT01.pdf>.
- Terlizzi, A. 2019. 'Research Report: Border Management and Migration Controls in Italy'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/17, June 2019*. Available at <http://uu.diva-portal.org/smash/get/diva2:1320888/FULLTEXT01.pdf>.
- Trauner, F., and A. Ripoll Servent. 2016. 'The Communitarization of the Area of Freedom, Security and Justice: Why Institutional Change Does Not Translate into Policy Change', *Journal of Common Market Studies* 54(6): 1417–1432.
- Trouillot, M. 2001. 'The Anthropology of the State in the Age of Globalization: Close Encounters of the Deceptive Kind', *Current Anthropology* 42(1): 125–138.
- Tsianos, V., S. Hess, and S. Karakayali. 2009. 'Transnational Migration: Theory and Method of an Ethnographic Analysis of Border Regimes', *Sussex Centre for Migration Research Working Paper* 55. Available at <http://www.academia.edu/download/31178322/sussespaper.pdf>.
- Vaughan-Williams, N. 2015. *Europe's Border Crisis: Biopolitical Security and Beyond*. Oxford: Oxford University Press.
- Walters, W., and J.H. Haahr. 2005. *Governing Europe: Discourse, Governmentality and European Integration*. London & New York: Routledge.
- Welz, G., and A. Lotterman. 2009. 'Projekte der Europäisierung Einleitung', in G. Welz and A. Lotterman (eds), *Projekte der Europäisierung. Kulturanthropologische Forschungsperspektiven*. Frankfurt am Main: Institut für Kulturanthropologie und Europäische Ethnologie, Johann Wolfgang Goethe-University, pp. 11–18.



## 4 Conflicting Conceptualizations of the Future Course of the European Union

*Ivan Josipovic, Umut Korkut, James Foley,  
Ursula Reeger and Tarik Basbugoglu*

---

### Introduction

This comparative chapter draws on the RESPOND country reports from Hungary, Sweden, Austria, Germany, Greece, Poland, and Italy to provide an overview of the dominant political claims and narratives of key political actors in the context of the so-called ‘refugee crisis’ between 2014 and 2018. Furthermore, it considers how related political assumptions have been reflected in the European Commission’s policy agenda since 2019.

The aim of this chapter is twofold. In the first part, we detail the political claims and narratives of national governmental actors concerning the EU and external migration. Under the Horizon 2020 project RESPOND, we conducted a qualitative analysis of political claims in seven EU member states involving various political parties in both government and opposition. We studied how the aforementioned actors narratively construct the EU and its member states, how they narrate how external migration should be managed and—on that basis—how migrants should be received and protected. More specifically, we selected public speeches that covered these topics and examined how 1) politicians publicly refer to the EU’s institutional architecture as well as interstate relationships; 2) how they evaluate existing European and national policies and proposed new ones, and; 3) how they referred to immigrants and the domestic public as the primary audience of their speeches.

In section 4, we will discuss these claims along with three major narratives built on binary concepts: national sovereignty vs supranationalism, border control vs humanitarianism, and externalization vs burden-sharing. We cluster the cases into three groups. The first, central–northern group—consisting of Austria, Germany and Sweden—has been a major destination block in the context of asylum in recent years. The second, eastern group consists of Hungary and Poland, states that have been adamant in their opposition to the admission of refugees. Geography ordained that the third, southern group comprising Italy and Greece bore the brunt of the sudden increase in the number of refugees after 2014. Across these three groups and following their

political narratives, we propose a comparative interpretation of evolving positions on external migration and the future course of Europeanization.

In the second part of this study, we examine how the diversity of claims and narratives within the EU member states is echoed in the European Commission's 'Migration and Asylum Package' introduced in September 2020 as well as the 'European Way of Life' agenda underpinning Ursula von der Leyen's Commission, established in 2019. We consider these two policy documents given how external migration was politicized in seven EU countries and the national priorities that arose. Hence, we look at them as attempts to reconcile the conflicting conceptualizations of Europeanization over an external migration agenda.

The remainder of the chapter proceeds as follows. We first offer a brief background primer on the milestones of European integration in the realm of immigration and asylum. The following section proposes a conceptual framework for the study of Europeanization and European integration that focuses on the domestic aspects of the political construction of substantive policy issues and claims of political authority over the Europeanization narrative. Section 4 offers insights into our empirical findings within the seven member states, and section 5 discusses findings concerning the EU Commission. The final two sections cover the 2019 'European Way of Life Agenda' and 2020 'Migration and Asylum Package', respectively. The chapter ends with a brief conclusion that ties together the findings.

## European integration in the area of immigration and asylum

The European integration process in the area of immigration and asylum has never been smooth. Two dimensions of the conflict have determined the development of these policy fields. On the one hand, there has been a tension between harmonization based on supranational governance and sovereignty-preserving coordination of national systems. On the other, we find a conflict between the state-centred primacy of internal security (namely, national border control) and its impacts on universal human rights. Furthermore, demographically ageing societies and shortages of low-skilled labour introduce an economic dimension to the debate, which cuts across the management of asylum based on reception and protection policies.

In line with neofunctionalist integration theory, one might argue that the creation of a single market and the establishment of the Schengen Area would have led to a spill-over, incentivizing the member states to foster cooperation on the management of external migration and asylum after the early 1990s (Bendel and Ripoll Servent 2017). However, despite a common understanding that the abolishment of intra-Schengen borders created a lack of control on the movements and activities of third-country nationals, the question of how related cooperation and policies would look was far from

resolved. Ever since the Dublin Convention was signed in 1990, a gap remained apparent between European claims to fairness and solidarity found in the early policy documents (Thielemann 2003) and the harsh reality of member states seeking to preserve national sovereignty.

Even following the creation of the Area of Freedom, Justice and Security under the Amsterdam Treaty, national governments sought to keep decision-making intergovernmental, relying on unanimity and sticking to consultation procedures with the European Parliament. Despite the imbalances inscribed in the Dublin systems, first-generation EU directives passed during the early years of cooperation established minimum standards and rights for third-country nationals settling in the member states and harmonized rules for family reunification and asylum procedures.

The Lisbon Treaty strengthened the supranational institutions, the Commission, the parliament, and the European Court of Justice, leading to a system of co-decision-making. In the past decade, the EU has witnessed a thematic expansion of its agenda, including a clearer harmonization of asylum systems, initial steps towards common labour-migrant admission policies and a comprehensive foreign policy agenda in which migration policy goals are linked to external development priorities. However, the sudden increase in the number of irregular external migrant arrivals in 2015 had a marked effect on external migration management at both the EU and member state levels. In the context of the so-called ‘refugee crisis’ and given the highly emotive domestic discourses, the EU retreated to ad hoc responses and came to rely ever more on the EU Council to resolve conflicts over its migration agenda (Roos 2017). These developments opened ample space for discursive governance (Korkut et al. 2015) of external migration, including border management, protection and reception-related policies.

## Conceptual approach: Politicizing EU policies and political authority at the national level

Given the fact that asylum and immigration are no longer subject to intergovernmental policy-making but take place in a political system *sui generis*, it comes as no surprise that in recent years the study of European integration and Europeanization has turned away from *studying why* cooperation takes place, and policy regimes become harmonized to *investigating how* these processes unfold.

Our approach departs from the assumption that European integration (the transfer of formerly national policy areas to the EU) and Europeanization (member states’ response to the impact of EU norms) are deeply interrelated phenomena (Ladrech 2014). Specifically, we adopt a post-functionalist perspective (Hooghe and Marks 2009), which emphasizes how EU norms, pro-

cedures and actors are politicized at the national level, often leading to distinctive outcomes. Thus, while there might be external pressure to delegate authority to supranational institutions and increase cooperation—following, say, a sudden increase of external immigration—domestic political discourse can shape how existing EU norms are perceived and which integration trajectories become more or less acceptable in the future.

By politicizing specific issues such as the adoption of refugees, domestic politicians inevitably connect their claims to more or less explicit views about political authority and where it should be located. On the one hand, the call for refugee distribution quotas is itself an implicit expression of support for supranational institutions. On the other hand, border protection narratives are often tied to an explicit indication of the failure of the EU to protect its external borders, thus prompting member states to reclaim some of their pre-Schengen authority in this domain.

A helpful heuristic to distinguish the positions of political groups and parties vis-à-vis the EU is the typology by Kopecký and Mudde (2002). The authors argue that the position of political parties runs across two dimensions, one relating to support for European integration (namely, a sharing of political authority) and the other relating to support for the majority of policy ideas that are institutionalized within the EU. In this vein, they distinguish between four groups. First, there are Eurosceptics, who ‘support the general ideas of European integration but are pessimistic about the EU’s current and/or future reflection of these ideas’ (Kopecký and Mudde 2002: 302). Second, there are Europragmatists, who ‘do not support the general ideas of European integration underlying the EU, nor do they necessarily oppose them, yet they do support the EU’ (ibid.: 303). Third, there are the Euroenthusiasts who ‘support the general ideas of European integration and believe that the EU is or will soon become the institutionalization of these ideas’ (ibid.: 302). The fourth group are the Eurorejectionists who ‘subscribe neither to the ideas underlying the process of European integration nor to the EU’ (ibid.: 302).

It is important to consider these dynamics against the background of informal EU policy-making rules, which are driven by consensus. Although most decisions in the realm of Justice and Home affairs do not require unanimity in the Council, the legislative bodies of the EU typically seek to reach broad consensus by including more extreme dissident voices as well. The European Commission, which has a monopoly on legislative proposals, frames political problem definitions in a crucial way and thereby has to bridge an increasingly broad spectrum of member state positions. As we will discuss further below, it has also not shied away from incorporating the claims and narratives of far-right, anti-immigration governments in recent years.

Methodologically, researchers in all seven countries followed a common framework for comparative analysis, designed to uncover narrative construc-



tions linking migration and ‘Europe’ within mainstream politics and media. While the emphasis was on inductive theory-construction, starting points were drawn from post-functionalist themes of identity and contestation. A further emphasis was on audience construction—namely, analysing texts to uncover how narratives spoke to assumed audiences. These themes formed the basis of common analytical grids.

In this way, the research teams analysed how politicians and journalists link national stories—from Hungary and Poland’s links to the Soviet imperial presence to post-War German guilt—with narratives of a European order affected by external migration. This aim was to uncover the strands linking national and European identities, particularly insofar as the latter became an object of contestation between, for instance, a liberal-cosmopolitan ‘open Europe’ and a civilizational, White, Christian defence of Europe from outsiders.

## Political claims and narratives about migration and the EU in seven member states

In this section, we take a closer look at how governmental actors in different EU member states have politicized European immigration and asylum policies, immigrants as policy targets, and the EU itself as a container of political authority. We group the seven countries of our study into three clusters: the central and northern group comprising Germany, Austria, and Sweden; the eastern group of Hungary and Poland; and the southern group made up of Greece and Italy.

### *The central and northern group: Germany, Austria, and Sweden*

During the peak of the migration crisis of 2015, the central and northern European countries of Austria, Germany, and Sweden were the three main destinations for newly arriving refugees. Relative to the size of the population, each accepted a significant number of applicants into their asylum systems. At the same time, all three introduced a series of similar restrictive measures starting from late 2015 and early 2016. These measures included, for example, repeated and prolonged intra-Schengen border controls and time limitations to protection statuses as well as restrictions on associated rights. Germany and Austria had centrist, grand coalition governments, while in Sweden, the Social Democrats and the Greens relied on legislative support from the conservative and liberal block.

Despite their similar settings, we came across finely nuanced but surprisingly diverse political narratives among political leaders in these three states. Through such narratives, the political context that mass migration generated

was interpreted, and a way forward was charted in the face of strong European interdependencies. An undisputed assumption shared across a broad spectrum was that the European Union represents the institutional vehicle for solving related issues, notwithstanding that for some political actors, the EU was to blame for existing failures of migration management in the first place. The questions are what role political elites envisioned for European coordination and where they placed member states within this coordination. As shall become apparent below, policy rationales in the field of migration and asylum are inherently linked to political leaders' particular conceptions of power division within the Union.

Narrates on border control are a good example. While all three countries had similar approaches to the reintroduction of intra-Schengen border controls, the Austrian government fostered a very distinct narrative. Most notably, the conservative coalition partner, the Austrian People's Party or ÖVP, sought to legitimize border controls by pointing to the principle of subsidiarity. The argument presented was that the EU had failed to protect its external borders and that some member states had enabled 'unrestricted admission'. While the ÖVP's socialist coalition partner aligned with the position of the German chancellor, the conservatives frequently sought to juxtapose their position against what was referred to as Germany's 'open-border policy'. Although effectively pursuing a similar border policy to Austria, the German government adopted a narrative of taking responsibility. Therefore, it also took a lot of heat at home, with some CSU members making common cause with the far-right Alternative for Germany (Alternative für Deutschland, AfD), which at that time had not entered the federal parliament. Interestingly, however, the German government was the driving force behind the European externalization strategy through its support for the EU–Turkey deal.

Like the German government, the Swedish Social Democrats, the Green Party, and the conservative Moderate Party (known as 'the Moderates') displayed unity by adopting a liberal stance and arguing in favour of European solidarity driven by supranational institutions rather than national isolation. The so-called Swedish 'U-turn' on asylum policy was adopted with a public display of discontent by the government and a realist argument of being overburdened. Burden-sharing—understood as a systematic distribution of asylum seekers across the member states—appeared as a viable solution among many governmental figures in the early days of the crisis.

Even though more pronounced about this idea in 2015 than later on, the German chancellor combined the call for obligatory quotas with a 'Euroenthusiast' call for humanitarianism. Not least due to a comparably strong sensitivity for human rights obligations and concern for Germany's international reputation, her approach found broad support among German political elites. Furthermore, and unlike in Austria, German politics displayed a strong dis-

cursive nexus between humanitarianism and the demographic and economic benefits of a comparatively young immigrant population.

In Austria, this link was mostly rejected. Conservatives and right-wing populists argued on ethnic diversity lines, while social democrats charged it would increase competition in the labour market. The Swedish government offered the most robust defence of humanitarianism by arguing that the EU had non-derogatable responsibilities towards refugees, one of which implies saving lives in the Mediterranean and accommodating those who arrive safely. Like Germany, Sweden sought to lead as an example of European humanitarianism and solidarity. Again, the major counter-discourse to a broad political elite consensus came from a rising far-right party, namely the Sweden Democrats.

Considering the political claims made by political leaders in government, Austria seemed to take a particularly restrictive position within the central-northern block. Indeed, the narratives Social Democratic chancellors deployed during the crisis suggested a liberal Europeanization trajectory like Germany's (even though with a stronger emphasis on the problem of immigrant integration). Yet, more than in the other two countries, Austria's coalition partners displayed early signs of deep division. The conservatives within the ÖVP—who held the interior and foreign affairs ministries—soon adopted restrictive narratives of the kind traditionally fostered by the established far-right Freedom Party (FPÖ). Thus, it came as no surprise when the ÖVP terminated the coalition in 2017 and started collaborating with the FPÖ following the conservatives' considerable electoral success, driven by anti-immigration slogans. In contrast, the FPÖ gave up its Eurorejectionist position and turned towards a more pragmatist position. Germany continued its grand coalition but saw the rise of the AfD, which entered the Bundestag in 2017 as the strongest opposition party. Likewise, in Sweden, the far-right Sweden Democrats established themselves in the Riksdag and are the second-strongest opposition party today.

The northern block demonstrates how precisely the far-right parties might be a factor explaining the diverging narratives on the future course of European cooperation and integration. They do not necessarily coin positions and claims that reject or embrace the European Union and integration per se. Still, they might be able to exert pressure on centrist parties and discursively shape the principles, values, and modes of governance that inform European policy-making. Today, the idea of obligatory distribution quotas for asylum seekers has been taken off the table in EU negotiations, and the securitization of external border control has turned into the primary goal in asylum politics. In light of this, it seems as though far-right discourses have been able to make a crucial difference.

### *The eastern group: Hungary and Poland*

The issue of political authority in Europe was most fiercely politicized in the eastern group. Right-wing political parties in government and emblematic political figures such as the Hungarian Prime Minister, Viktor Orbán, evolved into the most vocal anti-immigrant voices in Europe. It is also noteworthy that the political opposition in Poland and Hungary is comparatively silent about (and partly complicit in) the security-oriented migration politics of the conservative right. In other words, unlike in the central–northern and southern groups, migration politics did not see much contention across the political spectrum in the eastern group.

Even in Poland, initial divergences between the conservative Law and Justice Party (PiS) and the liberal right Civic Platform (PO) disappeared over time. While in 2015, the PO government supported the EU decision on compulsory quotas for the relocation of refugees from so-called ‘hotspots’, the PO later tightened the party position on this matter under the influence of public opinion and due to election losses. In so doing, it recognized that the dispersal of refugees must be voluntary, and the emphasis in EU policy should be on the control of the EU’s external borders. At the same time, the PO made it clear that it was not going to endorse ‘illegal migrants’ should it take power. In this way, the position of this party towards migration has clearly come close to the policy of the ruling PiS (Grosse 2018).

In Hungary, the lack of discursive diversity in migration politics even turned into a one-man show (that of Viktor Orbán). Orbán made himself the leading anti-immigrant European voice and received much praise from right-wing politicians, including the extreme right, in other EU states.

Yet, insomuch as migration politics of the incumbent governments did not face much contention from the opposition, their position on the future of EU integration and external migration in time solidified and became distant from what we traditionally qualify as the Euroenthusiastic political party types. Equally, the Hungarian and Polish political parties showed that by opposing an increased role for the EU reception and protection of migrants—in particular their dispersal through the quota regime—they could present themselves as the ‘genuine Europeans’ telling the truth about the danger that migrants posed for the future of Europe. For this reason, we associate the Hungarian and Polish conservative right with a Europragmatic attitude rather than a Eurorejectionist one, even if they were opposing a crucial instrument of European integration of migration policy (namely, the quota regime).

There were a few noteworthy reflections in the discourses of politicians in Hungary and Poland in view of Europe and migration. Both Fidesz in Hungary and PiS (partly also PO) in Poland consider their countries to be EU frontier states. This is noteworthy as, until the last decade or even 2015, the southern states, mainly Greece and Italy, would have been conceived as the

EU border states. The enlargement and the sudden increase in the number of external migrant arrivals in 2015 made Hungary appear as a major frontier state. Notwithstanding the political importance that the eastern border has for the EU, Poland cannot be argued as strongly affected by irregular arrivals during the 2015 crisis.

In both Hungary and Poland, there was an attempt to shift the blame for the migrant flows to Germany and the so-called ‘liberal EU establishment’—represented, according to Orbán, by the European Commission. Here, Berlin and Brussels were accused of making false promises of integration. One crucial aspect of their narrative lies in their particular conception of solidarity, which is coined as solidarity *for Europe* rather than for *the European Union*. Both Hungarian and Polish politicians declared that, in fact, their primary objective was to be in solidarity with their respective publics. Orbán went even further to claim that the security-oriented migration politics that his government pursued made him a ‘true European’.

Therefore, neither the Polish nor the Hungarian governments conceived their opposition to EU-led admission policies as taking a Eurorejectionist position. In contrast, they argued that they were serving Europe better by rejecting any migration policy introduced at the EU level and by promoting through security-focused policies what they conceived as the European public interest. We take this as a further sign of how Europragmatism evolved as a position. By this, we mean that the political parties in the eastern group leveraged migration politics to steer the path of future Europeanization in line with their respective domestic political agendas.

### *The southern group: Greece and Italy*

Southern Europe endured the worst of the Eurozone crisis after 2008, and a mixture of geography and the Dublin Regulations meant the region was equally central to the politicization of asylum. The outcome has been a decade of turbulence, dominated by EU demands for austerity and Europe-wide dissensus over reallocation mechanisms. Southern European attitudes to the EU are thus among the continent’s most hostile. In the two countries considered here, this has led to swings from anti-establishment to emergency technocratic rule. Indeed, the Greek Prime Minister Lucas Papademos and Italy’s Mario Monti—both politically independent former bankers and academic economists—were appointed within days of one another. Equally, both countries have been ruled by governments actively committed to conflict with European institutions, ranging from Greece’s Syriza to Italy’s Silvio Berlusconi, Lega Nord (LN) and the Five Star Movement (M5S). Given the above, it follows that, in assessing Southern European narratives against the European Union, it is challenging to disentangle grievances against imposed

economic hardships from xenophobic attitudes towards migrants. Thus, it is crucial to note how political issues were constructed and by whom.

Where left-wing parties have held power, such as Greece's Syriza, they have sought to combine opposition to xenophobia and 'fortress Europe' with calls for EU-wide solutions to relieve the burden on border states. The Syriza Prime Minister Alexis Tsipras put it as follows:

I am of the opinion that the protection of the EU borders and the external dimension of the migration crisis must be taken equally seriously. The EU should focus on sharing responsibility and not the burden of falling on the host countries (Papatzani et al. 2020).

While asserting that refugee management was a clear left-versus-right ideological issue, solutions turned on the reallocation of refugees to other, less affected areas of the continent. The EU's failure to impose such mechanisms was a persistent source of conflict. Thus, a rhetoric of European solidarity was often framed against the actually existing EU structures. Syriza asserted that 'the refugee issue is a common European issue' (Papatzani et al. 2020), but equally 'the drama of millions of refugees reveals the blatant failure of a sovereign European policy, both in addressing the migratory-refugee phenomenon and with regard to the Common Foreign and Security Policy of the EU' (Papatzani et al. 2020). It thus becomes apparent that alternative visions for European integration have not necessarily been confined to the continent's populist right. While Syriza explicitly adopted a populist framing of politics that conflicted with the European establishment, their politics did not conform to the anti-pluralism often associated with populist rhetoric. Indeed, their criticisms centred on the EU's failure to achieve pluralism and humanitarianism in practice.

Italy's successive crises have taken a different dynamic that largely pitches an anti-establishment right against a technocratic, Europhile centre-left. The M5S has played an intermediary role, entering a coalition with the right-wing populist LN, then later with the technocratic-left Democratic Party (PD) in the so-called 'techno-populist' alliance under the leadership of the non-affiliated Giuseppe Conte. This confusion reflects M5S's diverse ideological origins, combining left-populist economics with more right-wing stances on immigration and party structures that allow online plebiscites to strongly influence the platform. Effectively, M5S has been incorporated to combat the charismatic power of LN leader Matteo Salvini, who has succeeded Silvio Berlusconi as the dominant presence in Italian politics.

Salvini has weaponized grievances around migration to help LN move beyond its traditional northern base to become a dominating force in Italian politics. His rhetoric accentuates fears of 'terrorists and criminals hidden in barges' and similar rhetorical tropes. Equally, Salvini has pursued a vigorous critique of EU leaders ('governed by dangerous hypocrites') combined with

ambivalence about EU membership. At times, Salvini straightforwardly has adopted a Eurorejectionist stance and called for Italy to exit the Eurozone and the EU to restore Italian sovereignty.

However, proximity to power has served to weaken these combative stances. Having run on the slogan ‘No Euro’ in 2014, by 2019, Salvini was calling the Eurozone ‘irreversible’, asserting: ‘The [Northern] League is not thinking about Italy’s exit from the euro or the European Union’. Salvini has thus been central to putative pan-European alliances for a sovereigntist ‘Europe of the nations’ (Terlizzi and Marchese 2020). Conversely, Salvini’s critics have appealed to European institutions to relieve Italy’s burdens, often with little success. The EU’s failure to negotiate collective solutions to successive crises—including, as of 2020, the coronavirus pandemic—have put the Italian forces ranged against Salvini into difficult positions.

The Southern European cases also highlight the unevenness of European experiences. These cases have been influenced *historically* by legacies of authoritarianism and weak state authority, *geographically* by their proximity to the Mediterranean and *economically* by ongoing and long-standing socio-economic imbalances. EU membership initially appeared to offer both economic and political development benefits. Recently, it has also imposed significant (and, many would concede, unfair) burdens on Southern European states, and relations have become dysfunctional. Governments of all political stripes have been forced to reckon with the attendant problems. While Syriza pursued a relatively lax border regime, the intensity of austerity measures imposed on the country meant that conditions for migrants became a byword for inhumane squalor. The contradictions of the European humanitarian ideology thus became concentrated on very particular geographical zones.

A common theme across all Southern European countries has been a critique of the Dublin Regulation. This has effectively worked to concentrate the ‘burdens’ of asylum in particular geographies, and themes of burden appear in the rhetoric of all governing parties, regardless of ideology. Under these circumstances, and given ongoing demands for austerity, conflict with EU institutions has formed an inescapable fact of government.

In the following section, the discussion turns to the new Von der Leyen Commission. We pose the question of which political assumptions and narratives in evidence across the country clusters have been echoed in Brussels’ most recent policy proposals and policy agenda.

## The European Commission: Echoing national claims and narratives

Two recent documents set the stage for the migration policy paradigm of the Von der Leyen Commission, established in 2019—namely, the ‘EU Migration and Asylum Package’ introduced in September 2020 and the ‘European Way of Life’ agenda that was put forth in 2019. In 2019, the incoming executive of the European Commission nominated a vice-president for migration and security issues bearing the title of ‘Commissioner for Protecting the European Way of Life’. This allusion to a continent under threat and needing protection prompted months of controversy about the meaning attached to European borders and boundaries. The centre-right European People’s Party, which proposed the title, insisted they had not meant to raise the drawbridge against refugees, arguing, ‘this means to rescue people in the Mediterranean [...] not to close harbours’.

Nonetheless, both supporters and critics interpreted it as a move to absorb right-wing populist narratives. Marine Le Pen hailed ‘an ideological victory’. By contrast, socialist and Green MEPs saw it as a surrender to a notion of an embattled ‘European civilisation’ promoted in the rhetoric of leaders like Hungary’s Viktor Orbán. The controversy would eventually force a small but crucial change, with ‘protecting’ becoming ‘promoting’ the European way of life. But the polarized reaction had already established a crucial fact about the continent’s political identity. Henceforth, it is nearly impossible to speak of the ‘European way of life’ without insinuating fear of foreign intruders.

### *The ‘European Way of Life’ agenda from 2019*

The agenda calls for further cooperation and solidarity in handling migration among EU member states and appeals to the securitization of migration politics of right-wing European governments. As discussed above, crafting a migration narrative through a security lens has been a dominant element across all countries under study. As the focus on migration management remains security-focused, we can also see how border protection and terrorism informed discourses from national contexts have entered this document. In this vein, the European Commission (2020: 3) introduced its aim to modernize the management of external borders through new and upgraded large-scale information systems, with reinforced support by Frontex and eu-LISA, and to ensure systematic checks at the EU’s external borders. This effort responds to the demands of some member states such as Poland and Hungary to re-interpret the EU’s role in migration management and shift from facilitating refugee admission (namely, the quota regime) to providing border security.



A prominent expression of the security-based discourse of migration in the ‘European Way of Life’ agenda has been an apparent inclination to categorize migrants as ‘legal’ or ‘illegal’. The terminology of illegality and irregularity places a particularly strong stigma of doubt on asylum seekers who are usually forced to embark on an irregular journey. At the same time, Margaritis Schinas, the vice-president for the ‘European Way of Life’ agenda, reiterated that being European means being open to the world and helping those who were less fortunate (Schinas 2019: 8).

Yet, this humanitarian focus has at the same time appears to suggest economic returns for the EU. Ylva Johansson, the home affairs commissioner, stated that ‘[w]e face an increasing need for legal migration for our labour markets to remain competitive, to face the long-term demographic challenges’ (Johansson 2019: 10). This suggests that legality and humanitarianism have become bound up with the benefits that some migrants offer to the EU and its economic competitiveness. While this goes against the discourses of Hungarian and Polish politicians, who questioned integration and argued that it was impossible, it is still aligned with migration politics in Germany. Yet, the EU officials also used ‘illegal’ as a qualifier for those migrants that posed a security threat to the ‘European way of life’, which resonates with Viktor Orbán’s discourse that migrant smugglers are the reason for illegal immigration. This suggests that the Von der Leyen Commission seeks to appeal to a feeling of insecurity already attached to external migration.

### *The 2020 ‘EU Migration and Asylum Package’*

The ‘EU Migration and Asylum Package’ (introduced in September 2020) is an acute attempt to embed feelings of insecurity into actual policy. The narratives surrounding this legislative proposal refer to border security, humanitarianism, sovereignty, externalization, talent and labour migration and finally, efficient and coordinated returns. In this order, the EU seeks to establish a coordinated border-security system to protect the Mediterranean border. It reduces humanitarianism to ‘efficient’ asylum decisions at the border. The document praises externalization agreements, thus foregrounding the priorities of those member states demanding more externalization. It also recommends that more such agreements be concluded and supports the ‘hotspot approach’. Meanwhile, echoing the valence applied to ‘legal’ migrants in the ‘European Way of Life’ agenda, the pact reiterates the need for talent and labour migration. However, the implication is that the Commission has effectively excluded unregulated migration from its scope of legality.

The issue around which the Commission has most visibly attempted to build consensus among the member states is *responsibility and burden-sharing*. The mandatory admission quota, which appeared as a politically valid concept among centrist and left-wing parties in 2015, has disappeared from the

political agenda. This is most likely because of the reluctance of countries like Hungary, the Czech Republic and Austria to implement the relocation agreement from 2015. As the political discourse shifted rightwards, the Commission confined its ambitions of solidarity to the concept of ‘flexible solidarity’. Therefore, it proposed a financial incentive system for the admission of refugees during normal times. During periods of crisis, a mechanism for mandatory solidarity would kick in, obliging the member states to take in refugees or express their solidarity by supporting other states with deportation procedures.

Considering these two documents, overall, there appears an attempt to reach out to populist politicians to append their agendas to the future course of Europeanization in migration governance at the European level. Humanitarian obligations are contextualized within a crisis management frame, whereas asylum applications are referred to status determination at the border efficiently. This is perhaps the most acute example of how the Hungarian narrative has made its way into the new migration pact. These decisions at the border are to accompany pre-screening—that is, health, identification, and security checks—assuming that all migrants have the appropriate documentation to hand. Finally, as a further element of externalization, the pact calls for harmonization of rules with third countries.

This ambiguous and ambitious agenda raises questions about externalization. There is a distinct likelihood it becomes a tit-for-tat tussle over sovereignty between transit states and the EU. The upshot is that the welfare and rights of migrants are left in peril.

## Conclusion

In this comparative chapter, we have sought to describe some key political claims and narratives on migration and the EU across three country clusters and provide a deeper understanding of how specific ideas from the national level are mirrored in the European Commission’s policy proposals. As became evident, the crisis of migration governance was a critical juncture for party politics across Europe and demonstrated once more the deficiencies of the Common European Asylum System. In particular, the question of responsibility and burden-sharing called for joint action and solidarity among member states.

However, the meaning of solidarity was deeply contested across European governments and political parties. The introduction of an ad hoc relocation quota in 2015 and the widespread resistance to its implementation marked the beginning of the end for the distribution paradigm. In contrast, we witnessed how solidarity was interpreted in terms of *protecting borders*, whereby the restoration of a country’s national sovereignty was also argued to protect other member states. In this vein, the spirit of the Dublin Convention

prevails, and political authority was increasingly reclaimed for the nation-state. Securitization discourses that primarily circulate around conceptions of border control were first driven by far-right parties as well as conservative parties in Eastern Europe. Later they entered mainstream parties and established a hegemony that is mirrored in the flexible solidarity concept by the European Commission. It remains to be seen how its legislative proposal from 2020 will develop, particularly whether the European Parliament will develop alternative conceptions to solidarity for the future of the European Union.

Ultimately, questions remain about where at the nexus of supranationalism and inter-governmentalism EU migration governance can be contextualized and how this affects conflicting conceptualizations of Europeanization among the EU member states. The existing reports and this comparative chapter have sought to foreground the relevance of established conceptualizations of what makes Eurorejectionist, Eurosceptic, and Euroenthusiast political positions. The finding is that a self-perception of a political party on the rejection—enthusiasm spectrum of Europeanization is not the same as how the European supranational institutions perceive them.

To understand this disparity, we need to study and understand how political leaders narrativized their politics to bolster domestic audiences. This has become the most acute in Hungarian politics. While the European supranational institutions consistently depicted Fidesz-led Hungary as a Eurosceptic or Eurorejectionist party, Orbán himself proposed that Hungary was *acting on behalf of Europe* to defend it from intruders. The Polish case resembles Hungary in many ways. However, what appeared as crucial in these two countries was how the opposition could not produce any alternative discourse concerning refugee admission policies.

Beyond the eastern group, we can underline that the historical Euroscepticism in the southern group, which was conditioned by the austerity politics by the Troika during the economic crisis, resurfaced again. However, when it came to narratives to border security, politicians in both Greece and Italy sought to present their countries as defenders of European borders. Hence, their Euroscepticism dissipated when they faced the imagined threat posed by the ‘other’ personified by the external migrant. It is noteworthy to illustrate that the extent to which a country follows Europeanization is affected by which audience their political parties present their European identity. By drawing a line between ‘us’ the ‘other’, they would appear European, but facing ‘the self’, they would have more space to qualify how they coopt Europeanization.

Finally, an attempt to bandwagon domestic policy preferences to the European level has appeared most distinctly in the central and northern group, where Europe emerged as a solution to the problem that external migration posed to national politics. However, we should also note that this group of

states attempted to append their policy preferences to the European level after realizing that domestic solutions were failing. In this case, one can say that their relative Euroenthusiasm was affected by their national political preferences.

This shows that even Euroenthusiasm—an apparently (mostly) supranational policy stance on Europeanization—is prone to be affected by domestic political preferences. Considering this context, our findings suggest that Europeanization theories require ever more complex and identity-focused narratives, both European and national, be considered if we are to understand the cacophony of policies at the member state level when external migration is at issue.

## References

- Bendel, P., and A. Ripoll Servent. 2017. 'Asylum and Refugee Protection', in F. Trauner and A. Ripoll Servent (eds), *The Routledge Handbook of Justice and Home Affairs Research*. London: Routledge.
- European Commission. 2020. *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: A European strategy for data*. COMM (2020) 66 final. Brussels, 19 February.
- . 2020. *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: A Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect, Respond*. COM(2020) 795 final. Brussels, 19 December.
- Grosse, G. T. 2018. 'Germany's Strategy and Tactics towards the Crisis in European Integration', in K. Czernska-Shaw, M. Galent, and B. Gierat-Bieroń (eds), *Visions and Revisions of Europe*. Universitätsverlag Göttingen.
- Hooghe, L., and G. Marks. 2009. 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus', *British Journal of Political Science* 39(1): 1–23.
- Johansson, Y. 2019. 'Answers to the European Parliament Questionnaire to the Commissioner-Designate'. Available at <https://www.europarl.europa.eu/resources/library/media/20190927RES62438/20190927RES62438.pdf>.
- Kopecký, P., and C. Mudde. 2002. 'The Two Sides of Euroscepticism: Party Positions on European Integration in East Central Europe', *European Union Politics* 3(3): 297–326.
- Korkut, U., K. Mahendran, G. Bucken-Knapp, and R. H. Cox (eds). 2015. *Discursive Governance in Politics, Policy, and the Public Sphere*. New York: Palgrave Macmillan.
- Ladrech, R. 2014. 'Rethinking the Relationship between Europeanization and European Integration', in R. Coman, T. Kostera, and L. Tomini (eds), *Europeanization and European Integration: From Incremental to Structural Change*. London: Palgrave Macmillan.

- Papatzani, E. et al. 2020. 'Greece Country Report: Conflicting Conceptualisations of Europeanisation'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/69, November 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1496180/FULLTEXT01.pdf>
- Roos, C. 2017. 'The Council and European Council in EU Justice and Home Affairs Politics' in F. Trauner, and A. Ripoll Servent (eds), *The Routledge Handbook of Justice and Home Affairs Research*. London: Routledge.
- Schinas, M. 2019. 'Answers to the European Parliament Questionnaire to the Commissioner-Designate Margaritis Schinas'. Available at <https://www.europarl.europa.eu/resources/library/media/20190927RES62437/20190927RES62437.pdf>.
- Terlizzi, A., and C. Marchese. 2020. 'Conflicting Conceptualisations of Europeanisation: Italy Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/74, November 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1505857/FULLTEXT01.pdf>.



## 5 Configuring Borders: Policies, Practices and the Case of Lesbos, Greece

*Eva (Evangelia) Papatzani, Nadina Leivaditi,  
and Electra Petracou*

---

### Introduction

On 9–11 September 2020, a massive fire destroyed the Moria ‘hotspot’ on the Greek island of Lesbos. Within a few days, a new camp—presented as a temporary solution—had already been constructed by the Ministry of Migration and Asylum with the assistance of the Greek army in a former military shooting range in the area of Karatepe on Lesbos. The hotspot regime on Lesbos has a significant geographic, political and bordering role and forms a major part of the Greek and European authorities’ border management system. For this reason, it could not be abandoned.

Today, migration control and border management constitute crucial issues in the public debate and political governance in Greece and across the EU. Specific geographic areas have moved to the epicentre of global migration governance. They emerge as important border sites not only in spatial terms but also in the way they are configured through a complex grid of policies, discourses, and practices at multiple scales. Different strategies, practices, and rationalities shape border policies through multiple narratives and logics, including humanitarian actions and border protection against unwanted people movements. Thus, specific places, borders, and movements constitute parts of new assemblages of the sovereignties, irrespective of whether borderlines seem to be still enforced by nation-states and regional institutions.

This chapter explores theoretical perspectives on border management and how it connects to attempts at controlling population movements within a territory, with the latter playing a crucial role in the organization and reorganization of power relations. We draw from research conducted for the Horizon 2020 Research Programme RESPOND, focusing on the Greek case. Special attention is paid to Lesbos, an island on Greece’s eastern maritime borders. Lesbos is one of the most crucial border sites in Europe and the Mediterranean. The chapter analyses specific events and border policies and their role in constructing territory and controlling population movements. The following fundamental questions are addressed: In what ways is the island of Lesbos being shaped as a border area? How are borders configured

in the case of Lesbos? In what ways are other scales contained in this bordering process? What mechanisms are involved? What kind of ‘new’ border spaces have emerged on the island?

These questions are approached by focusing on three border policies: The so-called ‘hotspot approach’, the geographical confinement on the eastern Aegean islands where hotspots are established, and a pilot project known as the ‘low-profile scheme’, which established a detention practice in specific hotspots without being defined in legislation. The chapter draws on extracts from 34 interviews with refugees and asylum seekers of different nationalities staying on Lesbos who arrived in Greece between 2011 and 2017.

## Theoretical considerations: Territory, borders, and movements

After the end of the Second World War, borders have been understood as fixed lines between sovereign nation-states in the international state system that neatly delineates the various jurisdictions. They were seen as rigid boundaries that distinguished the internal from the external. They defined a specific population and a special political relation between the citizen and the nation-state within, as well as signifying the right of this population to its homeland. This separation between internal and external, in turn, defined different statuses of people within a territory, and the state’s authority was considered conclusive within its boundaries. Borders were the sites that confirmed the state’s authority over its territory and population and over any outsiders seeking to enter that territory. As Sassen (1990: 36) argues, ‘national boundaries do not act as barriers so much as mechanisms reproducing the system through the international division of labor’, an operation that is based on a multiplicity of political units, including nation-states.

The end of the Cold War at the beginning of the 1990s led to euphoria about the end of a world divided by tight borders and sharp ideological rivalries. The vision of a globalized world challenging the sovereignty and borders of the nation-states gained prominence, heralding for many the prospect of a truly borderless world (Paasi 2019). In Europe, the abolition of internal border controls and the establishment of the internal market redefined ‘European integration’ and coincided with the establishment of a ‘New World Order’ along a North–South, rather than East–West axis. Since then, research has started to question the classic conceptualization of borders as lines compartmentalizing national sovereignties and to see them both *as barriers and bridges*. Foucher notes the ‘contradiction between greater openness of internal borders and the reinforcement of controls at the external borders’ (Foucher 1998: 242). Paasi distinguishes *borders* from *boundaries*, arguing that borders concern the territorial limits of the state, while boundaries are produced at a range of spatial scales and are reproduced in local social practices and discourses (Paasi 1999).



According to Sack (1986), territoriality is the basis of power. ‘Territory’ can be considered a bounded area, and its boundaries have an important symbolic communication role. Maps, fences, walls, land mines, and passports are ways of communicating. The symbolic form of borders, as Sack points out, includes a statement about the direction in space and a statement about possession and exclusion. Territories are thus both *spatial entities* and *communicative devices* (Delaney 2005: 15), which present the idea of a consistent and orderly world through formalized political units. The territory is ‘best conceived as a historically and geographically specific form of political organisation and political thought’ (Brenner and Elden 2009: 355). Today, the world seems to be a horizontal separation of homogeneous territories and distinct sovereignties. But as Delaney argues, besides the horizontal aspect of territoriality, which establishes a dichotomy between ‘ins’ and ‘outs’, there is the vertical aspect. Territory’s vertical dimension reflects the different scales above and below the nation-state—global and local—but also including the national territory.

In the Post-Cold War era of globalization and regionalization (including Europeanization), the division between interior and exterior, as well as the issues of defining the population and a common territory, have come to the fore in discourse and practice. We can refer to this as a ‘process of territorialization’—one that shapes new territory by breaking (intentionally or unintentionally) old forms of connectivity and affiliation, sovereignty, and governmentality. In shaping the new bounded area, the bordering processes relate to borders on the move, transforming external boundaries to internal ones, and these processes play a role in constructing an undefined territory. This can be seen as ‘undefined territory’ because it is a process that includes a multiplicity of centres of decision-making and power, even though national authorities seem to be the dominant players. Furthermore, there is no clear demarcation of where this territory ends and what it is based on (such as cultural–religious, political, or geographical values).

The second dimension of moving borders relates to legal and administrative regulations and control of immigrants (Balibar 2002; Pham 2009) within this new, under-construction territory as a united area and within the old territories as fragmented national areas. The paradigm of moving borders does not mean that the ‘fixed’ borders have ceased to exist, but legal status has become centrally important, as everyday transactions now require proof of that legality. Pham points out that in the USA, borders move into the ‘interior, resulting in differential treatment of people in public and private spheres based on alienage’ (Pham 2009: 6).

Constructing territories is a process that intends to produce a common territory, a bounded space with interior and exterior dimensions (Walters 2008), including the delineation of a common population on a collective basis. It is true that the normalization of the national citizen–subject—‘us’ versus

‘them’ and the exclusion of foreigners—as Balibar argues ‘is also internalised by individuals, as it becomes a condition, an essential reference of their collective, communal sense, and hence [...] of their identity’ (Balibar 2002: 78). To explain this internalization, Balibar mentions three characteristics of borders—namely, their overdetermination, their polysemic character and their heterogeneity (Balibar 2002: 79). The first aspect is that borders are ‘world configuring’ and not simply territorial since each border includes other geopolitical divisions and not only those of nation-states. The second aspect stresses that borders actively ‘differentiate between individuals [in terms] of social class’ (Balibar 2002: 82). The last element refers to the fact that some borders lie elsewhere than established in the geographical-political administrative sense of the term (Balibar 2002: 84).

Rationality derived from the neoliberal technology of governing free individuals has emerged. It is ‘best conceptualised not as a standardized universal apparatus, but a migratory technology of governing that interacts with situated sets of elements and circumstances’ (Ong 2007: 4). As a ‘global form’, neoliberal practices spread not out of a necessity of universal reproduction but through the vectors carved through the global marketplace of ideas and practices. To study this rationality, Collier and Ong use the concept of ‘global assemblages’ to identify an unstable constellation shaped by interacting global forms and situated political regimes (Collier and Ong 2005). Assemblages do not stress ‘structural hierarchy but an oblique point of entry into the asymmetrical unfolding of emerging milieus’ whereby ‘the promiscuous entanglements of global and local logics crystallise different conditions of possibility [...] fragmenting and re-combining spaces and populations in novel ways’ (Ong 2007: 5–7).

Using assemblages as a vantage point, we can explore collective action in terms of the multiplicity and connectivity of different elements. Assemblages are an approach that can explore the polysemic and multiple aspects of borders, which means that a given border means different things to different people (Sohn 2015). One example is agents who coexist and co-act under certain conditions without having the same goals or in a uniform way. As Briassoulis points out, ‘assemblage, an ontology of becoming, denotes the coming or fitting together of diverse, heterogeneous, material and human components into dynamic, provisional, decomposable, but irreducible wholes to serve a purpose and [to create] agency’ (Briassoulis 2019: 425). Moreover, the connections among the heterogeneous components can ‘be nonhierarchical, a-centered (rhizomatic) but, as well, horizontal hierarchical (arborescent), centralized and vertical’ (Briassoulis 2019: 426). Territorialization and deterritorialization are the stabilization and transformation processes of an assemblage.

In general, migration is a form of social relations that potentially includes all processes pertaining to the organization of social relations. Nevertheless, the

specific elements of these social relations emerge in a distinct manner depending on migration's particular spatial and temporal context. Migration movements can be perceived as a part of the social struggle of global capital relations (Cleaver 1979), while border migration policies structure global contradictions and conflicts within 'national' territory to secure the maintenance and functioning of a societal milieu. Migration can be studied through the lens of enforcement practices and as an antithesis to established social, political, economic relations. It simultaneously consists of free and restrained properties. Furthermore, the arguments of autonomy of migration (Papadopoulos et al. 2008) and acts of demonstration reveal and highlight the subjective practices and behaviour of migration as well as 'fundamental political moments' (Nyers 2010: 131). The above claims are significant because they assert migrants' practices as necessary components of the migration regime and border management.

## The paradigm of Lesbos and two temporal–spatial events

In administrative terms, Lesbos<sup>1</sup> constitutes, along with other islands, the North Aegean Region of Greece. Its capital, Mytilene, is located in the southeastern part of the island. Until 2009 Lesbos was a main entry point of migrants into Greece and therefore into the Schengen Zone. From 2003 to 2009, a closed detention centre operated in Pagani (an area on the northwestern side of Mytilene), and from 2008 until 2014, a 'Hospitality Centre for Unaccompanied Minors' called 'Villa Azadi' operated in Agiasos (a village on Lesbos). It closed due to a lack of funding.

During the summer of 2009, the island hosted the 'No Border Camp'. Due to its relationship with migration movements and the Pagani camp, the entire island—especially the town of Mytilene—became a 'front' that witnessed the struggle between competing logics and practices. It became a space of both *social activism* and *state enforcement*. Activists, often migrants themselves but also others, originating from different locations and with diverse perspectives, all met in Lesbos. The island was transformed (or rather revealed its hidden full potential) overnight, triggered by this 'encounter' between competing logics. The terms 'demonstration', 'free camp', 'information kiosk', 'media correspondent', 'Special Police and Coast Forces', 'Frontex', and 'freedom' became part of the everyday vocabulary, while banks with protective metal covers were a common site reminding of the tension on the island.

---

<sup>1</sup> Lesbos, situated in the Aegean Sea at Greece's northern maritime border with Turkey, is the third largest island in Greece and has around 86,000 inhabitants according to the 2011 Census.

The events of that summer stirred the apparent ‘tranquillity’ of the island and also triggered events at a local, national, regional, and international scale. It may not be coincidental that in 2010 the detention centre was closed down after several inquiries by national and European actors found human rights violations and evidence that detainees protesting against the living conditions were beaten. According to official and activists’ reports, the numbers of non-status migrants arriving on the island declined for two years. Numbers rose again after the construction of the Evros fence along the northern land borders of Greece. For a short period, migrants were housed in a summer camp after their arrival. Soon the government decided to convert a previous military camp next to a village called Moria in the north of Mytilene into a new refugee centre. In the beginning, officials sought to establish it as a closed detention centre. However, local protests from residents and the municipal authorities after the adoption and implementation of the new Law for refugee protection and reception (Law 3907/2011), authorities decided it to be a ‘First Reception Centre’.

Since then, border management and migration controls have significantly expanded in Greece. In 2011, in particular, the Greek authorities adopted the ‘Integrated Border Management Program for Combating Illegal Immigration’, the primary goals being the protection of both the EU and national borders and reductions in ‘illegal migration’. Moreover, almost no one was granted international protection; limited access to asylum procedures, extensive delays and long waiting times for decisions, detention of asylum seekers, and refoulement remained systematic practices. The UNHCR (2012) characterized the situation at the borders and the reception conditions as a humanitarian crisis and opposed transfers to Greece under the Dublin Regulation because of inadequate protection of asylum seekers.

Following the 2011 judgement of the European Court of Human Rights (ECtHR) in *M.S.S. v Belgium and Greece* (Council of Europe 2011), the other member states suspended Dublin transfers to Greece. Furthermore, since 2010, the European Commission has sought to guarantee that the border-control procedures in Greece were in line with the Schengen Agreement. To this end, Frontex increased its operational support to Greece in the framework of the joint land and sea operation ‘Poseidon’, contributing personnel, equipment, and technical and operational expertise to the national authorities (mainly the Greek Police and the Hellenic Coast Guard) responsible for border control. At the same time, police dragnet operations to reinforce controls and deportations of undocumented migrants were systematized under the name of ‘Xenios Zeus’ or ‘Hospitable Zeus’—the ancient Greek god was known as the god of hospitality—and took place in Athens and other urban centres.

Moreover, in 2012 a new electronic surveillance system was introduced along the Greek–Turkish land borders, and a 12km fence was completed in

the Evros area (despite opposition from the European Commission), which resulted in stricter border controls. The aforementioned expanded border management mechanisms can be seen as a part of bordering processes at multiple scales, thereby delimiting Greece as a ‘border zone’. On the one hand, the new bordering project seeks to define a specific territory, as in the case of Evros wall, closely linked to the securitization of the nation-state’s borders. On the other hand, parts of the extended border controls seem to move borders everywhere and resemble the multiplication of borders even in everyday life (de Genova 2002).

During the summer of 2015, Lesbos, and other Aegean islands, experienced remarkable population movements. As a result of the war and the general adverse conditions prevailing in certain countries, people from Syria, Iraq, Afghanistan, Eritrea, and other countries entered Greece across the maritime borders with Turkey. The new arrivals were simply seeking to transit to countries in northern Europe, but the slow registration procedures, the difficult transport link between the island and major Greek urban centres, and the island’s lack of infrastructure meant they were forced to settle, creating poor conditions and an emergency situation.

International organizations and NGOs mobilized immediately. The same happened with activists, collectivities, volunteers, local people from Lesbos, and other areas. For about eight months, people and organizations from all over the world gathered in Lesbos. As mentioned, since 2003, activists, including migrants, had been undertaking action to question sovereignty and nationalism and to demand common rights for all, with the No Border Movement forming a characteristic example (Anderson et al. 2009). However, in 2015, the dominant issue became the ‘humanitarian crisis’. Different organizations and collectivities had different logics, aims, and actions regarding population movements. Nevertheless, the urgent situation and other factors such as general border policies and specific policies for particular ethnic, age, and gender groups resulted in the prevalence of the humanitarian aspect.

Since then, a significant number of events and policy shifts have structured border control. These include the closure of borders of EU member states or non-EU member states, the closure of the so-called Balkan corridor on 8 March 2016, the Joint EU–Turkey Statement of 18 March 2016—which was initially described as ‘a temporary and extraordinary measure’ and implied the geographical restriction of movement and the confinement of refugees on the northeastern Aegean islands<sup>2</sup>—the adoption of Law 4375/2016, and the

---

<sup>2</sup> On 18 March 2016, the European Council and Turkey reached an agreement aimed at stopping the flow of irregular migration via Turkey to Europe. According to the EU–Turkey Statement, any new arrivals on the Greek islands after 18 March 2016—regardless of nationality and need for international protection—became subject to possible deportation back to Turkey after a fast-track border asylum procedure. In

‘hotspot approach’. Border management in Greece has become more ‘Europeanized’ since 2016, based on the implementation of the ‘hotspot approach’, and especially the actions of Frontex and EASO, NATO, Europol, and Interpol, which have been reconstructed and consolidated in response to the ‘migration crisis’.

## Configuring borders: Policies and practices on Lesbos since 2015

This chapter argues that certain policies—such as the so-called ‘hotspot approach’, the closure of the Balkan corridor, and the EU–Turkey Statement—have been essential for border management and migration control in Greece and the European Union. In the following, we discuss how the ‘hotspot approach’, the geographical restriction of movement, and the ‘low-profile scheme’—a pilot detention project—have been crucial to the configuration of borders at multiple scales, starting from Lesbos. The diversity of these three policies regarding their institutional or non-institutional character, the competent authorities for their adoption, and the actors involved in their implementation can be seen as *components of an assemblage*, fitting together heterogeneous material and human elements from refugees’ bodies to the European Commission’s headquarters.

The European Commission rolled out the ‘hotspot approach’ in May 2015 to manage the so-called ‘refugee crisis’ and assist frontline member states facing disproportionate migratory pressure at their external borders (European Parliament 2018). In the beginning, Reception and Identification Centres (RICs) in Greece operated as open facilities to register, screen, and assist arriving migrants and asylum seekers before their swift transfer to the Greek mainland. Immediately after the EU–Turkey Statement, RICs on Lesbos and the other four Aegean islands (Chios, Kos, Leros, and Samos) were transformed into closed (or ‘secure’) facilities (‘hotspots’).

Several official actors, both national and European, are present in the RICs. The Greek Asylum Service (GAS), the Reception and Identification Service (RIS), the Greek police, port authorities, and the Greek military are involved. International agencies such as the UNHCR and the International Organization for Migration (IOM), as well as EU agencies such as Frontex and EA-

---

return, the EU agreed *inter alia* to resettle directly from Turkey a number of Syrian refugees equal to the number of those intercepted and returned from Greece. As Turkey was declared a ‘safe third country’, Article 38 of the Asylum Procedures Directive applies. Refugees and migrants can still claim asylum in Greece, but applications can be declared inadmissible on the basis of the application of the latter principle.

SO, and a large number of NGOs and INGOs. A considerable number of them already existed in Lesbos before 2015, but the presence of others started or expanded since then. It is characteristic that the role of EASO in Greece—and especially in the hotspots—has been expanded since 2018 through new legislation (Law 4540/2018). EASO plays a role in assessing vulnerability, conducting interviews, and drafting opinions within the framework of the ‘Fast-track Border Procedure’ to its participation in the regular asylum procedure.

According to Law 4375/2016 and its multiple later amendments until today, newly arrived persons on the Greek islands should be directly transferred to a RIC (that is, a ‘hotspot’), where they are subject to a 3-day restriction of freedom of movement within the premises of the centre, which can be further extended by a maximum of 25 days if reception and identification procedures have not been completed. Furthermore, new arrivals are subject to ‘geographical restriction of movement’. Pursuant to this measure, migrants and asylum seekers are obliged to remain on the island on which they were initially registered until they undergo a ‘Fast-track Border Procedure’. The order of the restriction of movement is imposed both by the police and the Asylum Service.

The imposed prolonged stay on the islands, which the aforementioned procedures and practices imply, has already created inhuman living conditions and human rights violations in everyday life. The words of Michael, an asylum seeker from Sudan, capture the confinement that the hotspot regime produces when he describes Moria as a ‘giant prison’. The hotspots constitute areas of control not only of refugees’ movements but also of their everyday lives, as well as their spatial and temporal trajectories. Living in hotspots for an indefinite period, which started as an exception through the EU–Turkey Statement, has now become the rule and the law.

This is probably why Greek hotspots have been described as a regime that resembles Agamben’s ‘sovereign power and bare life’ (Agamben 1998). As one asylum seeker summarizes it:

[T]he big problem is what most refugees call ‘περίμενε’ (waiting)—waiting for an uncertain future [...]. You feel depressed when you hear that word ‘περίμενε’—you can’t sleep, you can’t eat, you can’t do anything, and it becomes worse and worse. They [the authorities] want you to collapse in order to ask by yourself to go back [...] it’s a kind of fight! (Penen, asylum seeker from Congo, living in the Moria hotspot).

Furthermore, as Tazzioli argues, by shedding light on the procedures, infrastructures and techniques that characterize the hotspot system, what emerges is not only the control and surveillance of migrants’ movements but mainly a ‘generalised strategy of containment through mobility’, meaning the use of ‘(forced) mobility as a technique of government’ (Tazzioli 2017: 2).

This is even clearer of cases where the geographical restriction is lifted are taken into account. Until today, the geographical restriction is lifted for specific cases only, mainly refugees with a favourable asylum decision or where applicants can prove they are especially vulnerable. After the geographical restriction is lifted, vulnerable asylum seekers are transferred—through an official decision—to different reception sites in mainland Greece, even in camps or apartments in the cities. Thus, the vulnerability criteria adopted by the Greek legal framework on asylum have become increasingly difficult to meet over the years. Moreover, they produce a perverse structure of categorizations that mean, as a research participant noted, ‘we currently talk about the right to vulnerability instead of the right to asylum’.

Fatima, an asylum seeker from Afghanistan living in the Moria hotspot, describes the mobility restrictions reflected in the colour of the stamps provided on the papers of asylum seekers. This colour scheme hues close to the asylum procedure:

There are three stamps for refugees. One is red, which means that you can’t leave the island; one is black, which means you can leave the island, but you are waiting for the answer following your asylum interview; and one is a blue stamp, which means that the decision is favourable (Fatima, Afghan, living in the Moria hotspot).

One could argue that the hotspot regime constitutes a bordering mechanism, or more accurately, a process that redefines space, territories, and social identities at multiple scales. First, the hotspot is designed as a *physical border* that distinguishes insiders and outsiders and controls entrance and exit from the space of the hotspot and the island. It does so through its material design but also the set of laws, policies, and practices of multiple actors that intersect to enable the hotspot’s functioning. Additionally, hotspots are not homogeneous spatial areas, simply defined by their external borders and walls. Inside them, specific spaces—such as the detention areas—are marked out in such a way as to constitute another border and field of enforcement. As already mentioned, refugees may stay for an extended period in these detention areas, lacking the freedom to move. Willy, an asylum seeker from Cameroon living in the Moria hotspot, questions this bordering character of the hotspot in the following extract:

Living in Moria is a kind of nightmare because of the living conditions and treatment. Imagine spending a year in a horrible situation. It is gonna be difficult just to imagine, let alone erase totally from your memory. [...] That’s the main question I ask myself too: Why don’t they let people [observers] in? Are they scared about something? Or is it that they don’t want people to learn about what is [going on here...]. I don’t know (Willy, asylum seeker from Cameroon living in the Moria hotspot).



The hotspot approach and its implementation in Greece configure borders and territories in other ways as well. It is worth mentioning that migrants and refugees arriving from other border areas of Greece are not subject to the aforementioned specific asylum procedures (such as the ‘Fast-track Border Procedure’) and movement restrictions. Migrants and refugees arriving from the northern land borders around Evros or other maritime borders where hotspots are not established are not obliged in such geographical restrictions or asylum procedures. Of course, this does not mean that the policies and practices that define borders and movements are not in place in such locations (see, for example, Karamanidou and Kasperek 2020). However, Lesvos, and the other Aegean islands where hotspots are established, define not only *a national territory* but also *a differentiated territory* where borders take different forms. This ‘process of territorialization’ that the hotspot regime implies also discriminates and excludes, thereby constructing and redefining social identities and filtering refugees’ characteristics.

New types of categorization of the refugee population are introduced and imposed through the relevant legal framework that both define asylum processes and outline the scope of the hotspot regime. Here, we can observe distinctions between those who arrived through specific islands and those who came through other Greek borders; between those who arrived before and those arriving after the 2016 EU–Turkey Statement; those from ‘safe countries of origin’ or from ‘safe third countries’; and those considered vulnerable versus those not.

To manage the urgent situation, national authorities, such as the police, the GAS and the RIS—while continuing to obey existing law—began to ‘freelance’, pursuing new approaches that were not legally defined in legislation. In this direction, a ‘pilot project’ was implemented from October 2016 until January 2018 that had no legislative basis. This project involved a highly systematized and arbitrary practice of detention. Specifically, newly arrived persons—usually single men belonging to particular nationalities with low recognition rates<sup>3</sup>—were placed in administrative detention upon arrival and remained there for three months. This automatic detention upon arrival persisted on the Islands of Lesvos, but also on Kos and to a certain extent on Leros. The project focused on nationals from Pakistan, Bangladesh, Egypt, Tunisia, Algeria and Morocco, and Sub-Saharan Africa. The list of countries was expanded to 28 in March 2017, when the project was rebranded as the ‘Low-Profile Scheme’ (ECRE 2017; Legal Centre Lesvos 2018). Research participants characterized this project as a discriminatory ‘containment policy’ that functions as a new norm for Greece and a pilot project for the entire European Union.

---

<sup>3</sup> Certain nationalities are more likely to be granted international protection compared to other ones.

Thus, the porosity of borders is different for different categories of movers — for example, the asylum seeker, the immigrant, the refugee, the vulnerable, the Syrian. Borders are thus places to interrogate identities and categorize people and movements. This practice of ‘labelling [...] is a way of referring to the process by which policy agendas are established and more particularly how people, conceived as objects of policy, are defined inconvenient images’ (Wood 1985 cited in Zetter 1991: 44). By redefining identities and categories (albeit not yet constructing new ones), the hotspot regime can control specific movements and exchanges into and out of the hotspot but also the further movements towards the Greek nation-state and destination countries in the EU. Thus, it constitutes a border management and a population filtering mechanism that *produces new border zones and inner territories or borderlands* that exclude some and include others both in spatial and social terms. As Balibar argues, ‘borders are being thinned out and doubled, becoming borders zones, regions, or countries where one can reside and live’ (Balibar 2002: 92), at the same time that ‘borders are not only external realities but become ‘inner borders’ that means invisible borders situated everywhere and nowhere’ (Balibar 2002: 78).

## Conclusions and open questions

Following the insights of Sack (1986) and Delaney (2005), borders define a specific territory that is not, however, limited to its physical limits. If hotspots in Greece are combined with the geographical restriction on the eastern Aegean islands, as a practice implemented by a wide range of actors (local, translocal, national, global), their territory is expanded to include the whole island where the hotspot is established. Furthermore, through the EU–Turkey Statement, the hotspot regime defines freedom of movement, and most importantly, categorization of movements. The areas of the islands are transformed into border areas inside the same territory of the nation-state. Thus, borders are expanded and multiplied to include something more than simple physical lines on a map. Space is reterritorialized, by creating specific bounded areas between EU and national territories, while it seems that the Turkish and Greek territories are connecting in a bordering process, constructing a buffer zone, albeit one that is not legally binding.

These various bordering processes can be usefully compared to England’s old ‘poor laws’ (Walters 2004). For example, policies such as the geographical restriction—and the hotspots in particular—are something akin to the Act of Settlement, introduced in 1662 in England, which divided poor people into different categories according to their capability for work and restricted the movement of poor people into rich parishes (Polanyi 2001). These policies are related to *the operation of borders as filters* (Anderson et al. 2009) and as modes of differential inclusion (Mezzadra and Neilson 2013). This is

a technique in population governance that Walters (2011) has described as a blend of humanitarian borders and securitization.

The New Pact on Migration and Asylum was launched a few days after the fire destroyed the Moria hotspot in September 2020. This came one year after a shift in the political context in Greece, specifically, after the national elections of 2019, won by the right-wing ‘New Democracy’ party. Since then, a wide range of conservative measures on refugee issues has been implemented, such as the adoption of a new Asylum Law (4636/2019), as well as plans for a stricter securitization of the Greek borders and the conversion of camps to ‘closed centres’. The new law has significantly reduced fundamental guarantees of the Greek asylum and reception system, especially in the hotspots.

The pact apparently seeks to deepen (systematize and regularize) the hotspot regime, which has caused prolonged mass confinement of people at the borderlands of Europe. The proposals include the ‘pre-entry screening’ process proposed for all people who arrive at EU borders irregularly, the ‘Fast-track Border Procedure’ (to applicants from third countries with a recognition rate lower than 20 per cent) and the extension of detention during border procedures. Additionally, the pact proposes to accelerate the process of investigating asylum claims. This is something of a dead letter since, in Greece, accelerated assessment has already proved impossible without guarantees of the right to asylum and other procedural guarantees. Finally and most importantly, the pact outlines that people undergoing border procedures are not considered to have formally entered the territory of the member state, raising new questions about borders’ configuration, especially in the case of Greece.

It seems that the Schengen Area has collapsed or at least fragmented into national-territorial provisions. Nevertheless, member states have formed coalitions and agreed—and continue to agree—on a bilateral or multilateral basis on various measures to manage border crossings. At the same time, despite the different coalitions with different goals for refugees and nationalization of policies, a kind of re-Europeanization process has occurred, most visible in the establishment of new border management institutions and agencies. The EU–Turkey statement—to which all member states agreed—and EASO and new arrangements for Frontex constitute the most important examples. As the New Pact mentions, a new hotspot centre will be established on Lesbos and will operate as a ‘joint European pilot project’.

It is not clear yet what the longer-term implications of this renewed effort will be. However, since the pact focuses on the involvement of EU agencies, we could probably imagine deeper participation of a wide range of actors forming part of new assemblages that redefine the function of Greece—especially the Greek islands—as a border and asylum buffer zone for the entire European Union.

## References

- Agamben, G. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Stanford, CA: Stanford University Press.
- Anderson, B., Sharma, N., and C. Wright. 2009. 'Editorial. Why No Borders?', *Refuge: Canada's Journal on Refugees* 26(2): 5–18.
- Balibar, E. 2002. 'What is a Border?', in E. Balibar (ed.), *Politics and the Other Scenes*. London: Verso, pp. 75–86.
- Brenner, N., and S. Elden. 2009. 'Henri Lefebvre on State, Space, Territory', *International Political Sociology* 3(4): 353–377.
- Briassoulis, H. 2019. 'Governance as Multiplicity: the Assemblage Thinking Perspective', *Policy Sciences* 52(3): 419–450.
- Cleaver, H. 1979. *Reading Capital Politically*. Sussex: The Harvester Press.
- Collier, S.J. and Ong, A. 2005. 'Global Assemblages, Anthropological Problems', in A. Ong and S. J. Collier (eds), *Global Assemblages: Technology, Politics, and Ethics as Anthropological Problems*. Oxford: Blackwell, pp. 3–21.
- Council of Europe. 2011. M.S.S. v. Belgium and Greece, Application No. 30696/09, Council of Europe: European Court of Human Rights, 21 January 2011. Retrieved 21 January 2021 from <https://www.refworld.org/cases,ECHR,4d39bc7f2.html>.
- De Genova, N.P. 2002. 'Migrant "Illegality" and Deportability in Everyday Life', *Annual Review of Anthropology* 31: 419–447.
- Delaney, D. 2005. *Territory*. Oxford: Blackwell.
- ECRE. 2017. 'Interview: Asylum Procedure Based on Nationality Rather than on Merit. The Situation of Pakistani Asylum Applicants Under the EU Turkey Deal'. Retrieved 14 January 2020 from <https://bit.ly/3qCT7p4>.
- European Parliament. 2018. 'Hotspots at EU External Borders. State of Play', PE 623.563, June 2018. Retrieved 21 January 2021 from <https://bit.ly/3muCICl>.
- Foucher, M. 1998. 'The Geopolitics of European Frontiers', in M. Anderson and E. Bort (eds), *The Frontiers of Europe*. London: Pinter, pp. 235–250.
- Karamanidou, L., and B. Kasperek. 2020. 'Hidden Infrastructures of the European Border Regime: The Poros Detention Facility in Evros, Greece'. *RESPOND blog*, March 8. Retrieved 5 April 2021 from <https://respondmigration.com/blog-1/border-regime-poros-detention-facility-evros-greece?rq=Karamanidou>.
- Legal Centre Lesvos. 2018. 'January 2018 Report on Rights Violations and Resistance in Lesvos'. Retrieved 14 January 2020 from <https://bit.ly/2Nq7zCA>.
- Mezzadra, S., and B. Neilson. 2013. *Border as Method or, the Multiplication of Labour*. Durham, NC and London: Duke University Press.
- Nyers, P. 2010. 'No One is Illegal Between City and Nation', *Studies in Social Justice* 4(2): 127–143.
- Ong, A. 2007. 'Neoliberalism as a Mobile Technology', *Transactions of the Institute of British Geographers* 32(1): 3–8.
- Paasi, A. 1999. 'Boundaries as Social Practice and Discourse: The Finnish-Russian Border', *Regional Studies* 33(7): 669–680.

- . 2019. 'Borderless Worlds and Beyond: Challenging the State-centric Cartographies', in A. Paasi, E. K. Prokkola, J. Saarinen, and K. Zimmerbauer (eds) *Borderless Worlds for Whom? Ethics, Moralities, Mobilities*. London: Routledge, pp. 21–36
- Papadopoulos, D., N. Stephenson, and V. Tsianos. 2008. *Escape Routes: Control and Subversion in the 21st Century*. London: Pluto Press.
- Pham, H.T. 2009. 'When Immigration Borders Move', *Florida Law Review* 61: 1115–1128.
- Polanyi, K. 2001. *The Great Transformation. The Political and Economic Origins Of Our Time*. Boston: Beacon Press Beacon Press.
- Sack, R.D. 1986. *Human Territoriality: Its Theory and History*. Cambridge: Cambridge University Press.
- Sassen, S. 1990. *The Mobility of Labor and Capital. A Study in International Investment and Labor Flow*. Cambridge: Cambridge University Press.
- Sohn, C. 2015. 'On Borders' Multiplicity: A Perspective from Assemblage Theory'. *Working Paper 10, EUBORDERSCAPES*. Retrieved 10 January 2020 from <https://bit.ly/3p5OO5o>.
- Tazzioli, M. 2017. 'Containment Through Mobility: Migrants' Spatial Disobediences and the Reshaping of Control through the Hotspot System', *Journal of Ethnic and Migration Studies* 44(16): 2764–2779.
- UNHCR. 2012. 'Contribute to the Dialogue on Migration and Asylum'. UNHCR–Greece Office. Available at [https://www.unhcr.org/gr/wp-content/uploads/sites/10/2017/10/2012\\_Migration\\_Asylum\\_GR.pdf](https://www.unhcr.org/gr/wp-content/uploads/sites/10/2017/10/2012_Migration_Asylum_GR.pdf).
- Walters, W. 2004. 'Secure Borders, Safe Haven, Domopolitics', *Citizenship Studies* 8(3): 237–260.
- . 2008. 'Acts of Demonstration: Mapping the Territory of (Non)Citizenship', in E. Isin and G. Neilson (eds), *Acts of Citizenship*. London: Zed Books, pp. 182–207.
- . 2011. 'Foucault and Frontiers: Notes on the Birth of the Humanitarian Border', in U. Bröckling, S. Krasmann and T. Lemke (eds), *Governmentality: Current Issues and Future Challenges*. New York: Routledge, pp. 138–164.



# 6 The Italian Migration Governance Regime and the Role of Narratives in the Policy-making Process (2011–2018)

*Andrea Terlizzi*

---

## Introduction

When studying migration control regimes, it is important to distinguish between the internal and external dimensions. While internal control policies are concerned with migrants who are already within a country's territory, external control policies target migrants at the border or outside the border before their arrival (Caponio and Cappiali 2018; Triandafyllidou and Ambrosini 2011). Concerning external migration controls, governments' main challenge is facilitating the legitimate movement of individuals while maintaining secure borders. In this respect, border management aims at ensuring 'that movement deemed beneficial [...] is unimpeded; while unwanted movement [...] is blocked' (Hansen and Papademetriou 2014: 2). From this perspective, secure borders are those that are free of unauthorized and other unwanted movements of individuals. Therefore, an effective border-control policy should be able to strike a balance between these two aspects (namely, legitimate movement of migrants and security) so that security aims do not outweigh humanitarian objectives at the risk of violating refugee and asylum seekers' rights.

This chapter focuses on border management and external migration controls in Italy and investigates the role of narratives in policy-making between 2011 and 2018. Border management is defined here as the ensemble of legislation, institutions, actors, and policy implementation practices concerned with defining, conceptualizing, and policing borders (Karamanidou and Kasperek 2018). In this regard, narratives are crucial in disseminating and articulating ideas that specify the problems at stake in border management and what to do to solve them. As such, narratives and argumentation constitute an important factor in the process of designing border-control policies.

In presenting the leading institutions and actors involved in implementing external migration control measures in Italy, the chapter first identifies the key issues at stake—namely, the 'hotspot approach' and the externalization of border controls. Secondly, I trace the dominant policy narratives conveyed by key decision-makers in government. In so doing, I point to the

discursive blend of humanitarianism and securitization underpinning Italy's externalization strategy.

In terms of policy implications, the chapter argues that blocking the migratory flows in the countries of origin or transit—preventing migrants from seeking asylum—should not be seen as the primary goal of the overall border management policy. The Italian externalization strategy has, in fact, been mainly focused on limiting cross-border flows of migrants and, therefore, the legitimate movement of individuals seeking asylum. Moreover, Italy should reinforce the 'legal channels' for asylum seekers to access the Italian asylum system.

The chapter is organized as follows. The following section defines the concept of 'policy narrative' and briefly reviews the main academic literature on narratives and migration governance. Section 3 illustrates the methods as well as the sources of empirical material. In section 4, the key features of the Italian border management and external migration control policy between 2011 and 2018 are presented. Section 5 traces the dominant narratives that decision-makers have developed during the period under consideration. Finally, section 6 discusses the main findings and formulates policy recommendations.

## Narratives and migration governance

In his seminal work *Evidence, Argument, and Persuasion in the Policy Process*, Giandomenico Majone (1989) developed the idea that argumentation plays a central role in all stages of the policy process, setting the premises for an argumentative turn in public policy analysis (Fischer 2017; Fischer and Forester 1993). Against this backdrop, 'narrative' is a crucial analytical concept to grasp the discursive construction of public policy.

In the past several decades, the role of narratives in public policy-making has been widely discussed (Acosta et al. 2019; Blum and Kuhlmann 2019; Dudley 2013; van Eeten 2007; Esposito, Terlizzi, and Crutzen 2020; Fischer and Forester 1993; Jones, Shanahan, and McBeth 2014; Oppermann and Spencer 2016; Quaglia and Howarth 2018; Radaelli 1999; Shanahan et al. 2018; Sievers and Jones 2020; Stone 1989, 2012). The study of narratives relates to analysing ideas and the construction and dissemination of knowledge (Haas 2004; Radaelli 1995; Yee 1996). As argued by Hall (1993: 279), 'policy-makers customarily work within a framework of ideas [...] that is embedded in the very terminology through which policymakers communicate about their work'. Ideas can be defined as causal beliefs that specify cause-and-effect relationships, elucidate the issues at stake, and prescribe what to do to



solve them (Campbell 2004).<sup>1</sup> So conceived, ideas encompass both the process of issue interpretation and the elaboration of solutions. Ideas constitute the substantive content of discourse, which can be defined as the interactive process through which ideas are conveyed in institutional contexts (Schmidt 2008). Crucial to discourse is the concept of agency. In fact, following Schmidt (2008), agency can be conceived as the actions taken by actors in the form of discursive practices through which they strategically mobilize their arguments. As we shall see, the notion of policy narrative makes the concepts of ideas and discourse empirically viable.

In migration studies, the role of narratives has been extensively explored (Boswell 2011; Boswell, Geddes, and Scholten 2011; Carling and Hernández-Carretero 2011; D'Amato and Lucarelli 2019; Gianfreda 2018; Greussing and Boomgaarden 2017; Korkut, Terlizzi, and Gyollai 2020; Steinhilper and Grujters 2018). By focusing on the management of unauthorized maritime migration from West Africa to Spain, Carling and Hernández-Carretero (2011) show how policy measures based on direct control, deterrence and dissuasion relate to dominant policy narratives centred on security, cooperation and protection of migrants' lives. In particular, it is shown how narratives underlying the need to protect migrants are, in effect, rhetorical tools to justify the implementation of security and control measures (see also Korkut, Terlizzi, and Gyollai 2020). Attention has also been paid to whether policy narratives are evidence-based. For example, in the field of border controls, several researchers have challenged the dominant deterrence-policy narrative based on the argument that Search and Rescue (SAR) operations constitute a 'pull factor' for irregular migration. Specifically, the mere presence of rescue boats is a factor leading to more sea-crossings. In fact, there is no empirical evidence supporting the 'pull-factor hypothesis' (Cusumano and Villa 2019, 2021; Heller and Pezzani 2017; Steinhilper and Grujters 2018).

Moving from narratives in policy-making to media narratives, research has highlighted the stereotyped interpretations of refugee and asylum issues that help to shape the audience's understanding of the so-called '2015 refugees crisis' (Greussing and Boomgaarden 2017), as well as the increasing normalization of extreme and anti-immigrant claims in European national newspapers (D'Amato and Lucarelli 2019). Referring to the Italian case, Ceccorulli (2019) argues that mainstream media narratives—especially vis-à-vis the Mare Nostrum operation—have overlooked the actors directly involved in the crisis (migrants and local actors engaged with the reception system). This oversight has contributed to a misrepresentation of the phenomenon—namely, an overemphasis on the negative consequences of migration. More-

---

<sup>1</sup> Definitions of ideas abound in the literature (for a review, see, for example, Campbell 2002).

over, while a humanitarian narrative was present in the media, this was mainly focused on victimizing migrants—instead of insisting on the need to protect their rights—and it was also used to support securitarian arguments.

This chapter focuses on narratives conveyed in migration policy-making processes. Through narratives, policy-makers articulate and make sense of complexity and uncertainty, provide justificatory arguments to legitimize decisions, and strategically shape opinions with the aim of controlling policy agendas (Acosta et al. 2019; Crow and Jones 2018; Majone 1989; Sievers and Jones 2020). Therefore, for the purpose of this chapter, policy narratives are defined as the set of arguments that decision-makers construct and mobilize to influence policy choices and establish the assumptions for policy-making in the face of high uncertainty and complexity. Echoing Boswell, Geddes, and Scholten (2011), I conceive of policy narratives as comprising two sets of arguments concerned with 1) the policy issue to be addressed and; 2) how the identified policy measures will solve the issue.

## Methods and data

Empirical evidence provided in this chapter is mainly drawn from official central government documents,<sup>2</sup> parliamentary committees reports, reports by both governmental and non-governmental institutions, speeches by national decision-makers, and interviews with experts, key interlocutors, and decision-makers. The period under consideration is 2011–2018.<sup>3</sup>

Concerning the analysis of policy narratives, I place particular focus on speeches and statements delivered in institutional contexts—mainly parliamentary speeches—by government actors. Text data have been analysed through qualitative content analysis using NVivo software. The empirical material was systematically interpreted and translated into categories of a coding frame. A combination of induction and deduction has generated categories identifying the key narratives over border management and external migration control. An inductive approach makes it possible for categories to emerge from the data (data-driven) and to then group them into categories deductively derived from theory (concept-driven) (Schreier 2012).

---

<sup>2</sup> Mainly the Ministry of the Interior and the Ministry of Foreign Affairs.

<sup>3</sup> Between 2011 and 2018, there were five governments: the Berlusconi government (centre-right, May 2008–November 2011), the Monti government (technocratic, November 2011–April 2013), the Letta government (grand coalition, April 2013–February 2014), the Renzi government (centre-left, February 2014–December 2016), and the Gentiloni government (centre-left, December 2016–June 2018). The Conte I government (populist, June 2018–September 2019) was not included in the analysis since it just took office when the data collection and analysis started.

Therefore, the coding strategy consisted of two rounds. In the first round of coding, categories were generated inductively. In the second round, those categories were grouped into macro-categories derived from key concepts we find in the literature on migration governance (Table 6.1). Text pointing to the need to collaborate with and provide assistance to African countries was grouped into the macro-category ‘externalization’, which refers to those ‘extraterritorial state actions to prevent migrants, including asylum seekers, from entering the legal jurisdictions or territories of destination countries’ (Frelick, Kysel, and Podkul 2016: 193). Those segments of text referring to the need to save migrant’s lives and protect their human rights were grouped into the macro-category labelled ‘humanitarianism’, which encompasses those activities ‘intended to relieve suffering, stop preventable harm, save lives at risk, and improve the welfare of vulnerable populations’ (Barnett 2013: 383). Text passages referring to the fight against illegal immigration and the smuggling of migrants were grouped into the ‘securitization’ macro-category. Finally, text stressing the need to redistribute responsibilities between member states, strengthen collaboration with the EU, and reform the Dublin Regulation<sup>4</sup> was grouped into the macro-category ‘EU solidarity’.

**Table 6.1. Coding frame**

<b>Inductively generated categories (data-driven)</b>	<b>Macro-categories (concept-driven)</b>
<ul style="list-style-type: none"> <li>• Need to collaborate with African countries</li> <li>• Need to provide assistance to African countries</li> </ul>	Externalization
<ul style="list-style-type: none"> <li>• Saving migrants’ lives</li> <li>• Protect human rights</li> </ul>	Humanitarianism
<ul style="list-style-type: none"> <li>• Need to fight against illegal immigration</li> <li>• Need to fight against the smuggling of migrants</li> </ul>	Securitization
<ul style="list-style-type: none"> <li>• Need for a fair distribution of responsibilities between member states (burden-sharing)</li> <li>• Need for intense and comprehensive collaboration with the EU</li> <li>• Need to change/abandon the Dublin Regulation</li> </ul>	EU solidarity

---

<sup>4</sup> According to the Dublin Regulation, the member state responsible for examining an asylum application is the one through which the asylum seeker first entered the EU (for details, see Ibrido and Terlizzi 2019).

## Key developments in the Italian external migration control policy regime

Between 2011 and 2018, two key features in the development of the Italian external migration control policy regime can be identified: the adoption of the ‘hotspot approach’ and the externalization of border controls (Terlizzi 2019).

### *The ‘hotspot approach’*

The ‘hotspot approach’ was launched as part of the European Agenda on Migration in 2015 and aims to provide assistance to countries with high migratory pressure and to coordinate the activities of EU and national authorities at the external borders. ‘Hotspots’<sup>5</sup> are facilities for initial reception, identification, registration and fingerprinting of migrants arriving in the EU by sea. In implementing the European Agenda on Migration, the Ministry of the Interior has drafted a document titled the ‘Italian Roadmap’, which includes measures aimed at improving ‘the capacity, quality and efficiency of the Italian asylum system in the areas of first reception and repatriation’ (Government of Italy 2015: 2). The Ministry of the Interior has also issued a document containing the Standard Operating Procedures (SOPs) applicable to the Italian hotspots. As defined in the document, a hotspot is a

designated area, usually (but not necessarily) in the proximity of a landing place where, as soon as possible and consistent with the Italian regulatory framework, new arrivals land safely and are subjected to medical screenings. [Migrants] are controlled, pre-identified, and, after having been informed about their current condition as irregular immigrants and the possibility to apply for international protection, they are fingerprinted (Government of Italy 2015: 4).

The document also lists the basic staffing required for each hotspot. These include medical staff, a Frontex team to provide support for pre-identification and screening activities, experts from the European Asylum Support Office (EASO) to provide information on the relocation programme, Frontex experts for the verification of documents, and, finally, forensic experts to take fingerprints. Crucially, besides the ‘Italian Roadmap’ and the SOPs, hotspots lack a solid legal basis. In fact, the activities taking place within hotspots are not regulated by any EU directive or regulation nor by any Italian legislation. Despite the absence of a clear legal framework regu-

---

<sup>5</sup> Currently, there are four hotspots on Italian territory (in Lampedusa, Messina, Pozzallo, and Taranto).

lating hotspots,<sup>6</sup> the latter have become crucial within the Italian asylum system and the relocation procedure.

Non-governmental actors have reported several issues.<sup>7</sup> For example, the Association for Legal Studies on Immigration (Associazione per gli Studi Giuridici sull'Immigrazione, ASGI) highlighted that hotspots have become part of 'a standard procedure [according to which] migrants are detained without any court order, forced to be fingerprinted, and classified as asylum seekers or economic migrants depending on a summary assessment' (AIDA 2017: 25; see also Extraordinary Commission for the Protection and Promotion of Human Rights 2017). On many occasions, nationality has been used as a filtering criterion to classify people as 'economic migrants' without analysing the case for asylum on its merits. Such migrants are notified with an expulsion order and detained in pre-removal facilities.<sup>8</sup> Moreover, it has been reported that the hotspots' occupancy levels have regularly exceeded the official capacity (Committee for the Prevention of Torture 2018). Although the identification rate in hotspots remains high, it has also been documented that Italian authorities have in some cases elected not to identify migrants on purpose to 'avoid' the Dublin procedure since they are aware that most people arriving in Italy are attempting to reach other countries.<sup>9</sup>

### *The externalization of border controls*

A variety of actions can be categorized as 'externalization measures', including both direct (for example, interdiction at land borders and sea) and indirect actions (for example, supporting border management policies in third countries). Externalization can occur through either bilateral and multilateral states' agreements or unilateral initiatives through which admission procedures and decisions become no longer confined to the actual physical border but involve the point of departure (or of transit) as well (Frelick, Kysel, and Podkul 2016; Menjivar 2014). In a nutshell, the term externalization refers to 'a process that moves the migration control policies beyond the (European) external borders' (Biondi 2012; see also Guild and Bigo 2005).

---

<sup>6</sup> Vague reference to hotspots is provided only in Legislative Decree No. 13 of 17 February 2017, "Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto dell'immigrazione illegale" (Oxfam 2016; Pannia et al. 2018).

<sup>7</sup> Interview with an office manager (NGO), 7 November 2018.

<sup>8</sup> Interview with a migration expert, 24 October 2018.

<sup>9</sup> Interview with an office manager (NGO), 7 November 2018; interview with a migration expert, 24 October 2018.

Externalization has always been one of the most important features of the overall EU strategy of border management (Müller and Slominski 2021). As stated in a document issued by the Italian Recreational and Cultural Association (Associazione Ricreativa Culturale Italiana, ARCI), ‘the actual goal of the EU, with the Italian government in the front line, is to try to draw up our borders in Africa, or even at the countries of departure themselves, blocking at source “economic” migrants and asylum seekers’ (ARCI 2016: 8). In November 2015, the EU Emergency Trust Fund for Africa (EUTF) was set up by the European Commission, 25 EU member states, as well as Norway and Switzerland. The aim is to foster stability and contribute to better migration management, as well as ‘to address the root causes of destabilization, forced displacement and irregular migration by promoting economic and equal opportunities, security and development’ (European Commission 2018: 7). Clearly, the objective of the fund is to support countries of origin and transit to block the flow of migrants, as well as to advance development projects seeking to remove the causes of migration and establish an African borders control system to identify transiting migrants (ARCI 2016).

To curb migration flows, Italy has been relying upon cooperation with African countries since the 1990s, long before the EUTF was set up.<sup>10</sup> Important bilateral agreements were signed with Tunisia, Libya, and Egypt within the time period under consideration (2011–2018). In 2011, Italy recognized Libya’s National Transitional Council (NTC) and a Memorandum of Understanding (MoU) was signed. According to this agreement, ‘the Parties shall exchange information on flows of illegal immigration [and] on the criminal organizations that facilitate them, [as well as] provide mutual assistance and cooperation in the fight against illegal immigration, including the return of illegal immigrants’.<sup>11</sup> Bilateral cooperation between the two countries has been consolidated through other agreements signed during 2012. As a result of these agreements, Italy committed to providing the necessary technical support to help Libyan authorities control Libya’s borders, seen as a meaningful contribution to the control of Italian (maritime) borders. In 2011, accords were signed with Egypt and Tunisia as well, with the latter setting ‘concrete measures to prevent irregular arrivals in Italy and to repatriate Tunisian nationals arriving in the country’ (Paoletti 2012).

In 2017, another MoU was signed between the Italian and Libyan governments. The agreement reactivated the Friendship, Partnership and Cooperation Treaty signed in 2008. As stated in the document, Italy commits to pro-

---

<sup>10</sup> Agreements were signed with North African Mediterranean countries, such as Algeria, Egypt, Libya, Morocco, and Tunisia (see, for example, Marchetti 2010). As for Italian–Libyan cooperation, see for example, Klepp (2010).

<sup>11</sup> Memorandum of Understanding, 17 June 2011. Available at <http://download.repubblica.it/pdf/2011/migrazione.pdf>.

vide ‘support and funding for growth programmes in regions affected by illegal immigration, in various sectors, such as renewable energy, infrastructure, health, transport, human resource development, education, staff training and scientific research’.<sup>12</sup> Moreover, Italy provides technical and technological support to the Libyan authorities in charge of the fight against irregular immigration, mainly represented by the Libyan navy and the coastguard. As with the 2008 Treaty, several concerns have been raised by human rights organizations, which pointed to the ‘arbitrary detention of migrants, abuse and torture at the hands of the Libyan authorities’ (Bajec 2018). As reported by Amnesty International (2018: 212), Italy has continued

to implement measures to increase the Libyan coastguard’s capacity to intercept refugees and migrants and take them back to Libya. This was done amidst growing evidence of the Libyan coastguard’s violent and reckless conduct during interceptions of boats and of its involvement in human rights violations.

As argued by Paoletti (2012), bilateral relations between Italy and North African countries ‘demonstrates numerous elements of continuity pointing to the dominance of domestic interests over human rights considerations, [in that] border control is prioritized over a more comprehensive human rights policy framework’. In fact, since cooperation is established with countries where systematic violations of human rights are reported, the Italian externalization strategy certainly poses serious concerns in terms of respect of refugees and asylum seekers fundamental rights<sup>13</sup> (see also Frelick, Kysel, and Podkul 2016; Steinhilper and Grujters 2018; Villa, Grujters, and Steinhilper 2018). Border externalization may indeed ‘attempt to (or effectively) limit formal legal obligations, including the right to seek and enjoy asylum, by preventing migrants from ever coming under the jurisdiction of destination states’ (Frelick, Kysel, and Podkul 2016: 197). In Italy, there have been cases of collective pushbacks preventing migrants from applying for asylum.<sup>14</sup> In 2012, the practice was ruled unlawful by the European Court of Human Rights in the *Hirsi Jamaa v. Italy* judgement.<sup>15</sup> Though Italian gov-

---

<sup>12</sup> Memorandum of Understanding, 2 February 2017. Available at <http://www.governo.it/sites/governo.it/files/Libia.pdf>. On similar grounds, in 2017 the Italian government has also renovated the cooperation over border management and security with Tunisia.

<sup>13</sup> Interview with a migration expert, 03 December 2018; interview with an activist, 23 November 2018.

<sup>14</sup> Interview with a legal expert, 18 October 2018.

<sup>15</sup> The case concerned Somali and Eritrean nationals intercepted by Italian authorities on 6 May 2009. Pushbacks were part of the Italian government’s efforts to interrupt the flows of migrants by sea from Libya, and were conducted in agreement with Libyan authorities (for details, see Papanicolopulu 2013).

ernments have declared that no more pushbacks towards Libya will be carried out, Italy is still engaged in preventing migrants from reaching Italian shores, and cooperation with Libya for the purpose of migration control has continued.

Overall, what is striking is that, although decision-makers have constantly highlighted the need to fight ‘illegal’ immigration, ‘legal channels’ for asylum seekers to access Italian territory remain weak. These channels are mainly implemented through the ‘humanitarian corridors’ (*corridoi umanitari*) project.<sup>16</sup> This innovative project was launched in 2015 with an MoU between the Ministry of Foreign Affairs, the Ministry of the Interior, the Community of Sant’Egidio, the Federation of Protestant Churches in Italy (La Federazione delle chiese evangeliche in Italia) and the Waldensian Evangelical Church (Chiesa evangelica valdese). The legal basis of the project, which is not a government initiative and does not receive public financing, is Article 25 of the Regulation (EC) No 810/2009. Member States can issue humanitarian visas valid for their territory based on this regulation. The aim is to facilitate the safe and legal arrival in Italy of potential beneficiaries of international protection (especially the most vulnerable).<sup>17</sup>

## Policy narratives and the externalization strategy: Between humanitarianism and securitization

As a legal expert has commented, the Italian approach to border management in the last few years can be defined as ‘schizophrenic’. There have been periods in which access to the territory has been restricted harshly and periods of relative openness, above all vis-à-vis search and sea rescue operations.<sup>18</sup> The same definition might apply to the discourses developed in the public debate. As the analysis shows, the narrative has swung between humanitarianism and securitization of border management, with a constant emphasis on solidarity and externalization (see Table 6.1).

Narratives of humanitarianism have focused on the commitment by the Italian government and EU institutions to save migrants’ lives and protect their

---

<sup>16</sup> Interview with a migration expert, 24 October 2018; interview with an office manager (NGO), 7 November 2018; interview with a decision-maker (law enforcement), 13 December 2018.

<sup>17</sup> By early 2019, around 2000 people (mostly Syrians) have arrived in Italy through the ‘humanitarian corridors’ (Terlizzi 2019). For more information about the humanitarian corridors see Comunità di Sant’Egidio (2019) and <https://www.santegidio.org/pageID/30112/langID/it/CORRIDOI-UMANITARI.html>.

<sup>18</sup> Interview with a legal expert, 18 October 2018.



human rights. However, the humanitarian discourse is inextricably intertwined with that of securitization. Indeed, humanitarianism and securitization have often gone hand in hand. Crucial to the analysis of the ‘humanitarian–security nexus’ is the discourse developed around Operation Mare Nostrum.<sup>19</sup> Officially a humanitarian mission aimed at saving lives at sea, the Italian government launched the operation as a response to the Lampedusa shipwreck of 3 October 2013, when 368 migrants died after their boat sank before reaching Italian shores. However, the operation was also presented as a security mission to capture smugglers (Cuttitta 2014). As stated by the then Minister of Foreign Affairs Emma Bonino (Italian Radicals),<sup>20</sup> ‘Operation Mare Nostrum [...] certainly has the merit of saving people [...] but [it also represents] the possibility of filtering and controlling refugees who are ‘less refugees’ [than they are economic migrants]’.<sup>21</sup>

The securitarian–humanitarian mix has also characterized the discourse over the need to establish cooperation with and provide assistance to African countries, even before 2011. Italian decision-makers have always considered the externalization of border management and migration control as a winning strategy to curb migratory flows. In 2006, concerning deaths at sea, the then Minister of the Interior Giuliano Amato (Independent)<sup>22</sup> declared that ‘[we need] to stop the flow of illegal immigration because it is a flow organized by [...] criminal organizations that put migrants’ lives at risk, first in the desert and then in the crossing of the Mediterranean’.<sup>23</sup> One year later, an agreement for the joint patrolling of the Libyan coast was presented as necessary to stop smugglers and, therefore, save human lives and disrupt criminal organizations. In 2009, when Italian authorities conducted several pushback operations, the then Minister of the Interior Roberto Maroni (Northern League)<sup>24</sup> declared that ‘since the agreement with Libya came into force, [thousands of people] have not left Libya. This is the most positive fact, I believe, because the [...] tragedy of so many deaths at sea has been avoided’.<sup>25</sup> Pushbacks were even defined as ‘an act of great humanity’<sup>26</sup> by

---

<sup>19</sup> Mare Nostrum was a military operation launched on 14 October 2013 and enhanced by a resolution of the Council of Ministers approved on the same day. It started on 18 October 2013 and ended on 31 October 2014.

<sup>20</sup> Government led by Enrico Letta (grand coalition, 2013–2014)

<sup>21</sup> Parliamentary intervention, 12 December 2013.

<sup>22</sup> Government led by Romano Prodi (centre-left, 2006–2008).

<sup>23</sup> Parliamentary intervention, 3 August 2006.

<sup>24</sup> Government led by Silvio Berlusconi (centre-right, 2008–2011).

<sup>25</sup> Parliamentary intervention, 23 September 2009.

<sup>26</sup> ‘Immigrati: Berlusconi, respingimenti sono atto di umanità’, 25 May 2009, available at <http://www1.adnkronos.com/Archivio/AdnAgenzia/2009/05/25/Politica/>

then Prime Minister Silvio Berlusconi. Similarly, in 2011, Maroni argued that cooperation with Tunisia in border surveillance at sea ‘is absolutely important [...] because it serves to prevent landings, which is always the best thing to do since it makes it possible to save human lives’.<sup>27</sup>

The need to externalize border controls was also emphasized in official documents. According to a 2013 report by the Parliamentary Committee Responsible for Monitoring the Implementation of the Schengen Agreement, migration flows should be governed ‘with a view to solidarity in the management of external borders’, which makes it ‘urgent for the European Union to act as a counterpart to bilateral agreements with [...] African countries’ (Chamber of Deputies and Senate of the Republic 2013: 20). In 2016, in a letter to the Presidents of the European Commission and the European Council, the Italian Prime Minister Matteo Renzi (Democratic Party)<sup>28</sup> stated that ‘the management of migratory flows is no longer sustainable without a targeted and enhanced cooperation with third countries, both of origin and transit’.<sup>29</sup> The letter introduced a ‘non-paper’, which the Italian government labelled a ‘Migration Compact’. It stressed that all initiatives in the field of migration controls should focus ‘first and foremost on African countries of origin and transit’.<sup>30</sup> In this respect, the EU and its member states could offer third countries incentives like investment projects, cooperation on security, legal migration opportunities, and resettlement schemes. For its part, the EU might request stronger commitments to effective border control and reduce flows towards Europe, cooperation on returns/readmissions, management of migration and refugee flows, and strengthening the fight against trafficking in human beings and the smuggling of migrants.

In 2017, the idea that cooperation with third countries was needed to prevent life-threatening crossings and save human lives was remarked in a letter to the Council of Europe Commissioner for Human Rights by the then Minister of the Interior Marco Minniti (Democratic Party).<sup>31</sup> Minniti stated that supporting Libyan authorities in border control ‘contributes to reducing the risk

---

IMMIGRATI-BERLUSCONI-RESPINGIMENTI-SONO-ATTO-DI-  
UMANITA\_095029.php.

<sup>27</sup> Parliamentary intervention, 7 April 2011.

<sup>28</sup> Centre-left Government, 2014–2016.

<sup>29</sup> Letter to the Presidents of the European Commission and the European Council, 15/04/2016.

<sup>30</sup> Migration Compact: Contribution to an EU strategy for external action on migration, April 2016, p. 1.

<sup>31</sup> Government led by Paolo Gentiloni (centre-left, 2016–2018).

of accidents and shipwrecks, a risk that can only be eliminated by stopping departures'.<sup>32</sup>

The narrative related to the need for solidarity and fair distribution of responsibilities (burden-sharing) between EU member states has also played a crucial role in developing Italy's externalization strategy. As stated in 2011 by then Minister of the Interior Roberto Maroni,<sup>33</sup>

a system that leaves the individual coastal states of the southern Mediterranean alone to manage unilaterally or bilaterally such important issues as illegal immigration cannot work [...]. Italy cannot be the only country that carries out [actions] in all Maghreb countries.<sup>34</sup>

The Parliamentary Committee Responsible for Monitoring the Implementation of the Schengen Agreement in 2013 also stressed the need

to identify at the European level concrete ways of supporting countries such as Italy, which are particularly exposed [...] to flows of refugees, [and] to ensure that the burden of flows is appropriately shared among the Member States of the European Union (Parliament of Italy 2013: 16, 19).

This discourse is undoubtedly linked to the pitfalls of the Dublin Regulation, which national decision-makers have highlighted on several occasions.

## Discussion and conclusion

This chapter has aimed to investigate the Italian border management and external migration control regime and its developments from 2011 to 2018. In particular, it has explored the dominant policy narratives mobilized by key decision-makers in government to legitimize decisions in this policy domain.

Several key issues have been identified in presenting the main developments in the Italian external migration control policy regime. These are primarily related to 1) the 'hotspot approach' and 2) the externalization strategy. As far as the implementation of the 'hotspot approach' is concerned, the activities taking place in hotspots lack a clear and solid legal basis. In fact, hotspots are not regulated by any EU directive or regulation nor by primary Italian legislation, as they are provided for and disciplined by secondary legislation. Moreover, several criticisms have been reported by non-governmental ac-

---

<sup>32</sup> Letter to the Council of Europe Commissioner for Human Rights, 11 October 2017.

<sup>33</sup> Government led by Silvio Berlusconi (centre-right, 2008–2011).

<sup>34</sup> Parliamentary intervention, 7 April 2011.

tors. Concerns have been related to the identification procedure, with migrants who have been often classified either as asylum seekers or economic migrants depending on an approximate and superficial assessment. Poor living conditions and severe violations of fundamental rights in hotspots and pre-removal facilities have also been detected. Moreover, although the identification rate in hotspots remains high, no positive results were achieved regarding the relocation policy.

Concerning the border externalization strategy, Italy has signed several agreements with African countries to curb migratory flows. However, the countries with which Italy has established cooperation have shown reports of systematic violations of migrants' rights. In this respect, the Italian authorities appear to have entirely overlooked the humanitarian consequences of the restrictive control policies implemented in agreement with African countries. Moreover, by preventing migrants from ever coming under Italian jurisdiction, externalization might directly violate the right to seek and benefit from asylum.

This study has also traced the dominant policy narratives related to border management and external migration controls in Italy through a qualitative content analysis of text data. The chapter has defined policy narratives as a set of arguments that decision-makers construct and mobilize to influence policy choices and establish the assumptions for policy-making. In particular, a narrative is made of two components: 1) a set of arguments about the issue to be addressed and; 2) a set of arguments about how the identified policy measures will solve the issue. Italian decision-makers have constantly pointed to the excessive migratory pressure and 'illegal immigration'<sup>35</sup> as the problems to solve. As for the solutions, it has been shown that policy narratives have mainly revolved around the need to save migrants' lives and protect their human rights (humanitarianism), as well as to combat illegal immigration and smuggling of migrants (securitization).

Interestingly, these narratives have cut across partisan divides and have often gone hand in hand, showing the crucial role of the humanitarian–security nexus in the development and design of the Italian externalization strategy. In this regard, humanitarian rhetoric has been mobilized to legitimize the implementation of security policy measures (Cuttitta 2018; Korkut, Terlizzi, and Gyollai 2020; Sciarba and Furri 2018). Moreover, evidence shows that decision-makers—in centre-left, centre-right, technocratic, and grand coalition governments alike—have emphasized the need for solidarity and fair

---

<sup>35</sup> Since 1975, the General Assembly of the United Nations has recommended the use of the terms 'undocumented' or 'irregular' migrants. Nevertheless, expressions such as 'illegal' or 'clandestine' are frequently found in the material (even in official documents). These terms have to be considered inappropriate both from a formal and a substantial point of view (see Liguori 2019).

distribution of responsibilities between EU member states to tackle migration flows (burden-sharing).

Overall, in terms of policy implications, it is important to highlight that while the main issue at stake has always been ‘illegal’ immigration, on very few occasions have decision-makers pointed to the need to implement safe and legal channels for asylum seekers and refugees. Italy should reinforce the ‘legal channels’ for asylum seekers to access the Italian asylum system. Currently, such channels are in effect guaranteed by the ‘humanitarian corridors’ (*corridoi umanitari*). However, this is not an official government initiative. Strengthening legal access would facilitate safe arrival in Italy for the beneficiaries of international protection. Moreover, the Italian externalization strategy has been mainly focused on limiting cross-border flows of migrants. In striking a balance between maintaining secure borders and allowing the legitimate movement of individuals seeking asylum, Italy should better evaluate the humanitarian consequences of its securitarian border externalization policy.

## References

- Acosta, M., M. van Wessel, S. van Bommel, E.L. Ampaire, L. Jassogne, and P. H. Feindt. 2019. ‘The Power of Narratives: Explaining Inaction on Gender Mainstreaming in Uganda’s Climate Change Policy’, *Development Policy Review*: 1–27, <https://doi.org/10.1111/dpr.12458>.
- AIDA. 2017. ‘Country Report: Italy’. Retrieved 1 September 2021 from <https://en.asgi.it/aida-country-report-italy/>.
- Amnesty International. 2018. ‘Amnesty International Report 2017/2018: The State of the World’s Human Rights’. London: Amnesty International.
- ARCI. 2016. ‘Steps in the Process of Externalisation of Border Controls to Africa, from the Valletta Summit to Today’. Rome: ARCI.
- Bajec, A. 2018. ‘Working to Control Migration Flows: Italy, Libya and Tunisia’. Retrieved 1 September 2021 from <https://www.aspeniaonline.it/working-to-control-migration-flows-italy-libya-and-tunisia/>.
- Barnett, M. N. 2013. ‘Humanitarian Governance’, *Annual Review of Political Science* 16(1): 379–98.
- Biondi, P. 2012. ‘The Externalization of the EU’s Southern Border in Light of the EU/Libya Framework Agreement: A Lawful Alternative or a Neo-Refoulement Strategy?’ *Vienna Journal on International Constitutional Law* 6(1): 144–207.
- Blum, S., and J. Kuhlmann. 2019. ‘Stories of How to Give or Take: Towards a Typology of Social Policy Reform Narratives’, *Policy and Society* 38(3): 339–55, <https://doi.org/10.1080/14494035.2019.1657607>.
- Boswell, C. 2011. ‘Migration Control and Narratives of Steering’, *British Journal of Politics and International Relations* 13(1): 12–25.

- , A. Geddes, and P. Scholten. 2011. ‘The Role of Narratives in Migration Policy-Making: A Research Framework’, *British Journal of Politics and International Relations* 13: 1–11.
- Campbell, J. L. 2002. ‘Ideas, Politics, and Public Policy’, *Annual Review of Sociology* 28: 21–38.
- . 2004. *Institutional Change and Globalization*. Princeton, NJ: Princeton University Press.
- Caponio, T., and T. M. Cappiali. 2018. ‘Italian Migration Policies in Times of Crisis: The Policy Gap Reconsidered’, *South European Society and Politics* 23(1): 115–32.
- Carling, J., and M. Hernández-Carretero. 2011. ‘Protecting Europe and Protecting Migrants? Strategies for Managing Unauthorised Migration from Africa’, *British Journal of Politics and International Relations* 13(1): 42–58.
- Ceccorulli, M. 2019. ‘Così è (Se vi Pare): Talking Migration to Italians’, *The International Spectator* 54(3): 18–36, <https://doi.org/10.1080/03932729.2019.1641358>.
- Comunità di Sant’Egidio. 2019. ‘Dossieri Corridoi Umanitari in Europa’.
- Committee for the Prevention of Torture. 2018. *Report to the Italian Government on the Visit to Italy Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 13 June 2017*. Strasbourg: Council of Europe.
- Crow, D., and M. Jones. 2018. ‘Narratives as Tools for Influencing Policy Change’, *Policy & Politics* 46(2): 217–34.
- Cusumano, E., and M. Villa. 2019. ‘Sea Rescue NGOs: A Pull Factor of Irregular Migration?’ *Migration Policy Centre Policy Briefs 2019/22*.
- . 2021. ‘From ‘Angels’ to ‘Vice Smugglers’: The Criminalization of Sea Rescue NGOs in Italy’. *European Journal on Criminal Policy and Research* 27: 23–40. <https://doi.org/10.1007/s10610-020-09464-1>.
- Cuttitta, P. 2014. ‘From the Cap Anamur to Mare Nostrum: Humanitarianism and Migration Controls at the EU’s Maritime Borders’, in C. Matera and A. Taylor (eds), *The Common European Asylum System and Human Rights: Enhancing Protection in Times of Emergencies* The Hague: CLEER.
- . 2018. ‘Repoliticization Through Search and Rescue? Humanitarian NGOs and Migration Management in the Central Mediterranean’. *Geopolitics* 23(3): 632–60, <https://doi.org/10.1080/14650045.2017.1344834>.
- D’Amato, S., and S. Lucarelli. 2019. ‘Talking Migration: Narratives of Migration and Justice Claims in the European Migration System of Governance’. *The International Spectator* 54(3): 1–17.
- Dudley, G. 2013. ‘Why Do Ideas Succeed and Fail Over Time? The Role of Narratives in Policy Windows and the Case of the London Congestion Charge’. *Journal of European Public Policy* 20(8): 1139–56.
- Espósito, G., A. Terlizzi, and N. Crutzen. 2020. ‘Policy Narratives and Megaprojects: The Case of the Lyon-Turin High-Speed Railway’, *Public Management Review*: 1–25, <https://doi.org/10.1080/14719037.2020.1795230>.

- European Commission. 2018. '2017 Annual Report EU Trust Fund for Africa'. Luxembourg: Publications Office of the European Union.
- Extraordinary Commission for the Protection and Promotion of Human Rights. 2017. 'Rapporto Sui Centri Di Identificazione Ed Espulsione in Italia'. Rome: Senate of the Republic.
- Fischer, F. 2017. 'In Pursuit of Usable Knowledge: Critical Policy Analysis and the Argumentative Turn', in F. Fischer, D. Torgerson, A. Durnová, and M. Orsini (eds), *Handbook of Critical Policy Studies*. Cheltenham: Edward Elgar.
- , and J. Forester (eds). 1993. *The Argumentative Turn in Policy Analysis and Planning*. London: Duke University Press.
- Frelick, B., I. Kysel, and J. Podkul. 2016. 'The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants', *Journal on Migration and Human Security* 4(4): 190–220, <https://doi.org/10.1177/233150241600400402>.
- Gianfreda, S. 2018. 'Politicization of the Refugee Crisis? A Content Analysis of Parliamentary Debates in Italy, the UK, and the EU' *Italian Political Science Review/Rivista Italiana di Scienza Politica* 48(1): 85–108.
- Government of Italy. no date. 'Standard Operating Procedures (SOPs) Applicable to Italian Hotspots'. Rome: Ministry of the Interior.
- . 2015. *Roadmap Italiana*. Rome: Ministry of the Interior.
- Greussing, E, and H.G. Boomgaarden. 2017. 'Shifting the Refugee Narrative? An Automated Frame Analysis of Europe's 2015 Refugee Crisis', *Journal of Ethnic and Migration Studies* 43(11): 1749–74.
- Guild, E., and D. Bigo (eds). 2005. *Controlling Frontiers: Free Movement Into and Within Europe*. London: Routledge.
- Haas, P. M. 2004. 'When Does Power Listen to Truth? A Constructivist Approach to the Policy Process', *Journal of European Public Policy* 11(4): 569–92.
- Hall, P. A. 1993. 'Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain', *Comparative Politics* 25(3): 275–96.
- Hansen, R., and D.G. Papademetriou. 2014. *Securing Borders: The Intended, Unintended, and Perverse Consequences*. Washington, D. C.: Migration Policy Institute.
- Heller, C., and L. Pezzani. 2017. *Blaming the Rescuers*. London: University of London, Goldsmiths College.
- Ibrido, R., and C. Marchese. 2020. 'Integration Policies, Practices, and Experiences: Italy Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/54, June 2020*. Available at <http://uu.diva-portal.org/smash/record.jsf?pid=diva2%3A1440496&dswid=-5115>.
- Ibrido, R., and A. Terlizzi. 2019. 'Refugee Protection Regimes: Italy Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/27, December 2019*. Available at <http://uu.diva-portal.org/smash/record.jsf?pid=diva2%3A1383389&dswid=2706>.
- Jones, M. D., E. A. Shanahan, and M. K. McBeth (eds). 2014. *The Science of Stories: Applications of the Narrative Policy Framework in Public Policy Analysis*. New York: Palgrave Macmillan.

- Karamanidou, L., and B. Kasparek. 2018. 'Border Management and Migration Control in the EU'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/14, July 2018*. Available at <http://uu.diva-portal.org/smash/get/diva2:1248445/FULLTEXT01.pdf>.
- Klepp, S. 2010. 'A Contested Asylum System : The European Union between Refugee Protection and Border Control in the Mediterranean Sea', *European Journal of Migration and Law* 12: 1–21.
- Korkut, U., A. Terlizzi, and D. Gyollai. 2020. 'Migration Controls in Italy and Hungary: From Conditionalized to Domesticized Humanitarianism at the EU Borders', *Journal of Language and Politics* 19(3): 391–412.
- Liguori, A. 2019. *Migration Law and the Externalization of Border Controls: European State Responsibility*. Abingdon: Routledge.
- Majone, G. 1989. *Evidence, Argument, and Persuasion in the Policy Process*. New Haven: Yale University Press.
- Marchetti, C. 2010. 'Expanded Borders: Policies and Practices of Preventive Refoulement in Italy', in M. Geiger and A. Pécoud (eds), *The Politics of International Migration*. Basingstoke: Palgrave Macmillan.
- Menjívar, C. 2014. 'Immigration Law Beyond Borders: Externalizing and Internalizing Border Controls in an Era of Securitization'. *Annual Review of Law and Social Science* 10: 353–69.
- Müller, P., and P. Slominski. 2021. 'Breaking the Legal Link but Not the Law? The Externalization of EU Migration Control through Orchestration in the Central Mediterranean', *Journal of European Public Policy* 28(6): 801–820, <https://doi.org/10.1080/13501763.2020.1751243>.
- Oppermann, K., and A. Spencer. 2016. 'Telling Stories of Failure: Narrative Constructions of Foreign Policy Fiascos', *Journal of European Public Policy* 23(5): 685–701, <http://dx.doi.org/10.1080/13501763.2015.1127272>.
- Oxfam. 2016. 'Hotspots, Rights Denied'. Oxford: Oxfam.
- Pannia, P., V. Federico, A. Terlizzi, and S. D'Amato. 2018. 'Comparative Report: Legal and Policy Framework of Migration Governance'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/15, August 2018*. Available at <http://uu.diva-portal.org/smash/get/diva2:1255350/FULLTEXT01.pdf>.
- Paoletti, E. 2012. 'Migration Agreements between Italy and North Africa: Domestic Imperatives versus International Norms'. *Middle East Institute blog*. Retrieved 1 September 2021 from [https://www.mei.edu/publications/migration-agreements-between-italy-and-north-africa-domestic-imperatives-versus#\\_ftn6](https://www.mei.edu/publications/migration-agreements-between-italy-and-north-africa-domestic-imperatives-versus#_ftn6).
- Papanicolopulu, I. 2013. 'Hirsi Jamaa v. Italy', *The American Journal of International Law* 107(2): 417–23.
- Parliament of Italy. 2013. 'Indagine Conoscitiva Sulle Nuove Politiche Europee in Materia Di Immigrazione'. Rome: Chamber of Deputies and Senate of the Republic.
- Quaglia, L., and D. Howarth. 2018. 'The Policy Narratives of European Capital Markets Union', *Journal of European Public Policy* 25(7): 990–1009.



- Radaelli, C. M. 1995. 'The Role of Knowledge in the Policy Process', *Journal of European Public Policy* 2(2): 159–83.
- . 1999. 'Harmful Tax Competition in the EU: Policy Narratives and Advocacy Coalitions', *Journal of Common Market Studies* 37(4): 661–82.
- Schmidt, V. A. 2008. 'Discursive Institutionalism: The Explanatory Power of Ideas and Discourse'. *Annual Review of Political Science* 11: 303–26.
- Schreier, M. 2012. *Qualitative Content Analysis in Practice*. London: SAGE.
- Sciurba, A., and F. Furri. 2018. 'Human Rights Beyond Humanitarianism: The Radical Challenge to the Right to Asylum in the Mediterranean Zone', *Antipode* 50(3): 763–82.
- Shanahan, E. A., M. D. Jones, M. K. McBeth, and C. M. Radaelli. 2018. 'The Narrative Policy Framework', in C.M. Weible and P. A. Sabatier (eds), *Theories of the Policy Process*. New York: Routledge.
- Sievers, T., and M. D. Jones. 2020. 'Can Power Be Made a Viable Concept in Policy Process Theory? Exploring the Power Potential of the Narrative Policy Framework', *International Review of Public Policy* 2(1): 1–28.
- Steinhilper, E., and R.J. Grujters. 2018. 'A Contested Crisis: Policy Narratives and Empirical Evidence on Border Deaths in the Mediterranean', *Sociology* 52(3): 515–33.
- Stone, D.A. 1989. 'Causal Stories and the Formation of Policy Agendas', *Political Science Quarterly* 104(2): 281–300.
- . 2012. *Policy Paradox: The Art of Political Decision Making*. New York: W.W. Norton & Company.
- Terlizzi, A. 2019. 'Border Management and Migration Controls in Italy: Research Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/17, June 2019*. Available at <http://uu.diva-portal.org/smash/get/diva2:1320888/FULLTEXT01.pdf>.
- Triandafyllidou, A., and M. Ambrosini. 2011. 'Irregular Immigration Control in Italy and Greece: Strong Fencing and Weak Gate-Keeping Serving the Labour Market', *European Journal of Migration and Law* 13(3): 251–73.
- van Eeten, M.M.J. 2007. 'Narrative Policy Analysis', in F. Fischer, G. J. Miller, and M. S. Sidney (eds), *Handbook of Public Policy Analysis*. Boca Raton: CRC Press.
- Villa, M., R. Grujters, and E. Steinhilper. 2018. 'Outsourcing European Border Control: Recent Trends in Departures, Deaths and Search and Rescue Activities in the Central Mediterranean'. *Oxford Border Criminologies blog*. Retrieved 1 September 2021 from <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/09/outsourcing>.
- Yee, A. S. 1996. 'The Causal Effects of Ideas on Policies', *International Organization* 50(1): 69–108.



## PART II

# Protection Regimes – Fragmented Practices and Outcomes



# 7 Governance of Refugee Protection: Challenges in Europe and Beyond

*N. Ela Gökalp-Aras, Eva (Evangelia) Papatzani,  
Zeynep Şahin Mencütek, Nadina Leivaditi,  
and Electra Petracou*

---

## Introduction

At least 79.5 million people around the world have been forced to flee their homes. These include 26 million refugees, 45 million internally displaced people, and 4 million asylum seekers, with 2019 marking a record high (UNHCR 2020a). The history of the regime and governance of refugee protection has been mixed, recording both successes and setbacks. The refugee regime has succeeded in extending international protection to millions of refugees when their home states have been unable or unwilling to do so. Despite this considerable achievement, it has, in some instances, failed to solve serious refugee protection problems and offer durable solutions for many of the world's refugees.

In 2021, the 1951 Refugee Convention<sup>1</sup> celebrates its 70<sup>th</sup> anniversary. However, it has been highly criticized for being outdated, non-responsive to particular kinds of displacement, and unable to address international responsibility-sharing. In response to new needs and existing problems and to attain better global governance of refugee protection, the United Nations (UN) adopted the Global Compact on Refugees or GCR (UNHCR 2018).<sup>2</sup> The GCR represents 'the political will and ambition of the international community as a whole for strengthened cooperation and solidarity with refugees and affected host countries' (UNHCR 2020b). However, it is far from providing an effective mechanism for refugee protection.

On the other hand, following the Syrian mass migration in 2011, the lack of political will and solidarity-based responses by most European Union (EU) member states (MS) and the absence of safe reception conditions and refu-

---

<sup>1</sup> The 1951 Refugee Convention and 1967 Protocol is available on the UNHCR website. Retrieved 5 January 2021 from <https://www.unhcr.org/about-us/background/4ec262df9/1951-convention-relating-status-refugees-its-1967-protocol.html>.

<sup>2</sup> The full text of the GCR: [https://www.unhcr.org/gcr/GCR\\_English.pdf](https://www.unhcr.org/gcr/GCR_English.pdf).

gee protection mechanisms resulted in an actual humanitarian crisis in 2015. In response, the European Commission prepared the New Pact on Migration and Asylum (European Commission 2020), which adopts a ‘crisis management’ approach to searching for remedies. However, as our research findings regarding refugee protection confirm that there has been a restrictive turn and increasing emphasis on return, the EU Pact also essentially promotes readmission and return policy through cooperation with third countries.

This chapter briefly discusses conceptual issues on protection and the historical and political events that led to the emergence of principles, rules and institutions shaping international and regional systems of protection. It focuses mainly on international protection policies, particularly on asylum procedures and refugee protection in the EU, the selected EU MS (Sweden, Germany, Poland, Italy, Greece, Austria) and non-EU countries (the UK, Turkey, Iraq, and Lebanon). The main aim of the chapter is to provide readers with the different approaches to refugee protection (from the first application to the appeals process) adopted in the countries concerned. It also details the specific aspects of refugee protection that have emerged today as crucial by looking at implementing the legal and institutional framework and its implications. These aspects include 1) a highly restrictive and complex legal framework; 2) the proliferation and fragmentation of forms of protection and asylum procedures; 3) the ambiguous role of multiple actors and; 4) the failure of the so-called ‘hotspot approach’ and the Dublin Regulation.

This chapter reflects three years of intense research undertaken through the RESPOND project<sup>3</sup> on refugee protection in ten European and non-European countries,<sup>4</sup> as well as comparative analysis on them (Gökalp-Aras et al. 2020). The present chapter offers several critical insights into the implications of refugee protection dynamics, which have undergone many changes since 2011, particularly during the post-2015 period. The chapter focuses on the comprehensive nature of protection, capturing its dynamism at the national, regional, and global levels in the selected countries.

We approach protection through a wide lens, defining it as ‘the ensemble of legislation, policies, implementation practices, institutions, and actors involved in the definition, conceptualisation and implementation of asylum

---

<sup>3</sup> This chapter is based on the research conducted in the context of the Horizon 2020 project ‘RESPOND: Multi-level Governance of Mass Migration in Europe and Beyond Project’ funded by the European Union (2017–2021).

<sup>4</sup> The national reports cover reception policies and practices between 2011 and 2018 in the following countries: Austria, Germany, Greece, Iraq, Italy, Lebanon, Poland, Sweden, Turkey, and the United Kingdom. They are referenced within the report and listed in the Reference section. The full list of publications produced in the RESPOND project is available at the project website (<https://respondmigration.com/wp-blog>).

procedures and refugee protection’ (Leivaditi et al. 2020: 9). Betts and Wilner (2019: 4) mention the complexity of refugee protection and argue that ‘a range of international institutions has proliferated, many of which overlap in scope and purpose with the refugee regime’. The latter appears as ‘complex’ because of these overlapping institutions. We opt for the term ‘protection regime’—rather than simply ‘refugee protection’ or ‘protection’—because it encompasses the legal and political framework, the institutional organization and the practices adopted. It also indicates the power aspect with this complexity and web of relations.

The ‘protection regime’ concept covers a range of different institutionalized forms of protection, such as the international protection regime and various forms of national protection regimes. The most global and structured regime relating to refugee protection, founded on explicit norms and solutions, is the Convention Relating to the Status of Refugees (1951) and its Protocol (1967). Despite its shortcomings, the 1951 Convention was the first—and remains the only—binding refugee protection instrument with a universal character. The Convention is the key regulating component of protection regimes worldwide in that it offers a global definition of a refugee—namely, as ‘a person who flees country because of a well-founded fear of persecution on the grounds of race, religion, nationality, membership in a particular social group, or political opinion’ (Article 1). It also establishes common principles such as the principle of non-refoulement, according to which a refugee should not be returned to a country where he or she faces a serious threat to his/her life or freedom. The 1967 Protocol of the Convention broadens its applicability by removing the geographical and time limits that initially restricted the Convention to persons who became refugees due to events occurring in Europe before 1 January 1951.

All RESPOND countries, except Iraq and Lebanon, are signatories to the 1951 Geneva Convention and the 1967 Protocol Relating to the Status of Refugees. Iraq and Lebanon, which have not ratified the 1951 Geneva Convention, are bound by other international or regional agreements and treaties that refer to human and refugee rights. Although Turkey has ratified the Convention, it has retained a geographic limitation to its ratification and recognizes the refugee status described by the Convention only for those fleeing as a consequence of ‘events occurring in Europe’.

Besides the global principles and standards on refugee protection, there are also legally binding asylum regimes at the regional level. Most RESPOND countries are EU members. Therefore, they are bound by the relevant EU *acquis* referring to the Common European Asylum System (CEAS). The EU developed the CEAS in 1999 as a policy framework of agreed rules establishing common procedures for international protection. The European Asylum Support Office (EASO) was established at the same time. Additionally, most RESPOND countries have incorporated the European Convention on

Human Rights (ECHR) and its principle of protection against torture or inhuman or degrading treatments (Article 3) into the domestic legal order. It should also be mentioned that the principle of asylum is explicitly entrenched (to varying degrees) in the constitutions of Italy, Germany, Poland, and Iraq.

Against this background, the chapter begins with conceptual issues on protection, then moves to comparative analysis. It concludes with a discussion on the shifting qualities of refugee protection worldwide.

## Conceptualizing refugee protection

Refugee and international protection are products of specific historical and geographical circumstances and should not be taken for granted. The concept of ‘protection’ is highly blurred and contested, yet it cannot be reduced to survival and physical security. Protection is often conceived as a right. However, it implies the provision of the full range of rights, including civil, political, economic, social, and cultural rights. As Malkki (1996) argues, the treatment of refugees as people out of place affirms the legitimacy of an international order of nation-states in which everyone must belong somewhere. One of the fundamental questions regarding international or refugee protection is ‘how to lose and regain rights’ as a human, a citizen, or a refugee in a world of nation-states. Hannah Arendt’s 1951 critique addresses the issues of displacement and ‘stateless’ people<sup>5</sup> after the Universal Declaration of Human Rights was adopted by the UN General Assembly in 1948 (Arendt 1968).

A broad definition of the term ‘protection’ refers to ‘all activities aimed at obtaining full respect for the rights of the individual by the letter and spirit of the relevant bodies of law, namely human rights law, international humanitarian law and refugee law’ (UNHCR 2011: 5). Protection is also approached as an objective and a practice. As an objective, it implies full and equal respect for the rights of all individuals without discrimination, as enshrined in national and international law and as a legal responsibility (principally of the state and its agents, as well as of other agents, such as the United Nations High Commissioner for Refugees or UNHCR). As a practice, it has four dimensions 1) to be responsive (preventing or stopping rights violations); 2) to be remedial (ensuring a remedy to violations, including through access to justice and reparations); 3) to build a conducive environment (promoting respect for rights and the rule of law), and; 4) to be empowering (*ibid.*).

---

<sup>5</sup> Those who found themselves deprived not only of citizenship rights but also human rights.



Generally speaking, ‘international protection’ and ‘refugee protection’ have been used interchangeably. The concept of ‘refugee protection’ usually refers to ‘international protection’ and, despite its wide use, the meaning of protection remains open to interpretations. According to Puggioni (2016: 1), the lack of clarity regarding protection is since it is often conflated with the *concept of assistance*. Thus, refugee protection tends to refer to any policies regarding refugees. The UNHCR Statute uses the term ‘international protection’ (UNHCR 2001: 30) to delimit those who lack protection in the country of citizenship. International protection refers to situations where the country of origin cannot provide protection, and the international community fills the gap by providing ‘diplomatic protection’ or, in other words, international protection (Fortion 2011 cited in Puggioni 2016: 7). When states and other authorities are unwilling or unable to fulfil their protection obligations, actors in the field of humanitarian aid and development step in and act within the context of ‘humanitarian protection’. The notion of humanitarian protection is strongly connected with the Geneva Convention. More recently, the notion has been used in the framework of EU law. As defined by the European Commission, humanitarian protection is provided under conditions of violence, coercion, deliberate deprivation and abuse for persons, groups and communities in the context of humanitarian crises. It complies with the humanitarian principles of humanity, neutrality, impartiality and independence and within the framework of international law and, in particular international human rights law, international humanitarian law and refugee law (European Commission 2016).

As pointed out in Feller’s (2001) genealogy of the international refugee regime, the 1950s marked the period when the international refugee protection regime was developed, with the 1951 Convention and the establishment of the UNHCR. During the 1960s and 1970s, the regime expanded, with some attempts to go beyond its initial Eurocentric approach. The previous narrow geographic and temporal terms of the Convention are partially overcome with the 1967 Protocol. Some scholars argue that decades after its signing, the Refugee Convention can still provide an adequate framework for protection as an instrument of law (Kneebone 2018). The Convention is considered the critical regulating component of the protection regime and a blueprint for positive action, as it sets out the minimum standards and conditions within which states must operate (McAdam 2017). The interpretation of the convention rules is dynamic, allowing for its adaptation to evolving human rights law conceptions (Goodwin-Gill 2013).

On the other hand, many criticize the Convention in terms of its effectiveness. These criticisms are advanced from two diverging perspectives. The first perspective contends that the refugee definition enshrined in the 1951 Convention is both limiting and outdated because it was initially influenced by the Second World War (McAdam 2017). The second perspective considers the Convention itself responsible for the displacement crises because it is

too generous (*ibid.*). Non-refoulement is the cornerstone of the Convention and is among the vital rights that states must respect. However, the situation on the ground is more complex, as there are critical areas of legal ambiguity in refugee law (Gammeltoft-Hansen 2011; Menjívar and Kanstroom 2013).

The regional refugee protection regimes are supported and improved by new regional instruments, such as the 1969 Organisation of African Unity (OAU) and the 1974 Convention Governing the Specific Aspects of Refugee Problems in Africa. However, the Convention has yet to be signed by all countries, particularly in Asia. From the 1970s to the 1990s, an explosion of political violence in many places and the unwillingness of more powerful states to take responsibility or recognize the responsible state for protection at the international level saw priority given to providing humanitarian assistance to meet urgent needs. This assistance was carried out by the UNHCR and other international organizations, and local and international non-governmental organizations (NGOs). Undoubtedly, governments remain the leading actors in the asylum regime, according to the common norm that it is 'the duty and responsibility of states to respect, protect and fulfil the human rights of refugees within their borders' (Purkey 2013: 693). However, legal uncertainties allow states to evade protection responsibilities, as international law is dominated by the 'state sovereignty-oriented approach' and states are only bound by their consent (Jubilut et al. 2018).

In the 1990s, political and ideological interests favouring the reception and protection of refugees ceased to exist in Europe. Around this time, Helton argued that 'a new strategy of containment is emerging, this time championing migration control and not ideology' (Helton 2002: 10). Within Europe, some EU MS managed to shift asylum management to the supranational level (Lavenex 2001). This way, they put pressure on the other MS or third states and the refugees and asylum seekers themselves, adopting restrictive measures to control movements in their territories and the European territory being constructed (Petraou 2004). These measures have securitized immigration by constraining access to European territory (such as through carriers' liability), reducing stays in the EU (for example, via detention, deportation, restriction of social benefits, temporary protection) and excluding certain migrants from asylum procedures (such as those from 'safe' countries, or by country of origin or nationality). Article 13 of the 1951 Convention 'denies States Parties the right to penalize refugees for illegal entry or presence. Nevertheless, this binding guarantee is of little practical value when migration control efforts are implemented in an indiscriminate way' (Hathaway 2008: 7). Additionally, the practice by EU MS of granting temporary protection rather than refugee status, which began in the 1990s, is considered as a compromise between providing protection and avoiding putting the burden on the asylum system (Koser and Black 1999) and raises the issue of burden-sharing among MS (Petraou 2004).

Since the 2000s, an increasing approach has been the offshoring and outsourcing of protection (also known as extra-territorialization or externalization). The main goal is ‘to prevent migrants, including asylum seekers, from entering the legal jurisdictions or territories of [European] destination countries or regions or make them legally inadmissible without individually considering the merits of their protection claims’ (Frelick et al. 2016: 193). The two main approaches to externalization are the ‘remote-control’ and ‘root-cause’ perspectives (Zapata-Barrero 2013). The first aims to keep potential migrants away and prevent them from reaching EU borders, as to deport them after arrival would be more challenging due to European requirements to protect legal and human rights. The second approach focuses on ‘pull’ and ‘push’ factors and aims to reduce the push factors motivating people to leave their home countries through development support. Overall, states look to limit their obligations as much as possible, which leads to the emergence of a ‘precariousness of protection’ (McAdam 2017).

In the 2010s, increased entries at the EU border and the spill-over of Syrian mass migration to Europe (2015–16) gave new political impetus to the EU’s migration and asylum agenda. An essential frame is provided by the EU Qualification Directive (European Parliament and European Council 2011) and the 2013 Asylum Procedures Directive (European Parliament and European Council 2013). These documents are fundamental insofar as refugee law pertains to human rights and is intricately linked to international humanitarian law. The signatory states assume the obligation of granting refugee status and must, therefore, respect fundamental individual rights. The Qualification Directive sets out the qualification criteria for applicants for refugee status or subsidiary protection and defines the rights afforded to the beneficiaries of these statuses through its provisions on protection from refoulement, residence permits, and travel documents.

Apart from states and the EU, there are also international and supranational actors, such as the UN and international non-governmental organizations (INGOs), as well as subnational and local actors (municipalities, local NGOs, etc.). In institutional terms, the creation of the UNHCR marks a turning point as it has the mandate to work with states on refugee protection. The UNHCR was established in 1951 as the successor of the International Refugee Organization (IRO, 1946–1950) in providing international protection for refugees and seeking permanent solutions to their problems by assisting governments (Feller 2011: 131).

The UNHCR provided the new regime’s institutional core, aiming: ‘to ensure the international protection of refugees’ and ‘to cooperate with governments to find permanent solutions for refugees’ (ibid.: 2). The UNHCR plays a substantial role as the norm diffuser in international protection and assistance. Particularly in the less developed countries of the Global South, where most refugee situations happen, protection responsibilities have been carried

out by the UNHCR. However, it has also been criticized for not conducting effective monitoring and enforcing protection and acting as a mere aid provider in protracted refugee situations.

Nevertheless, it is sovereign states who have the leading role; the function of the UNHCR is defined as complementary and limited:

international protection as provided by countries of asylum in cooperation with the UNHCR is an effort to compensate for the protection that refugees should have received in their own countries, and its objective is not fulfilled until refugees once again enjoy protection as full-fledged members of a national community (UN General Assembly, 1993 par. I.3: 2).

The UN and the UNHCR reaffirm the state-centric approach in migration affairs. The EU is the major player regulating protection in Europe, while the UNHCR carries out this responsibility in non-European regions. Besides states, intergovernmental organizations (IOs), local authorities, civil society partners, the courts, the media, and refugees are also part of the protection regime. International NGOs contribute to the system as implementing partners and instruments for change regarding refugee protection. They fill in the gaps in practice by providing services and legal assistance and more proactive forms of activism and monitoring functions. INGOs and NGOs seek to influence the agenda and become global stakeholders in what refers to asylum (beyond the North–South divide) (Joly 2002: 8). All non-state actors act primarily in a soft governance mode to lobby for respecting international refugee protection law in countries. However, state agencies play a central role and always have leeway in deciding whether to apply international law, instrumentalize it for their foreign policy goals or develop ad hoc legislation and protection regimes.

Regarding the multiplicity of actors, refugee protection is a matter of governance, in particular multi-governance, referring to ‘systems of governance where there is a dispersion of authority upwards, downwards and sideways between levels of government –local, regional, national and supra-national– as well as across spheres and sectors, including states, markets and civil society’ (Daniell and Kay 2017: 3).

Not only the question of ‘who’ but also ‘what’ is important here: ‘what will the protection look like?’ This question can be addressed by referencing the 1951 Geneva Convention. Some scholars argue that decades after its signing, the 1951 Convention still provides an adequate framework for protection as an instrument of law (Goodwin-Gill 2013; McAdam 2017; Kneebone 2018). On the other hand, as mentioned, many criticize the Convention regarding its effectiveness (Gammeltoft-Hansen 2011; Menjivar and Kanstroom 2013; McAdam 2017).

As mentioned, both the Qualification Directive and the Asylum Procedures Directive are highly relevant. The more recent EU Pact on Migration and Asylum (European Commission 2020) has also attracted significant attention. However, it is not entirely promising for better governance of international protection. It foresees obligatory but flexible solidarity for the EU members. It abolishes the Dublin Regulation but retains the country of first entry criterion for asylum applications. Its primary focus appears as the security dimension with a strong emphasis on returns.

A more recent UN initiative in refugee protection is the UN GCR, adopted in 2018 as one of two separate compacts foreseen by the New York Declaration (2016). However, as a non-binding but mainly normative consensus, the GCR seems unable to fix the shortcomings of the 1951 Convention; however, it can be seen as a positive effort to address ‘what’ questions by providing a framework for collaboration and challenging the implementation problems facing refugee protection.

Neither the Convention nor the recently adopted GCR and EU Pact on Migration and Asylum regulates the procedures for granting refugee status; this is left to the discretion of institutions and agents (state bureaucracies) that translate the 1951 Convention into the national asylum regimes with national and regional asylum laws. Countries adopt implementing legislation to bring their law into conformity with domestic obligations under the international treaties (Farbenblum 2011). They track the language of the treaties, particularly regarding fundamental prohibitions such as non-refoulement or the definition of refugees. They interpret, adapt, and contest the technical and administrative dimensions of legislation.

## Aspects of international refugee protection governance: Policies, practices, and experiences

### *Policy responses, important changes, and tendencies after 2011*

Since 2015–2016, all RESPOND countries have received large numbers of refugees fleeing war and poverty. This development was imprinted through the perception and usage of the concepts of ‘crisis’ or ‘state of emergency’ in most RESPOND countries. At the same time, these discourses impacted the developments and changes in the legal framework, policies, and practices of protection, such as border management, reception, or even integration.

The research conducted in the ten RESPOND countries revealed common patterns in the refugee protection regime. From 2015 onwards, almost all countries are under pressure and lack the administrative capacity to process the increasing number of asylum applications. Except for Turkey, all RESPOND countries react within a ‘crisis’ or ‘state of emergency’ framework

(for example, Germany, Greece, Lebanon, Italy, and Poland). Since 2015–16, many RESPOND countries have introduced more restrictive policies to decrease the number of entries and asylum applications and reduce the number of asylum seekers reaching their territories. There has been a shift from a welcoming approach to a policy of narrowing access. The analysis revealed that the restriction of access to national/federal territories was conducted through physical measures such as increased border controls, eradicated security walls (sea, land, cyber-security walls), and other actions such as pushbacks.

In addition to increased border controls and physical barriers, procedural barriers have also been imposed in most RESPOND countries to block or restrict access to the asylum procedure and limit procedural rights and the chances for a positive refugee status determination. Furthermore, many RESPOND countries have introduced additional procedural measures to prevent and restrain access to international protection via ‘inadmissibility procedures’ and speed up asylum assessments. Such is the case with accelerated procedures, fast-track procedures, and increased rejections, which have become a common practice in said nations alongside long waiting periods for applicants. Along with the Dublin Regulation, the list of safe countries of origin has been extended, meaning asylum applications from those countries are automatically rejected. In addition, different forms and schemes of ‘accelerated’ procedures have been introduced (for example, in Austria, Germany, and Greece). Procedural acceleration is linked chiefly to the enforced encampment, which in some countries assumes the form of half-closed (Germany, Poland) or entirely closed campsites (Greek islands).

The legislation in most RESPOND countries converges towards a reduction of rights and standards for asylum applicants. Many have introduced new categories, such as the ‘prospect of remaining’ by measuring acceptance rates. All newly introduced categories, amendments and regulations impose restrictions or limitations to existing standards of rights. In addition, some countries have developed policies and practices to welcome refugees only from certain nationalities on the grounds of humanitarian or national reasons, residence permits and family reunification. For EU members, this amounts to differential implementation within national territories, further highlighting the deficiencies of the CEAS.

The procedures have also resulted in stratified legal statuses with different procedures and specified rights, adding up to the traceable nationality-based discrimination against particular asylum seekers (for example, Afghans) and creating categories of ‘desirable’ versus ‘undesirable’ migrants/refugees. In general, there is an increased denial of the right to family reunification for refugees or the imposition of new hurdles to accessing it. In particular countries (for example, Sweden, Greece, Germany, and Austria), refugees are entitled to family reunification but must submit their application within three

months from the granting of status. In many RESPOND countries, permanent protection schemes for refugees have been replaced by subsidiary and temporary protection mechanisms.

Alternative forms of protection have become more prominent, a case in point being Turkey's 'temporary protection regime'. In other cases, refugee status has been diminished to one of 'subsidiary protection', resulting in further limitations. For example, in Germany, beneficiaries of subsidiary protection are denied the right to family reunification. A 'pervasive legal uncertainty' is observed as a general tendency in almost all RESPOND countries (RESPOND 2020). This pervasive uncertainty encompasses, in many instances, every stage of the national migration system, from rescue operations and humanitarian aid to refugee status determination (RSD) and the set of entitlements bestowed on asylum seekers after they obtain protection or permission to stay (Ibid.).

Another policy convergence is the emphasis on deterrence and return policies in almost all RESPOND countries, using the 'regressive approach' and the notion of the 'illegal asylum seeker' (RESPOND 2020). Most RESPOND countries tend to merge the status of 'protection seeker' with a condition of 'illegality' or 'irregularity' as justification for deportation. From the refugee protection perspective, we note that forced migrants in need of refugee protection are also treated as part of the unwanted population of irregular migrants, regardless of their status. Against this background, efforts to keep them from reaching EU borders have become common practice. Country-specific research reveals that the dominant discourse among political actors in most EU and non-EU countries promotes return as an alternative way to tackle unprevented entries and asylum applications. This general tendency is visible in the increasing emphasis put on speeding up deportations and assisted voluntary returns. Both legislations and actual practices further blur the lines between forced and voluntary returns.

Table 7.1 provides common policy responses, levels, mechanisms and instruments identified in the RESPOND countries.

### *A highly restrictive and complex legal framework and its implications*

During the examined period, almost all RESPOND countries have transformed their legal framework on refugee protection and asylum procedures (for example, Germany, Greece, Italy, Lebanon, Sweden, Turkey, UK). Yet, despite regional, international, and supranational obligations that are, for the most part, shared, significant differences exist at the regional, national, and even subnational levels regarding legal procedures and the implementation of refugee protection. Such variation suggests the different ways in which each member state intends to implement the common legislative guidelines and directives.

Policy Aim	Level	Mechanisms	Instruments
Reduce the number of asylum seekers reaching the territory	National/ International/ EU	Deterrence	Border measures (security walls, fences etc.) (Turkey, Greece), use force at borders (Poland); border procedures (short lodging times) (Italy); restrictive visas (Lebanon); supranational actors (Frontex) Pushbacks by frontline states (Poland, Greece, Turkey, Italy)
Reduce the number of people applying for asylum	National/ EU	Deterrence through complexification  Shifting/ Returns	Creating complex labelling and legal statuses; bureaucratic hurdles; incomprehensive asylum procedures;  General: Implementing admissibility criteria, readmission (safe country of origin, safe third country updated lists) Particular: Detained fast-track (UK), transit zones/hotspot approach (Greece; Italy), fast-track border procedure (Greece); airport procedure (Germany); immediate procedure (Italy); Updated safe regions (in particular Syria) (Sweden). Incentives for voluntary returns or forced returns in involuntary return clothing (Sweden, Turkey) Dublin Regulation, the first country of asylum, safe country of asylum
Prevent 'asylum shopping' (asylum seekers moving from one country to another)	National EU	Deterrence Cooperation (harmonization of policies and procedures)	EASO
Distinguish 'desirable' and 'undesirable' migrants/refugees	National	Pre-selecting nationalities, different procedures for different nationalities	Bilateral/administrative agreements (Greece, Germany, Italy).
Accelerate asylum assessments	National	Massification Pre-selecting on recognition rates Discursive measures	Mass accommodation (Germany) Fast track (Germany) 'deserving protection', 'vulnerability' (all)
Prevent the permanent stay of refugees	National	Limiting/downgrading rights Return policies Extending temporary measures	Limiting family reunifications, shortening residence permit durations, no freedom of movement, limiting access to basic social benefits Subsidiary protection, temporary protection status
Share responsibility/burden	EU	Policy sharing: Common policy-making and Harmonizations	The EU Acquis related to refugee protection, EASO Qualification Directive (2011), Asylum Directive (2013)
	EU	Refugee sharing	Quotas, resettlement, relocation scheme
	EU and non-EU	Financial sharing	Aid packages, bilateral agreements (EU-Turkey, EU-Lebanon; UNHCR involvement), New Pact on Migration and Asylum (2020)
	Global/UN	Burden-sharing, collective response to mass migration	The Global Compact on Refugees (2018)

**Table 7.1: Policies, mechanisms, and instruments in refugee protection since 2011** (Source: Gökalp-Aras et al. (2020: 27))



There is no unified protection system, not even in the EU MS. The legal framework concerning refugee protection is extraordinarily complex and hypertrophic in all RESPOND countries (RESPOND 2020). National legislation on refugee protection has constantly been changing—and not always coherently—in all countries. There is considerable divergence even among the MS, which can be partly attributed to the discretion allowed by EU legal frameworks. Overall, what emerges is an overly complicated and fragmented protection regime and asylum system in all RESPOND countries, where centralization and decentralization coexist. The fragmented, complex structure—which can be defined as a ‘hyper-complex fragmented legal system’—is accompanied by a lack of consistent and standardized implementation, thus jeopardizing transparency and consistency.

Despite the differences between RESPOND countries, recent shifts in refugee protection indicate a desire to consolidate a common restrictive approach that remains problematic both at the legal framework and practical implementation. This more restrictive approach begins beyond the borders but continues after borders have been crossed, penetrating different aspects and stages of the asylum procedures. These measures aim to reduce the number of asylum seekers reaching national territory, decrease the number of entrances and asylum applications and beneficiaries of international protection and generally prevent or restrain access to international protection. The approach is made visible with physical measures at the borders (such as security walls) and pushbacks at sea. It is supported by additional, national-level procedural measures to prevent and restrain access to international protection (Pannia et al. 2018: 8). The restrictive policies also seek to increase the number of deportations and returns.

The systematic prolongation of procedures and backlogs is observable at every step of the proceedings. Interviewees in most countries under consideration spoke negatively of lengthy bureaucratic procedures. A sense of ‘uncertainty’ and of being in ‘legal limbo’ are commonly expressed sentiments among all the interviewed asylum seekers. In general, long waiting periods for applicants, increased rejections, returns as an alternative to refugee protection, and bilateral or EU-level readmission agreements or administrative arrangements have become common characteristics of the implemented policies.

Another crucial aspect adding to the complexity of asylum systems’’ is the confusion and lack of orientation described by most interviewees regarding the administrative steps they must follow. Although some countries, such as Austria, Sweden, and Germany, provide relatively systematic asylum procedures, most respondents stated they were confused about the required steps. Some explicitly referred to their limited understanding upon arrival and the lack of knowledge regarding their legal status in certain countries (such as Greece).

## *Proliferation and fragmentation of forms of protection, asylum procedures, and migrant categories*

The EU has a two-tier protection regime (ECRE 2016). The 2004 Qualification Directive, harmonizing recognition standards across the MS (and its 2011 recast), extends the remit of the 1951 Refugee Convention by setting out two forms of protection available under EU law—namely, refugee status and subsidiary protection. Through this dual approach to protection, the EU creates a complementary category of protected persons, legally and normatively distinct from refugees (AIDA 2016a). Extensive reforms across several MS have lowered the level of rights conferred upon subsidiary protection holders compared to refugee status holders, often as far as EU law would allow (Ibid.). The two-tier approach has resulted in multiple categories of applicants, unequal treatment of persons, and discrimination in the protection of rights.

Furthermore, the recast EU Asylum Procedures Directive of 2011 established multiple asylum procedures, resulting in the fragmentation of asylum procedures depending on the applicant's location or the presumed content of his/her application (AIDA 2016b). Different countries adopt different kinds of asylum procedures. For example, the introduction of accelerated procedures, border procedures, fast-track procedures, and admissibility procedures beyond the 'regular' process contributes to this direction. The concept of a safe third country (such as detailed in the EU–Turkey Statement) is also linked to the multiple categorizations of applicants. The proliferation of different procedures and policies resulted in stratified legal statuses and determined rights, in addition to traceable nationality-based discriminations.

Compared to other nationalities, the differential treatment of Syrian asylum seekers is commonly mentioned by interviewees in most countries. In this regard, it is emphasized that refugees from Syria appear as a relatively more favoured group, enjoying a high level of acceptance and shorter waiting periods. By contrast, applicants from certain other nationalities appear to have no chance in the asylum system and are systematically excluded. For example, in many RESPOND countries, Afghans appear the most disadvantaged national group among refugees, and similar nation-based discrimination was also mentioned in many other countries. There is no doubt that differentiations stemmed from procedural or legislation issues but are impacted by bilateral relations, geopolitical interests, domestic considerations, and global policy narratives that we might gather under the umbrella term 'the politics of asylum'. However, discussions of the political aspects of—and power relations behind—the asylum regime and procedures are beyond the scope of the present chapter.

Another aspect that plays a crucial role is *vulnerability*, especially in examining asylum applications. Many EU countries—such as Greece, Italy, and

Poland—provide that asylum applications from persons with special needs receive priority examination. Furthermore, vulnerability assessment processes determine who has the right to asylum (for example, in the UK), who has priority in asylum registration (for example, in Greece), relocation (which EU countries currently practice vis-à-vis unaccompanied children in the Greek islands) or UNHCR resettlement programs (in Lebanon, Turkey, Iraq). However, in some countries such as Greece, vulnerability plays a significant (although at times less formal) role in other asylum procedure steps, resulting in the multiple categorizations of applicants for international protection. As a representative from an NGO from Greece stated: ‘at this point, we speak of the right to vulnerability instead of the right to asylum’ (Leivaditi et al. 2020: 35). Furthermore, following the EU–Turkey Statement in 2016, the vulnerability assessment in the Greek islands where ‘hotspots’ are established determines what asylum procedure will be followed (namely, the regular or fast-track border procedure).

### *The ambiguous role of multiple actors*

Regarding the governance of refugee protection, the actors involved are numerous and operate at different levels (local, national, regional, supranational). These actors play a substantial role in implementing asylum procedures and giving meaning to legislation concerning such procedures. Against this backdrop, critical issues are the role of officials (migration officers, caseworkers), lawyers, and judges in the asylum procedures, how the asylum system is organized, how different actors perceive and perform their roles, and how applications are assessed, discussed, and decided in bureaus and courts.

Existing studies show that *practices are central to asylum bureaucracy*. Such practices are typically shaped by the organizational practices of migration agencies, accommodation centres/camps, the judiciary, social workers, law enforcement agencies, humanitarian institutions. For example, ‘the social practices of decision-making officials in determining refugee status go beyond labelling and categorization and include the construction of facts, artefacts and (in)credibility’ (Dahlvik 2017: 369). Thus, the contingency and volatility of the (asylum) regime ‘at work’ has implications, as it is necessarily reproduced and reinvented by bureaucrats in the process of determining refugee status (Ibid.). There is a relational and interactive process between agency and micro-organizational structure, and the practices of caseworkers are bound by social and legal constraints which force them to perform an interpretation of the law when implementing it. The tendency to strictness may result from ‘the controls of superiors and peers, [and] the secondary implementation rules created within the office to orient caseworker practices’ (Miaz 2017: 372).

Although the asylum bureaucracy might not have the power to challenge a country's asylum system, it has discretionary power in everyday practices, building knowledge, and claims of expert authority in designing standards, guidelines, and policy contours. Asylum seekers have to navigate this asylum bureaucracy and fulfil paperwork to access asylum and exercise their rights tied to it. In almost all countries, the role of 'caretaker' is undertaken by an increasing number of non-state actors, although state actors remain in control. Despite legislation, asylum caseworkers may have the power of discretion (similar to other law enforcement actors) in adhering to procedures and making decisions.

However, interviews conducted with asylum seekers, caseworkers, and law enforcement agencies in several countries revealed the presence of stigma, structural mistrust, hostility, and disbelief towards asylum applicants. These issues result in restrictions, arbitrary practices, and even intimidation or violence. For example, in Italy, according to several NGOs, the Italian authorities have been making arbitrary distinctions between irregular migrants and asylum/international protection seekers at border crossings, thereby hindering the possibility of submitting protection applications (Ibrido and Terlizzi 2019: 32). In parallel, in Austria, migration experts 'criticise the lack of independent border monitoring to control whether persons requesting to lodge an application for asylum are granted access to respective procedures' (Josipovic and Reeger 2019: 25). In Poland, foreigners encountered problems in attempting to apply for international protection and pushback practices by the authorities at the Polish-Belarusian border crossing, as pointed out during interviews with NGOs (Pachocka and Sobczak-Szelc 2020: 39). Finally, in Lebanon, there have been widespread instances of class-based discrimination and selection in accessing asylum at the borders, according to meso-level actors such as lawyers (Rahme 2020: 18).

The problems with actors are not limited to border areas; negative experiences are also mentioned when engaging with actors who assess asylum applicants. Those participating in the research also observed such problems. In Germany, 'structural racism and a structural mistrust [are] built into the bureaucratic and procedural system of the asylum regime in Germany, as well as personal resentments among employees on various levels' (Hänsel et al. 2020: 8). The system is increasingly perceived as highly arbitrary and non-transparent (ibid.: 48). There is a 'culture of disbelief' among caseworkers and others involved in the asylum system' in the UK (Foley 2020: 9). In Turkey, actors' attitudes change from city to city or from person to person, as respondents mention different behaviours. This concept of the culture of disbelief was also discussed in a UK parliamentary committee as 'the tendency of those evaluating applications to start from the assumption that the applicant is not telling the truth' (Home Affairs Committee 2013 cited in Foley 2020: 23).

The research also revealed persistent systematic failures in asylum interviews conducted by EASO officials, who violated fundamental standards and overstepped their competencies under European law (Leivaditi et al. 2020: 46–47). As an NGO representative pointed out, there are complaints about how the EASO conducts interviews, both in terms of interpreting and putting ‘too much pressure [...] on people’ (ibid.: 47). So, the mistrust, structural racism, stigma targeting asylum seekers are more deeply embedded in the socio-political fabric of receiving countries, on the one hand, increasing populist anti-migrant discourses disseminated through media on the other. These inevitably shape the mindset of actors and organizations serving in the national and regional asylum regimes.

### *The failure of the ‘hotspot approach’ and the Dublin Regulation*

As reflected in most country reports’ expert and refugee interviews, a vital implementation failure is the Dublin III Regulation. In practice, the Dublin III Regulation results in unfair burden-sharing, particularly for the frontline countries (those at EU borders) and is criticized for its practical deficiencies and normative premises. At the core of the Dublin Regulation, the concept of ‘the first country of asylum’ aims to prevent secondary movements within Europe and is the source of uneven responsibility-sharing. Consequently, almost all interviewees emphasize the need for an alternative to the Dublin regime, with new forms of solidary distribution and responsibility-sharing mechanisms and a more substantial harmonization of national asylum procedures within the EU.

More restrictions and failures emerge when considering the new ‘hotspot mechanism’. The ‘hotspot approach’ still serves as a cornerstone for the protection regime in respective frontline countries (Greece and Italy) and the EU as a whole. In Italy, four hotspots were operating at the end of 2018, marked by prolonged and generalised legal uncertainty concerning the protection of refugees’ (Ibrido and Terlizzi 2019: 32). Violations of the fundamental rights of asylum seekers and beneficiaries of international protection prevail, with inhuman living conditions and a lack of support and precise information about the asylum procedure at the point of arrival (‘hotspots’) both in Greece and Italy (Ibrido and Terlizzi 2019: 35; Leivaditi et al. 2020: 31). The introduction of the ‘hotspot system’ and the subsequent geographical restriction on the five islands in Greece considerably increased the number of asylum applications. The EU–Turkey Statement caused a significant rise in the population living in the Moria hotspot over an extended period (Leivaditi et al. 2020). Thus, it neither accomplished effective cooperation at the EU level nor provided protection according to EU laws (AIDA 2017; ECRE 2016). It has led to rights violations rather than solutions, and pushbacks at the borders have become normalized.

## Reflections on the Global Compact for Refugees and the New Pact on Migration and Asylum

We opened the conceptual section reflecting on whether a common institutional structure for protection, regionally or internationally, can guarantee a more efficient protection system. However, the recent developments and implementations reflected in the research conducted for the RESPOND project show that we are still far from answering this question. On 17 December 2018, while our research was still in train, the UN General Assembly affirmed the GCR. The Comprehensive Refugee Response Framework (CRRF) focuses on sharing burdens and responsibilities, sets out national and regional arrangements for specific situations, and provides tools for funding, partnerships, and data gathering and sharing. The GCR represents ‘the international community’s political will and ambition as a whole for strengthened cooperation and solidarity with refugees and affected host countries’ (UNHCR 2020b). Seven RESPOND countries signed it, while Austria and Italy abstained (and Poland and Hungary even voted against it).

The GCR is not binding, but it provides a common ground for both the EU and non-EU RESPOND countries. A global response to mass migration with fair responsibility-sharing and better protection, the GCR can be seen as fostering a more systematic collaboration of states in refugee and international protection. However, the fact that it was rejected by some countries, as well as the explanations provided for such response, reaffirm the existence of renationalization, the emphasis on the sovereignty of nation-states, and the increasing securitization of migration policies which were among the main findings of our research on refugee protection. Furthermore, aligned with our findings, the two main objectives of the GCR are to expand access to third-country solutions ‘with an emphasis on externalization and support conditions in countries of origin for return in safety and dignity’ on deterrence and return policies (UNHCR 2020b).

After only two years, the European Commission prepared a new communication—the New Pact on Migration and Asylum—published on 23 September 2020 as a response to the 2015 European humanitarian refugee crisis (European Commission 2020). While the ‘refugee crisis’ has also become a political and legitimization crisis within the EU, the new EU Pact appears to be ‘more of the same’ in light of the GCR; it also consistently presents externalization and return policies as the leading two solutions. We want to conclude our research by describing the similarities between the RESPOND findings and the focal points of the EU Pact on Migration and Asylum, as well as raising further questions regarding the future of refugee protection.

The pact falls short of ameliorating these adverse tendencies and shows little innovation. Starting from the general attempt to reduce the number of asylum seekers reaching the territory, the pact proposes strengthening external

EU borders and the capacity of Frontex and a new screening procedure. The screening procedure is designed to ensure fast identification of the correct procedure applicable to those entering the EU who does not fulfil the conditions of entry. It will be applied to three groups: ‘persons who, while not fulfilling the conditions for entry into the EU, request international protection during border checks’; ‘persons brought ashore in search and rescue operations at sea’ and ‘persons apprehended within the territory if they have eluded controls at the external borders in the first place’ (European Commission 2020). Those applying for asylum following the screening will have their case examined under the ‘border procedure if they are nationals of countries with low recognition rates for international protection, if their claim is fraudulent or abusive or if they pose a threat to national security’ (ibid.). This aspect is consistent with our findings regarding the general tendency in RESPOND countries to sort migrants and refugees into ‘desirable’ and ‘undesirable’ categories. However, proposed at-the-border procedures and screenings procedures raise further concerns about accessing asylum.

The EU Pact on Migration and Asylum aims to replace the Dublin Regulation—which, as mentioned, comes in for severe criticism among interviewees in RESPOND countries—with the new Asylum and Migration Management Regulation. Although the details are still missing, the new regulation is presented as the EU’s promise for an effective and comprehensive governance system that will ensure that solidarity is effective in practice and that the challenges of migration are addressed comprehensively – be it outside or inside the EU. The pact does not have a lot to say regarding the ‘hotspot’ approach,<sup>1</sup> but it acknowledges the difficulties and unfair burden placed on frontline countries, such as Greece, Italy, Malta, and Hungary.

However, in keeping with our findings, the main solidarity proposal focuses on return policy. The pact states its aim ‘to dramatically improve returns procedures, strengthen return governance structures, including in Frontex, and combine better the external and internal aspects of return policy’ (European Commission 2020). The EU Pact on Migration and Asylum provides MS with an alternative way of burden-sharing, called return sponsorships. It provides MS with the opportunity to continue applying detention in the context of the return procedure. The return sponsorship is a new form of solidarity contribution that MS can use to assist each other. Frontex is assigned to assure effective cooperation with third countries in the area of return and readmission. More importantly, by employing crisis labelling, MS are given the right to suspend international protection in the interests of resilience and flexibility. The pact also proposes cooperation with countries of origin and

---

<sup>1</sup> The Pact only mentions an additional support for the members, which is a part of hotspot approach and need further financial and operational support (European Commission 2020).

transit countries to contain and control departures and allow for repatriation. In this framework, while the pact promises tailor-made and more balanced cooperation with third countries, the European Commission is given the particular task of finding proper incentives for more effective collaboration with third countries regarding readmissions and returns. A clearer idea is given by the fact that the 2016 EU–Turkey Statement will apparently serve as a blueprint for future cooperation.

## Conclusion

Protection is not only limited to survival and physical security; it is, above all, related to the provision of the full range of rights, including civil, political, economic, social, and cultural rights. Overall, recent developments on refugee protection in terms of legislation, policies, and implementations appear highly problematic. The challenges stem from and reconstitute at least three features of the European and national protection regimes. These include 1) a highly restrictive and complex legal framework; 2) the proliferation and fragmentation of forms of protection and asylum procedures, and; 3) the ambiguous role of multiple actors.

The research also revealed that—despite the well-established international and supranational framework and norms—significant differences exist at the regional, national, and subnational levels regarding legal procedures and the implementation of refugee protection. The common tendency towards the restrictive approach starts beyond borders and continues after the borders have been crossed, penetrating different aspects and stages of the asylum procedures. This tendency becomes visible with the physical measures at the borders (such as security walls) and the pushbacks and is supported by additional, national-level procedural measures aiming to prevent and restrain access to international protection. These features inevitably cause failures as well observed in the EU’s asylum regime’s common components, such as the Dublin Regulation and newly tested policy such as the ‘hotspot approach’.

While our conclusions refer to the period examined by RESPOND, from 2011 to 2018, more recent developments do not challenge existing tendencies. New procedures and more restrictive measures have been introduced in most RESPOND countries, not substantially transformed by global or regional initiatives such as the GCR or the EU Pact on Migration and Asylum. In particular, the EU Pact shows that many of the crisis-based exceptional implementations turn into the new normal. However, this situation can also be seen as a calling for a new discussion platform on refugee protection’s future trajectories, which requires further research. Urgent action is needed from actors involved in protection to address the ongoing challenging situations described above.



## References

- AIDA. 2016a. 'Refugee Rights Subsiding? Europe's Two-tier Protection Regime and Its Effect on the Rights of Beneficiaries'. Retrieved 26 December 2020 from <https://www.refworld.org/docid/58e1fc8e4.html>.
- AIDA. 2016b. 'Admissibility, Responsibility and Safety in European Asylum Procedures'. Retrieved 27 December 2020 <https://www.ecre.org/aida-report-admissibility-responsibility-and-safety-in-european-asylum-procedures/>.
- AIDA. 2017. 'Accelerated, Prioritised and Fast-track Asylum Procedures. Legal Frameworks and Practice in Europe'. Available at: [https://www.ecre.org/wpcontent/uploads/2017/05/AIDA-Brief\\_Accelerated-Procedures.pdf](https://www.ecre.org/wpcontent/uploads/2017/05/AIDA-Brief_Accelerated-Procedures.pdf).
- Arendt, H. 1968. *The Origins of Totalitarianism*. New York: Harcourt
- Betts, A., and J. Milner. 2018. 'Governance of the Global Refugee Regime'. *World Refugee Council Research Paper* No. 13
- Dahlvik, J. 2017. 'Asylum as Construction Work: Theorizing Administrative Practices', *Migration Studies* 5(3): 369–388.
- Daniell, K.A., and A. Kay. 2017. 'Multi-level Governance: An Introduction', in K.A. Daniell and A. Kay (eds), *Multi-level Governance: Conceptual Challenges and Case Studies from Australia*. Australian National UP, pp. 3–32.
- ECRE. 2016. 'Refugee Rights Subsiding? Europe's Two-tier Protection Regime and Its Effect on the Rights of Beneficiaries'. Retrieved 26 December 2020 from <https://www.refworld.org/docid/58e1fc8e4.html>.
- European Commission. 2016. 'Humanitarian Protection: Improving Protection Outcomes to Reduce Risks for People in Humanitarian Crises'. *DG ECHO Thematic Policy Document* No. 8.
- European Commission. 2020a. *Communication for the Commission on a New Pact on Migration and Asylum*. COM(2020) 609 final, Brussels, 23 September.
- European Parliament and European Council. 2011. *Directive 2011/95/EU* (13 December 2011) on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, *OJ L*337/9.
- European Parliament and European Council. 2013. *Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection*, *OJ L* 180.
- Farbenblum, B. 2011. 'Executive Deference in US Refugee Law: Internationalist Paths Through and Beyond Chevron', *Duke Law Journal* 60: 1059–1122.
- Feller, E. 2001. 'The Evolution of the International Refugee Protection Regime', *Washington University Journal of Law & Policy* 5(1): 125–123.
- Foley, J. 2020. 'Refugee Protection: United Kingdom Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/36, February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1391673/FULLTEXT01.pdf>.

- Frelick, B., I. Kysel, and J. Podkul. 2016. 'The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants', *Journal on Migration and Human Security* 4(4): 190–220.
- Gammeltoft-Hansen, T. 2011. *Access to Asylum: International Refugee Law and the Globalisation of Migration Control*. Cambridge: Cambridge University Press.
- Goodwin-Gill, G.S. 2013. 'Editorial: The Dynamic of International Refugee Law', *International Journal of Refugee Law* 25: 651–661.
- Gökalp-Aras, N. E., E. Papatzani, Z. Şahin Mencütek, N. Leivaditi, and E. Petracou. 2020. 'Refugee Protection in and Beyond Europe: Comparative Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/61, August 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1456826/FULLTEXT01.pdf>.
- Gökalp-Aras, N. E. and Z. Şahin-Mencütek. 2020. 'Refugee Protection: Turkey Report', *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/30, January 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1387030/FULLTEXT01.pdf>.
- Helton, A. 2002. *The Price of Indifference: Refugees and Humanitarian Action in the New Century*. Oxford: Oxford University Press.
- Hänsel, V., S. Hess, and S. Schurade. 2020. 'Refugee Protection: Germany Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/28, December 2019*. Available at <http://uu.diva-portal.org/smash/get/diva2:1383388/FULLTEXT01.pdf>.
- Josipovic, I. and U. Reeger. 2019. 'Refugee Protection in Austria: Country Report – Austria'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/29, December 2019*. Available at: <https://www.diva-portal.org/smash/get/diva2:1385618/FULLTEXT01.pdf>.
- Hathaway, J. 2008. 'The Human Rights Quagmire of "Human Trafficking"', *Virginia Journal of International Law* 49(1): 1–59.
- Ibrido, R., and A. Terlizzi. 2019. 'Refugee Protection Regimes: Italy Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/27*. Available at <https://doi.org/10.5281/zenodo.3600611>
- Jubilut, L. L., A. de Lima Madureira, and D. B. Torres. 2018. 'Current Challenges to the International Protection of Refugees and Other Migrants', in S. M Croucher, J.R. Caetano, and E. A. Campbell (eds), *The Routledge Companion to Migration, Communication, and Politics*. London: Routledge, pp. 19–33.
- Kneebone, S. (ed.). 2018. *The Refugees Convention 50 Years On: Globalisation and International Law*. London: Routledge.
- Koser, K. and R. Black. 1999. 'Limits to Harmonisation: The "Temporary Protection" of Refugees in the EU', *International Migration* 37(3): 521–541.
- Lavenex, S. 2001. 'The Europeanization of Refugee Policies: Normative Challenges and Institutional Legacies', *Journal of Common Market Studies* 39(5):851–874.
- Leivaditi, N., E. Papatzani, E. Ilias, and E. Petracou. 2020. 'Refugee Protection: Greece Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/31*. Available at <https://www.diva-portal.org/smash/get/diva2:1387118/FULLTEXT01.pdf>.

- Loescher, G., N. Steiner, and M. Gibney (eds). 2003. *Problems of Protection: The UNHCR, Refugees and Human Rights*. London: Routledge
- Malkki, L. H. 1996. 'Speechless Emissaries: Refugees, Humanitarianism, and De-historicization', *Cultural Anthropology* 11(3): 377–404.
- McAdam, J. 2017. 'Editorial: The Enduring Relevance of the 1951 Refugee Convention', *International Journal of Refugee Law* 29(1): 1–9.
- Miaz, J. 2017. 'From the Law to the Decision: The Social and Legal Conditions of Asylum Adjudication in Switzerland', *European Policy Analysis* 3(2):372–396.
- Menjívar, C., and D. Kanstroom (eds). 2013. *Constructing Immigrant 'Illegality': Critiques, Experiences, and Responses*. Cambridge: Cambridge UP.
- Pachocka, M., and K. Sobczak-Szelc. 2020. 'Refugee Protection: Poland Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/35, January 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1390461/FULLTEXT01.pdf>.
- Pannia, P., V. Federico, A. Terlizzi, and S. D'Amato. 2018. 'Comparative Report: Legal and Policy Framework of Migration Governance'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/15, August 2018*. Available at <https://doi.org/10.5281/zenodo.1458945>
- Petracou, E. 2004. 'Dominant Issues in Asylum Policy in EU and Greece', *7th Panhellenic Geographical Conference, Lesbos, 14–17 October 2004* (in Greek).
- Puggioni, R. 2016. *Rethinking International Protection: The Sovereign, the State, the Refugee*. Basingstoke: Palgrave Macmillan.
- Purkey, A. L. 2013. 'Questioning Governance in Protracted Refugee Situations: The Fiduciary Nature of the State-refugee Relationship', *International Journal of Refugee Law* 25(4): 693–716.
- Rahme, K. 2020. 'Refugee Protection: Lebanon Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/34*. Available at <https://doi.org/10.5281/zenodo.3629214>
- RESPOND. 2020. 'European Migration and Asylum Policy: Research Project Attests to Ongoing Governance Failures Ongoing Governance Failures'. *Press Release, 21 March 2020*.
- Shakra, M., and J. Szałańska. 2020. 'Refugee Protection: Sweden Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/32, January 2020*. Available at <https://doi.org/10.5281/zenodo.3613763>.
- UNHCR. 2001. 'Statute of the Office of the United Nations High Commissioner for Refugees'. Available at <https://www.unhcr.org/3b66c39e1.pdf>.
- . 2011. 'The Fundamentals of Protection'. Available at <http://www.unhcr.org/47949ec92.pdf>.
- . 2018. 'Report of the United Nations High Commissioner for Refugees — Part II Global Compact on Refugees'. Available at [https://www.unhcr.org/gcr/GCR\\_English.pdf](https://www.unhcr.org/gcr/GCR_English.pdf).
- . 2020a. 'Figures at a Glance'. Retrieved 1 September 2021 from <https://www.unhcr.org/figures-at-a-glance.html>.

- . 2020b. ‘The Global Compact on Refugees’. Retrieved 1 September 2021 from <https://www.unhcr.org/the-global-compact-on-refugees.html>.
- Warda, W.K., and H.S. Almajraji. 2020. ‘Refugee Protection: Iraq Country Report’. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/33*. Available at <https://doi.org/10.5281/zenodo.3629143>
- Zapata-Barrero, R. 2013. ‘The External Dimension of Migration Policy in the Mediterranean Region: Premises for Normative Debate’. *Revista del Instituto Español de Estudios Estratégicos No. 2 2013*. Available at <https://dialnet.unirioja.es/descarga/articulo/4537313/2.pdf>.

# 8 The European Refugee Regime: A Critical Assessment

*Nils Holtug*

---

## Introduction

The 2015 refugee crisis sent shockwaves through the European community. That year, 1.3 million migrants applied for asylum in the EU, Norway and Switzerland (Pew Research Center 2016: 4), a more than twofold increase from 2014. Of these migrants, more than half were citizens either of Syria (29 per cent), Afghanistan (15 per cent) or Iraq (10 per cent). While selected European states initially adopted a welcoming approach—not least symbolized by German Chancellor Angela Merkel’s famous words, ‘Wir schaffen das’ and her open-border policy—the EU and EU member states soon began to intensify efforts to limit the influx. This resulted in a somewhat chaotic process of border closings, erection of walls and barbed wire barriers, transit policies that sought to pass refugees on to neighbouring states, new laws and regulations at the national level to render asylum less attractive and thus de-incentivize refugees from making asylum claims in individual member states, pushbacks and increased surveillance and policing of external EU borders, and deals being struck with third countries to control emigration, as exemplified by the EU–Turkey deal. It was a period of increasing renationalization, where the Dublin Regulation was effectively set on standby (Gökalp-Aras et al. 2020).

In this chapter, the European response to the refugee crisis is critically analysed from a normative perspective. The focus is refugee protection and the extent to which the European response can be said to accommodate the rights and legitimate claims of refugees. More specifically, the focus is on the process through which refugees access European states in which asylum claims can be made and the policies that impact this process, rather than on policies that concern asylum seekers’ lives and opportunities once they have made these claims. Note, however, that this distinction between policies is not as tight as it may initially seem, as some policies that target the opportunities of migrants who have already made asylum claims (such as policies pertaining to their housing conditions, benefit levels, and access to family reunification), are also used to de-incentivize refugees from making the journey in the first place.

In section 2, I distinguish between different conceptions of ‘refugee protection’ and opt for a moral conception. In section 3, I explain the moral basis for asylum and refugee protection in greater detail and what it implies for the kinds of protection refugees are entitled to. Then, in section 4, I begin to consider European policies and the extent to which they (have failed to) protect refugees. In section 5, I focus specifically on some problems of the ‘hot spot’ approach. Furthermore, in section 6, I consider various border externalization policies and explain some of the ways in which they have harmed refugees (and why the EU is, at least in part, responsible). Then, in section 7, I turn to the more general notion of ‘non-arrival measures’ and the ways in which they are sometimes incompatible with the letter, but more often the spirit of the Refugee Convention. Finally, in section 8, I provide an account of what I believe a sustainable refugee regime would look like in light of the previous sections. I also briefly reflect on how the European refugee regime should be transformed to implement such a sustainable regime.

## Refugee protection

Refugee protection concerns the needs of refugees that arise due to their vulnerability and precarious conditions. By being forced to leave their country of origin, refugees lack the protections they would (or should) usually have as citizens in the states responsible for securing their interests. When refugees are forced to flee their country of origin or residence because it can or will no longer protect them, the responsibility for catering for their basic interests is transferred to other states, at least temporarily.

I need to distinguish between *legal* and *moral* conceptions of refugee protection. According to legal conceptions, the standards for refugee protection are defined by a set of legal documents that states have obligated themselves to conform to. For example, according to the UNHCR (2011: 5), protection refers to ‘all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, namely human rights law, international humanitarian law and refugee law’ (cf. Gökalp-Aras et al. 2020: 12–22). On the other hand, a moral conception does not define refugee protection based on protections entrenched in existing bodies of law but based on the protection refugees *should* be provided with, whether or not such protection is legally guaranteed.

To illustrate the difference between legal and moral conceptions, consider the 1967 Protocol of the UN Convention on the Status of Refugees, according to which a refugee is someone who:

Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who,

not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

According to the 1951 Refugee Convention, the basic protection provided for refugees who are granted asylum is the right of non-refoulement, according to which they cannot be returned to a country where they face serious threats to their life or freedom.

A common criticism is that, on this understanding of who qualifies as a refugee, there is a *protection gap*, both because no protection is offered to people who are internally displaced (that is, who have been forced to leave their homes but have not crossed any international borders) and because of a morally arbitrary restriction to people who are persecuted (for particular reasons), thus excluding people who are fleeing, for example, war, civil strife, poverty, famine, earthquakes, floods, etc. Concerning this morally arbitrary restriction, a common objection is that what matters, from a moral point of view, is the *nature* and *severity* of someone's need, not the particular *source* of that need. Thus, several political theorists have argued for replacing the source-based Refugee Convention with a needs-based one (Carens 2013; Gibney 2004; Miller 2016).

For present purposes, the point is that to criticize the Refugee Convention and other parts of the current legal framework at a fundamental level, one needs to adopt an external framework—namely, a framework that *questions the basic distinctions drawn within the Convention*. Ultimately, one needs to appeal to a moral framework that explains, for example, why the protections offered by the existing body of legal documents (and, perhaps, legal practices) does not provide refugees with the level of protection they ought to receive. This illustrates how legal and moral conceptions of refugee protection differ.

In this chapter, I focus on the moral conception of protection because my concern is whether the European refugee regime provides the protections refugees *ought to receive*. Nevertheless, the protections secured in the current legal framework, including the Refugee Convention and the European Declaration of Human Rights, are also important from a moral perspective. So there is arguably a significant amount of overlap between protection in the legal and the moral sense. And, in fact, much of my discussion of the European response to the refugee crisis can be captured, at the normative level, by the content and spirit of this framework. My point is, therefore, not so much to criticize the present legal framework as to explain where and how refugees are currently insufficiently protected by European policies.

In order to determine what refugee protection amounts to in the moral sense, we need to know more about what the moral basis for asylum is in the first place. It is to this question, then, I turn next.

## The moral case for asylum

I want to outline two basic moral arguments for admitting refugees. According to the first *humanitarian* argument, human beings have a right to have their basic needs secured or to a decent standard of living (Carens 2013: 195; Gibney 2004: 233). This is why, if I can save a child from drowning in a pond, at no great cost to myself (other than, perhaps, getting my clothes wet and having my shoes ruined), I have a moral obligation to do so (Singer 1972). Regarding refugees, their most basic immediate need, which states have an obligation to secure, is access to a safe place where they can reside, either temporarily or permanently, depending on the circumstances. States also have an obligation to secure, and certainly not prevent, that refugees can access such a place in a safe manner. But there are many other needs that receiving states should also address, including, arguably, access to housing, benefits, jobs, education, language skills, and eventually citizenship.

I shall not here attempt to provide an exhaustive account of what refugees are entitled to, nor of the exact moral basis of protection. Some argue that refugee entitlements should be based on an account of human needs (Miller 2016: Ch. 5), but there are also other possible accounts. Furthermore, the level of protection to which refugees are entitled will depend on whether our principles of justice are construed as partial ones, where states have stronger obligations towards nationals/citizens than towards non-nationals/non-citizens (Gibney 2004; Miller 2016), or as impartial ones, where, at the basic level of justice, states do not have stronger obligations towards members than non-members (Holtug 2020; Holtug 2021a). This is the question of how to weigh the interests of members against the interests of non-members. For example, suppose we adopt an impartial approach. In that case, it may be more difficult for states to justify various restrictions on the intake of refugees than if we adopt a partial approach that allows favouring the interests of citizens over the interests of refugees.

The other argument for admitting refugees I want to outline appeals to a basic liberty—namely, *freedom of movement*. According to the principle of freedom of movement, people have a right to go where they want, or more specifically, a right that others do not prevent them from doing so. Of course, this principle needs to be rendered more precise in various ways. For example, it does not imply that you can access my flat without my consent. Nevertheless, as some theorists have argued (Cole 2000; Carens 2013; Oberman 2016), it can be invoked in favour of open borders. Furthermore, in the case of refugees, freedom of movement seems to be especially weighty because this principle protects some particularly strong and basic needs or interests of individuals, such as the interest in fleeing war, torture, oppression, persecution, and the like. These are basic needs or interests by any standard.



Unlike the humanitarian argument, which appeals to refugees' *positive rights*, freedom of movement is a *negative right* (the right not to be prevented from moving). This is significant because some people believe that negative rights are morally prior to positive rights. If so, the argument from freedom of movement suggests that the obligation to admit refugees cannot be resisted simply by downplaying the importance of humanitarian concerns, focusing instead on the basic liberties (as, for example, right-wing libertarians tend to do). However, while freedom of movement may secure refugees a right to entry, it does not secure them assistance of various kinds once they have entered the destination society. For this, one needs to appeal to the humanitarian argument.

Nevertheless, the humanitarian argument seems fairly well-established, at least at the intuitive level. Suppose that, in the example mentioned above, I learn that the child drowning in the pond is a Syrian who has just entered the territory of the state in which I reside, having escaped the atrocities of the war in her own country. Surely, my positive duty to rescue her from drowning would not lapse (or even attenuate) for that reason.

One reason why states may feel a need to close off their borders to prevent asylum seekers from entering is the suggestion that it is simply too demanding for them to admit refugees, or at least to admit the numbers that would arrive if they did not impose restrictions to limit the influx. Thus, as was evident during the refugee crisis of 2015, many European states felt that they were being swamped and that the burdens imposed on them, whether economic or cultural, were too high for them to be required to carry them.

However, note that this appeal to the demandingness of refugee reception cannot stand alone. This is not just because the extent to which refugees pose a burden for receiving societies is disputed (IMF 2016: 12; d'Albis, Boubtane and Coulibaly 2018), but also because the demandingness objection does not explain why it is the costs associated with assisting refugees, in particular, that should be declined (Holtug 2020: 125; Holtug 2021b). Just as it may be costly for a state to take in a refugee, it may be costly to provide housing and food for a homeless person. The mere appeal to demandingness does not explain why the state should undertake the latter but not the former. This is an important point because European refugee policies have often been defended simply on the basis of costs of various kinds. Thus, as has been documented in RESPOND reports, which I shall dig into in the next section, European policies are harmful to refugees in several ways. They have not been satisfactorily justified.

## Restrictive policies, harm and protection

Since 2015, more restrictive policies to limit the number of entries have been introduced, and the number of deportations and returns have increased

(Gökalp-Aras 2020: 23). It has become more difficult to access European territory, and the rights of applicants have been downgraded. Benefits for refugees have been cut (sometimes taking them below the poverty line), they have been granted more temporary forms of protection (leading to greater insecurity), and opportunities for family reunification have been restricted (the right to family life being a human right). In some cases, such policies have been introduced deliberately to try to limit the inflow. Similarly, housing conditions have been neglected as a way to de-incentivize refugees to come, for example, through the introduction of tent camps (Whyte, Campbell and Overgaard 2020). And a lack of capacity for handling asylum applications has resulted in long waiting periods, and rejections have increased (Gökalp-Aras et al. 2020; Hess and Petrogiannis 2020).

In some cases, refugees have been met with violence, not least in the context of border control. More generally, it is the case that ‘life-threatening risks and human rights violations directly correlate with border-control policies that aim to control the movements of migration and flight by sealing off the border’ (Hess and Petrogiannis 2020: 6). Threats to refugees may take different forms, depending on individual characteristics, where women have been exposed to gender-based forms of violence, such as rape and ‘transactional sex’ (Hess and Petrogiannis 2020: 10).

Furthermore, some refugees travelling on the so-called ‘Balkan route’ report being robbed by the police, attacked by locals, and exposed to aggressive policing. Many report being beaten by the police in Hungary and detained, often without access to necessary medicine (Hess and Petrogiannis 2020: 32). I shall return to the experiences of refugees travelling through the Mediterranean route in section 6.

In Greece, efforts to prevent refugees from arriving from Turkey continue, not only through the mechanisms of the EU–Turkey agreement and, in some cases, pushbacks, but the use of tear gas and rubber bullets, which has also been reported (Siegfried 2020). And in Croatia, there are recent reports of police brutality, where refugees have been severely beaten, kicked, whipped, punched, sexually assaulted and humiliated (Tondo 2020).

Regarding return policies, lists of safe countries are being updated to increase deportations and returns, ‘blurring the lines between forced and voluntary returns’ (Gökalp-Aras 2020: 9). For example, deportations to Afghanistan have picked up in some countries, although critics argue that Afghanistan cannot be considered a safe country. Thus, Amnesty International (2017) has documented that deportees face a real risk of serious human rights violations. An illustration of this point is Hadi, an Afghan man who fled with his family to Norway after being kidnapped and beaten back in Afghanistan in 2015 by a group opposed to his work. He was refused protection in Norway and returned, and after a few months, he had been killed. In another case, Denmark deported two brothers, 23-year-old Vahid and 16-

year-old Abolfazl, to Afghanistan, and soon after, the younger brother was found killed, reportedly targeted by the Taliban (Hvilsom 2015). Arguably, such returns are in breach of non-refoulement.

In some cases, detention centres in which rejected asylum seekers are waiting to be deported have been heavily criticized. For example, the European Committee for the Prevention of Torture (2019) describes the Danish centre Ellebæk as ‘unacceptable’ and worse than a prison. It bears repeating that Danish authorities have deliberately accepted such harsh conditions to increase voluntary returns.

In different ways and to different degrees, the above observations exemplify European policies that have been harmful to refugees, and in many cases, ignored their basic human needs. Indeed, as regards refugee protection, ‘human and fundamental rights considerations have been weakened since 2015’ (Karamanidou, Kasparek and Hess 2020: 8).

## Problems of the hotspot approach

A further aspect of the European response to the refugee crisis concerns the so-called ‘hotspot approach’, where centres or camps at the EU border in Greece and Italy engage in the registration and identification of asylum seekers (Gökalp-Aras 2020: 58). Here, basic criticisms involve the inhumane living conditions to which asylum seekers are exposed, which includes camps being overcrowded, the extended period of time in which asylum seekers may have to stay there, the quality of the asylum procedures taking place, and general insecurity experienced by many asylum seekers, not least women, children and torture victims (Gökalp-Aras 2020: 75). A case in point is the notorious Moria camp on Lesbos, where a fire recently left 13,000 migrants without shelter.

It should be stressed that these are not necessarily criticisms of the hotspot approach *per se*, but of the particular ways in which it has been organized in the EU, with too many migrants in too little space, insufficient resources, inadequate facilities and procedures, as well as security issues. In principle, centres on the EU side of the border with appropriate facilities and procedures for further distributing refugees among EU countries could cater for registration and (pre)-processing while providing basic protection of refugees’ needs and interests.

## Border externalization and human rights violations

The EU, as well as individual member states, have in various ways externalized border control, such that the process of limiting the influx of migrants and refugees begins well before they reach European territory (Moreno-Lax

and Lemberg-Pedersen 2019). Perhaps the most thoroughgoing measure consists in the combination of visa requirements and carrier sanctions, which prevents refugees from accessing Europe in ways that would be easier, cheaper and, not least, safer (I shall return to this measure in the next section).

Furthermore, the EU and individual member states have struck deals with states in the proximity of the external European border. The latter states commit themselves to control and restrict the passage of transit migrants. This is the essence of the EU–Turkey deal, where Turkey has committed to limiting the influx into Europe and is economically compensated for doing so. However, this deal is not without humanitarian costs. Thus, Turkey has closed its borders to Syria, some Syrian refugees have been deported back into Syria, and refugees have been shot at to prevent them from entering Turkey (Hess and Petrogiannis 2020: 40, 44; Kingsley 2016). In addition, many refugees in Turkey have found it difficult to find work and have been exploited on the labour market when they do; many also struggle to obtain medical treatment (Hess and Petrogiannis 2020: 28).

Similarly, the EU and Italy collaborate with authorities in Libya, including by delivering equipment for surveillance and border control and the training of border personnel, as part of a European strategy to limit the influx of migrants, including refugees, into the EU. In this regard, the Libyan border-control system contributes to the many hardships migrants face in Northern Africa when trying to reach Europe through the Central Mediterranean route. On this route, migrants have been exposed to robbery, police brutality, kidnapping, imprisonment, gunfire, expectations of bribery (to be able to move on), slave labour and sexual assault (Hess and Petrogiannis 2020: 33–37).

In Libya, the coast guard intercepts migrants and sends them to detention centres, where they have been grossly mistreated on multiple occasions. According to a report from the OHCHR (2018: 5), migrants in detention centres under the Department of Combating Illegal Migration (DCIM) are ‘systematically held captive in abusive conditions, including starvation, severe beatings, burning with hot metals, electrocution, and sexual abuses of women and girls’. Likewise, reports reveal that migrants have been drained in petrol and set on fire, had boiling water thrown on them, had burning plastic dripped on them, been gang-raped and sold as slaves. These are, of course, gross violations of fundamental human rights.

Nevertheless, it may be objected that such severe human rights violations in third countries are, while indeed terrifying, of no concern in the present chapter, which deals with the *European* refugee regime. The idea is that human rights violations in, for example, Libya would be the responsibility of the Libyan government (to the extent that such a government exists), not the responsibility of the EU. However, given the nature of EU involvement in

the Libyan effort to control migration into Europe, it is not so clear that this is a valid objection.

Indeed, this is not how most of us usually think about responsibility. To illustrate this point, it may be helpful to highlight a different but, in some ways, rather similar (hypothetical) example. Suppose I own a house and am eager not to have homeless people trespass and camp in my large garden, where I know from experience that they may eat some of the fruit and vegetables I am growing. To pre-empt this, I make an arrangement with my neighbour such that he prevents them from entering my property from his side. I pay him to do so and further contribute with surveillance technology and barbed wire and help train the guards he employs. From my window, I can see that the homeless people that are caught are locked up in his basement, where they are exposed to torture, rape, and many other forms of abuse. I would, of course, much prefer that he did not expose them to any of these forms of mistreatment, and I tell him so, but as I am quite eager not to have these homeless people on *my* property, I nevertheless continue to supply money, equipment and training.

Presumably, most of us would think that my behaviour is indefensible and that if I were to argue that since it is actually my neighbour who is mistreating these poor people, I am not even partly responsible, this would be a poor argument. In other words, there are ways in which an agent may contribute such that, even though the harmful activities are carried out by third parties and not condoned by the agent, he or she is nevertheless responsible, at least in part. And arguably, these considerations also apply to EU involvement in third countries of the kind described above.

## Non-arrival measures and the spirit of the Refugee Convention

As we have seen, the EU engages, to a considerable extent, in various non-arrival measures to keep refugees and migrants from entering European territory. This includes border externalization policies (such as delegating responsibility to third countries, visa requirements and carrier sanctions), as well as increased control of the EU's external borders, and pushbacks on the open sea. But non-arrival measures also include the more indirect policies member states leverage to de-incentivize refugees, such as reductions in benefits, more temporary forms of protection, and restrictions on family reunification. Such measures to de-incentivize refugees can be said to involve a sort of race to the bottom, where individual states are trying to make themselves less attractive for refugees than other states in the region, in a policy of 'beggars thy neighbour', where other countries then respond by lowering their own standards.

As we have seen, non-arrival measures contribute to many of the harms experienced by refugees. For example, visa requirements and carrier sanctions prevent refugees from forms of transportation and routes that are easier, cheaper and, not least, much safer. Regarding the latter, 5,096 people died or went missing trying to cross the Mediterranean in 2016 alone (UNHCR 2020b). Aggressive policing at the borders and pushbacks put refugees in harm's way, as do deportations into unsafe countries and regions as well as overcrowded hotspots with limited resources. Border externalization leads to grotesque forms of maltreatment in third countries, with little respect for human rights. But even social policies, such as cuts in benefits for refugees to make it less attractive to immigrate, may have harmful consequences by forcing refugees to live in poverty with little hope of having all their basic needs met.

Now, as we have also seen, some of these non-arrival measures may be contrary to the letter of the Refugee Convention (such as non-refoulement), but arguably many more are contrary to its spirit (Gibney 2004). Thus, the Refugee Convention was originally designed to ensure that refugees would no longer find themselves unable to find refuge in another country, as Jews did when they tried to get out of Germany under the Nazi regime (although this was not the only motivation for the Convention). However, clearly, the right to apply for asylum once one enters a state's territory provides much less protection if that state does pretty much everything it can to prevent one from entering in the first place. Furthermore, if many states do this, refuge may be in serious undersupply, contrary to what was intended with the Refugee Convention and contrary to the ideals to which the countries that have signed it have committed themselves.

Some, both politicians and scholars, deny that the harmful consequences of non-arrival measures, or at least some of them, are instances of inadequate refugee protection, simply because they deny that Europe is required to provide such protection for, for example, Syrian refugees. Thus, they will argue that, typically, or at least often, such refugees have already entered safe countries before they arrive in Europe and so are no longer in need of refugee protection (see, for example, Miller 2016: 168). Along this line of argument, refugees who have made it to, say, Turkey, Lebanon or Jordan are no longer in need of protection, and so European countries cannot be required to admit them, not even to apply for asylum. Of course, this argument may not apply to refugees facing dehumanizing treatment in, for example, Libya, but its proponents may hold that it does apply to many of the countries in the Middle East that have taken in large numbers of refugees.

Sometimes, this argument is offered in conjunction with another argument, according to which neighbouring countries, such as Turkey, Lebanon and Jordan, can be expected to host the lion's share of the refugees from Syria simply because of their proximity to that country. This, however, is not a

plausible argument. Physical proximity, in itself, is not a reason why some countries have stronger obligations (Unger 1996: 33–36), and it is only contingently related to factors that are relevant for responsibility, such as the *ability* to help.

Regarding the suggestions that refugees in neighbouring states have already found refuge and so the EU cannot be required to take them in, and that the EU is entitled to a wide range of non-arrival measures, I shall address them in the following section, where I present what I believe to be the most plausible proposal for a solution to the ongoing refugee crisis.

## A sustainable solution to the refugee crisis

Arguably, a sustainable solution to the refugee crisis must achieve the triple aim of 1) providing basic protection for all refugees, 2) not imposing excessive costs on particular destination countries, and 3) removing the incentive for nation-states to partake in a race to the bottom as regards being unattractive for refugees. On this basis, I want to suggest that a sustainable policy will involve a) massive support for countries neighbouring conflict zones or other zones from which people flee, b) relieving these countries by resettling refugees, and c) international cooperation in distributing refugees among destination countries (I present the argument in greater detail in Holtug (2016), on which this section in part relies).

Here, a) reflects the fact that some countries, typically countries neighbouring conflict zones, are housing huge numbers of refugees. Some 85 per cent of the world's 80 million forcibly displaced persons are hosted in developing countries, and 80 per cent are in countries or territories affected by acute food insecurity and malnutrition (UNHCR 2020a). Looking just at Syrian refugees, by the end of 2015, Turkey was hosting 2.5 million, Lebanon 1.1 million and Jordan 664,100 (UNHCR 2016). Furthermore, RESPOND research (on Lebanon, for example, see Rahme 2020) has shown that many refugees face desperate conditions and lack legal rights in host countries; in some cases, they are deported back into Syria. Indeed, according to a report from the World Bank Group and UNHCR (Verme et al. 2016: 8), respectively, 69 and 64 per cent of Syrian refugees in Jordan and Lebanon live below the UNHCR poverty line. And refugees face exceedingly difficult conditions on the labour market, where they are taken advantage of by employers and displace domestic workers, which leads to resentment and tensions between national groups. Problems include sectarian violence and sexual harassment of women (Samari 2015). Also, among adolescent Syrians, there has been an increase in suicides (Anderson 2016).

The number of refugees and tensions between national groups further threatens fragile social and political stability, not least in Lebanon and Jordan (Guzansky and Striem 2013). In this regard, consider Lebanon's housing of

Hezbollah, which has been fighting along with Iranian forces on the side of Bashar al-Assad in Syria, which unavoidably leads to tensions with Syrians who have fled al-Assad's military. And it is worth remembering that the influx of refugees, namely Palestinians, was a contributing factor to the outbreak of the Lebanese civil war in 1975.

There is, therefore, a considerable need for assistance in these states neighbouring conflict zones. However, economic and other support will not do it alone. There are at least two reasons for this. First, as transpires from the above, the problems facing neighbouring countries are not only due to lack of resources but also simply to large numbers of refugees. Consider again, for example, sectarian violence, sexual abuse and threats to political stability. Second, there is an important question of fairness and burden-sharing in the distribution of refugees. At the end of 2014, the number of refugees in the EU ranged from 0.01 per 1,000 inhabitants in Latvia, Luxembourg and Slovenia to 14.8 per 1,000 inhabitants in Sweden. In Lebanon, the number was 232 per 1,000 inhabitants, and in Jordan, it was 87 (IMF 2016: 7–8). Furthermore, as we have seen, the burden of hosting refugees is not only economic, and justice arguably requires a more balanced distribution of refugees (Carens 2013: 212).

What this suggests is that neighbouring countries should not only be supported in terms of resources but should also be relieved through the resettlement of substantial numbers of refugees they host to other countries. This would involve opening transportation and travel routes into the EU that are much safer for refugees than those they have been relying on during the refugee crisis. As we have seen, many of the hardships and inadequacies in protection that refugees confront are due to non-arrival measures imposed by the EU and its member states. Indeed, a resettlement scheme would ideally tackle the problems of unsafe routes and smugglers and would provide opportunities for some of the most vulnerable refugees, who may find it difficult to make it to Europe on their own (Gibney 2004: Ch. 8).

These considerations also explain why the argument presented in the last section, according to which Europe cannot be required to admit refugees who have already found refuge in neighbouring countries, fails. First, some of these refugees do not obtain adequate protection (which can only partially be addressed through transfers of resources). This is so not least for some of the most vulnerable refugees. Second, there is the issue of threats to social and political stability in these countries (where conflicts may potentially cause new streams of refugees). And finally, there is the issue of fairness and burden-sharing in the allocation of refugees.

The third and final element in the proposed 'solution' to the refugee crisis pertains to international cooperation in the distribution of refugees. The EU has already attempted to take steps in this direction by introducing a relocation scheme to compensate for the unfair burden-sharing imposed by the



Dublin Regulation (Gökalp-Aras et al. 2020: 80). Thus, a temporary emergency relocation scheme was set up in two European Council decisions in September 2015, according to which 160,000 refugees in need of protection should be relocated from Italy, Greece and Hungary to other member states (European Commission 2015).

However, despite EU commitments to solidarity between member states (Favilli 2018), only a much smaller number was relocated due to resistance from some of the involved states. This was, of course, a major setback in terms of the solution being proposed here. Nevertheless, it is worth noting that a study by Bansak, Hainmueller and Hangarter (2017) finds that a large majority of Europeans actually support a proportional allocation of asylum seekers in Europe.

The key for distribution on which the relocation scheme was based consisted of four criteria: members state population size, GDP, number of past asylum applications and unemployment rates (European Commission 2016). I have elsewhere suggested that this relocation key is on the right track because what these four factors have in common is that they are relevant to a state's *capacity to cater to the needs of refugees* (Holtug 2016; cf. Gibney 2004: 241; Miller 2016: 86; Schuck 1997: 246).

More recently, the European Commission (2020) has developed a Pact on Migration and Asylum that emphasizes responsibility-sharing and solidarity between member states. The primary mechanisms for intra-EU solidarity are relocation and return sponsorship (support for member states under pressure to ensure returns). However, it is not obligatory for member states to accept relocated asylum seekers, and it is unclear how an adequate number of relocations is to be reached.

Solidarity and cooperation on the distribution of refugees play several important roles in the provision of protection for refugees. First, given the high number of displaced persons in the world, solidarity and cooperation are simply necessary in order to provide protection for all. Second, they are necessary to secure fair burden-sharing among states, which is necessary to provide adequate incentives for states to partake in the effort to cater to refugees in the first place. Third, solidarity and burden-sharing between countries are necessary in order for states to feel confident enough to remove some of the many non-arrival measures that, as we have seen, cause so much harm to refugees.

In part, this is about breaking the link between the country in which asylum is applied for and the country that ends up providing protection (Carens 2013: Ch. 10). Non-arrival measures are put in place to prevent refugees from making it to the territory of a state (or a collection of states) because then they can apply for asylum there. However, suppose a system of international cooperation and burden-sharing leaves it open whether protection will

be provided in the state where the application is originally made or elsewhere. In that case, the incentive to impose such measures drops dramatically. Fourth, the incentive to provide increasingly harsh conditions for refugees in a race to the bottom to try to get them to apply elsewhere will likewise be radically reduced as a consequence of such a solidaristic scheme of international cooperation.

To some extent, efforts have been made towards such a system in the EU. However, as we have seen, it has also been met with a great deal of resistance. Furthermore, in order for a system of international cooperation on refugee resettlement to achieve the aim of providing protection for all refugees, it must be global in scope. Therefore, EU policies should be transformed not just to secure *adequate burden-sharing internally* but also to work for such a *solution internationally*.

As is evident, this is not an easy task. Nevertheless, I fail to see an alternative if the triple aim that I referred to at the beginning of this section is to be achieved: 1) providing basic protection to all refugees, 2) not imposing excessive costs on particular destination countries, and 3) removing the incentive for nation-states to partake in a race to the bottom as regards being unattractive for refugees. The road may be long and full of compromises, but unless we know where we are heading, the chance of even getting close is slim indeed.

## References

- Amnesty International. 2017. 'Forced Back to Danger: Asylum Seekers Returned from Europe to Afghanistan'. Available at <https://amnesty.dk/media/3454/forced-back-to-danger.pdf>.
- Anderson, S. 2016. 'Syria's Refugee Children Are Attempting Suicide in Ever Greater Numbers', *Foreign Policy*, June 29. Retrieved 1 September 2021 from <https://foreignpolicy.com/2016/06/29/syrias-refugee-children-have-lost-all-hope/>.
- Gökalp-Aras, N. E., E. Papatzani, Z. Şahin Mencütek, N. Leivaditi, and E. Petracou. 2020. 'Refugee Protection in and Beyond Europe: Comparative Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/61*, August 2020. <https://doi.org/10.5281/zenodo.3975028>
- Bansak, K., J. Hainmueller, and D. Hangarter. 2017. 'Europeans Support a Proportional Allocation of Asylum Seekers', *Nature Human Behaviour* 1: 1–5.
- Carens, J. 2013. *The Ethics of Immigration*. Oxford: Oxford University Press.
- Cole, P. 2000. *Philosophies of Exclusion. Liberal Political Theory and Immigration*. Edinburgh: Edinburgh University Press.
- d'Albis, H., E. Boubtane, and D. Coulibaly. 2018. 'Macroeconomic Evidence Suggest that Asylum Seekers Are Not a 'Burden' for Western European Countries', *Science Advances* 4(6): 1–5.

- European Commission. 2020. *Communication for the Commission on a New Pact on Migration and Asylum*. COM(2020) 609 final, Brussels, 23 September.
- European Committee for the Prevention of Torture. 2019. *Report to the Danish Government on the visit to Denmark carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 3 to 12 April 2019*. Strasbourg, 7 January 2020, <https://rm.coe.int/1680996859>.
- Favilli, C. 2018. 'European Union: Legal and Policy Framework of Migration Governance'. *RESPOND Working Paper, Global Migration: Responses and Consequences Paper 2018/01, May 2018*. Available at <http://uu.diva-portal.org/smash/get/diva2:1241663/FULLTEXT02.pdf>.
- Gibney, M. 2004. *The Ethics and Politics of Asylum*. Cambridge: Cambridge UP.
- Guzansky, Y., and E. Striem. 2013. 'The "Arab Spring" and Refugees in the Middle East', *INSS Insight No. 496*, 12 December. Retrieved 1 September 2021 from <https://www.inss.org.il/publication/the-arab-spring-and-refugees-in-the-middle-east/>.
- Hess, S., and V. Petrogiannis. 2020. 'Border Experiences and Practices of Refugees: Comparative Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/62, August 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1462507/FULLTEXT01.pdf>
- Holtug, N. 2016. 'A Fair Distribution of Refugees in the European Union', *Journal of Global Ethics* 12(3): 279–88.
- . 2020. 'Global Equality and Open Borders', in D. Sobel, P. Vallentyne, and S. Wall (eds), *Oxford Studies in Political Philosophy*, vol. 6, Oxford: Oxford University Press.
- . 2021a. *The Politics of Social Cohesion: Immigration, Community and Justice*. Oxford: Oxford University Press.
- . 2021b. 'Climate Refugees, Demandingness and Kagan's Conditional', *Res Publica*, <https://doi.org/10.1007/s11158-021-09513-4>.
- Hvilsom, F. 2015. 'Udvist fra Danmark: Taleban slog min bror ihjel', *Politiken*, 11 October. Retrieved 1 September 2021 from <https://politiken.dk/udland/art5593299/Udvist-fra-Danmark-Taleban-slog-min-bror-ihjel>.
- IMF. 2016. 'The Refugee Surge in Europe: Economic Challenges', *IMF Staff Discussion Note, SDN/16/02*.
- Karamanidou, L., B. Kasperek, and S. Hess. 2020. 'Border Management and Migration Control. Comparative Report', *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/46*. Available at <https://zenodo.org/record/3732864>.
- Moreno-Lax, V., and M. Lemberg-Pedersen. 2019. 'Border Induced Displacement: The Ethical and Legal Implications of Distance-creation through Externalization', *Questions of International Law* 56(1): 5–33.
- Kingsley, P. 2016. 'Turkish Border Guards Kill Eight Syrian Refugees', *The Guardian*, 19 June. Retrieved 1 September 2021 from <https://www.theguardian.com/world/2016/jun/19/turkish-border-guards-kill-eight-syrian-refugees-reports>.

- Miller, D. 2016. *Strangers in Our Midst. The Political Philosophy of Immigration*. Cambridge, MA: Harvard University Press.
- OHCHR. 2018. 'Desperate and Dangerous: Report on the Human Rights Situation of Migrants and Refugees in Libya', 20 December, United Nations Support Mission in Libya. Available at: <https://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf>.
- Pew Research Center. 2016. 'Number of Refugees to Europe Surges to Record 1.3 Million in 2015'. Retrieved 1 September 2021 from <http://www.pewglobal.org/2016/08/02/number-of-refugees-to-europe-surges-to-record-1-3-million-in-2015/>.
- Rahme, K. 2020. 'Reception Policies, Practices and Responses: Lebanon Country Report', *RESPOND Working Paper 2020/48, April 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1424147/FULLTEXT01.pdf>.
- Samari, G. 2015. 'The Response to Syrian Refugee Women's Health Needs in Lebanon, Turkey and Jordan and Recommendations for Improved Practice', *Humanity in Action*, 15 December.
- Schuck, P.H. 1997. 'Refugee Burden-Sharing: A Modest Proposal', *Yale Journal of International Law* 22: 243–297.
- Siegfried, K. 2020. 'The Refugee Brief', UNHCR, 3 March. Retrieved 1 September 2021 from <https://www.unhcr.org/refugeebrief/the-refugee-brief-3-march-2020/>.
- Singer, P. 1972. 'Famine, Affluence and Morality', *Philosophy and Public Affairs* 1(3): 229–43.
- Tondo, L. 2020. 'Croatian Police Accused of 'Sickening' Assaults on Migrants on the Balkan Trail', *The Guardian*, 21 October. Retrieved 1 September 2021 from <https://www.theguardian.com/global-development/2020/oct/21/croatian-police-accused-of-sickening-assaults-on-migrants-on-balkans-trail-bosnia>.
- Unger, P. 1996. *Living High and Letting Die*. New York, NY: Oxford UP.
- UNHCR. 2011. 'Part I.1—Key Concepts and Approaches', in *Handbook for the Protection of Internally Displaced Persons*, UNHCR Global Protection Cluster Working Group, 7–17. Retrieved 21 March 2021 <https://www.unhcr.org/protection/idps/4c2355229/handbook-protection-internally-displaced-persons.html>.
- UNHCR. 2016. 'Global Trends: Forced Displacement in 2015', 20 June, <https://reliefweb.int/report/world/unhcr-global-trends-forced-displacement-2015>.
- UNHCR. 2020a. 'Figures at a Glance'. Retrieved 1 September 2021 from <https://www.unhcr.org/figures-at-a-glance.html>.
- UNHCR. 2020b. 'Mediterranean Situation'. Retrieved 21 March 2021 from <https://data2.unhcr.org/en/situations/>.
- Verme, P., et al. 2016. *The Welfare of Syrian Refugees: Evidence from Jordan and Lebanon*. Washington, DC: World Bank.
- Whyte, Z., R. Campbell, and H. Overgaard. 2020. 'Paradoxical Infrastructures of Asylum: Notes on the Rise and Fall of Tent Camps in Denmark', *Migration Studies* 8(2): 143–60.

## 9 Paternalism and Control: Germany's Exceptionalism Revisited

*Sabine Hess and Alexander-Kenneth Nagel*

---

### Introduction: Deconstructing the narrative of German exceptionalism

In the years 2015 and 2016, vast numbers of asylum-seeking migrants managed to enter EU-European territory, an influx that was immediately labelled the 'European refugee crisis'. In the formation of public—and to a certain degree, academic—narratives of these events, the German government has played a pivotal role. A widely shared tale that still circulates attributes the events to a telephone call between the German Chancellor Angela Merkel and her Austrian counterpart on the night of 4–5 September 2015. The two discussed the escalating situation in Hungary where thousands of refugee migrants had set out from Budapest's main train station in the morning along the motorway towards Austria. Merkel's decision *not to close* the borders vis-à-vis these marching people and help Austria and Hungary was quickly communicated as Germany having 'opened' its borders and hence 'invited' all incoming refugees.

Even though Merkel's decision not to close the German-Austrian border was fully in line with the Schengen Border Code (SBC) and the Dublin Regulation that allows national governments to declare the responsibility for certain asylum cases, the trope of 'invitation' was also used in political debates in Germany at that time and almost led to a split in the governing coalition. In the following years, this trope was complemented by another obstinate narrative—namely, that of the German *Willkommenskultur* ('welcome culture')—which designated the German asylum system as one of the most liberal in Europe and the German society as steeped in humanitarian sentiments and civic solidarity.

In this chapter, we seek to *deconstruct these narratives of German exceptionalism and excellence* in the context of the so-called 'European refugee crisis'. We do so by drawing on research findings from three national reports corresponding to RESPOND's three work packages on refugee 'protection' (Hänsel, Hess and Schurade 2019), 'reception' (Chemin and Nagel 2020a) and 'integration' (Chemin and Nagel 2020b). This deconstructive approach targets the discursive locus of prominent tropes and analyses it in light of

existing power structures. However, it is important to note that a critical stance to (some of the discourses on) ‘welcome culture’ does not call into question the civic spirit of solidarity and acts of welcome by many NGOs and volunteers on the ground, which continues to this day.

By applying a genealogical reading and contextualization of the 2015–2016 events within the recent history of German asylum politics, we shed light on decisive shifts within the German asylum system. We will also show that the trope of ‘welcome culture’ and more humanitarian-oriented approaches were rapidly replaced (in line with the dominant ‘crisis’ narrative) by security-based discourses that were associated with a political paradigm shift from reception to deportation by the end of 2016 (Hänsel, Hess and Schurade 2019: 73–74). We will demonstrate how the issues of accommodation and the acceleration of the asylum procedure were politicized and intermingled, which eventually resulted in a severe diminution of protection standards and legal provisions. By simultaneously tracing the different discursive strands and shedding light on the level of implementation and political practice (and their interrelation), we show how the German asylum regime is governed by a specific *humanitarian–security nexus*— a distinct mixture of care, paternalism and control. In so doing, we elucidate decisive shifts and dominating new contours in the post-2015 German asylum regime.

In terms of *methodology*, our chapter builds on a qualitative content analysis of 60 semi-standardized interviews with refugees from different countries of origin (including Syria, Iran and several countries in Sub-Saharan Africa) and interviews with stakeholders (politicians and practitioners) in the fields of protection and reception as well as of a broad range of policy documents and media reports. The interviews were coded based on a common scheme, which covered a wide range of themes. For the purpose of this chapter, we concentrate on codes covering the experiences of refugees and political actors pertaining to the asylum procedure and initial reception in Germany.

## The humanitarian–security nexus

A growing body of literature in migration, refugee and border studies shows that humanitarian, caring politics and sentiments, on the one hand, and security-based control policies of border enforcement, on the other, are by no means mutually exclusive but entangled in conflictual ways (Walters 2011; Ticktin 2014; Vaughan-Williams 2015; Bendixsen 2019; Hess and Kasparek 2017, 2019). In this regard, Andersson has pointed to the ‘humanitarian–security nexus’ (2017), and Williams has underlined the ‘safety–security nexus’ (Williams 2014: 8).

Since the early 2000s, the security paradigm and the concept of ‘securitization’ have been firmly established in border and migration studies as a primary focus to study the development and nature of the European border and

migration regime.<sup>1</sup> However, the critical perspective on ‘humanitarianism’ as an instance of governance and control within the border and migration policy field is rather recent. In this vein, Didier Fassin (2007) and Miriam Ticktin (2011) have illustrated how ‘humanitarian reason’—namely, elevated moral sentiments, such as respect for human life and the alleviation of suffering—have become part of politics and governance generally in the West. In an early account, Fassin asserted that humanitarian intervention

is also a politics of life, as I suggest phrasing it, in that it takes as its object the saving of individuals, which presupposes not only risking others but also making a selection of which existences it is possible or legitimate to save (Fassin 2007: 501)

These studies not only show how humanitarianism is grounded in a hierarchical relationship between the one who is able to help and the one perceived as the ‘victim’<sup>2</sup> but critically conclude that humanitarian governance tends to undermine rights-based regimes in favour of a political practice based on benevolence and favour (Fassin 2016). In this regard, Ticktin writes: ‘Governments are reducing protections in the name of helping the most vulnerable’ (Ticktin 2011: 334). Therefore, the emergence of ‘vulnerability’ as a new concept for protection in the wake of the mass refugee movements of 2015–2016 deserves particular attention (Elle and Hess 2020).

In the field of border studies, the analytical lens of humanitarianism has been increasingly applied since 2010, when the crossing of the external European border literally became a ‘matter of life and death’. These are the years that Williams Walters marks as the ‘birth of the humanitarian border’ (Walters 2011). After a couple of shipwrecks near Lampedusa in 2013 with hundreds of victims, the humanitarian paradigm even outweighed (briefly) rationales of securitization in the European border and migration regime. Even though these incidents were neither the first nor the last tragedies at sea, they cap-

---

<sup>1</sup> Many authors of border studies or studies of European integration have pointed to the fact that the creation of the Single Market and the associated abolition of internal border controls opened the door to a wide field of security actors (Bigo and Guild 2005) and led to an intensified securitization of questions of mobility in Europe (Huysmans 2000). Walters and Haahr even write that, ‘Schengenland can be seen as having certain acts of securitisation as its conditions of possibility’ (Walters and Haahr 2005: 95). Lahav and Giraudon attribute central dynamics and political rationales governing the development of the European Border and migration regime to the fundamental ‘control dilemma’ that the creation of the Single market and the Schengen Area entailed (Lahav and Guiraudon 2000: 844).

<sup>2</sup> Thereby, research shows that not all victims qualify as victims in the humanitarian sense, rather they need to fulfil certain characteristics connected with victimhood as ‘passivity’ and ‘purity’, constituting a strong sense of ‘deservingness’ (Ticktin 2011).

tered the attention of the European public in an unprecedented manner, and the legitimacy of restrictive border controls was called into serious question. The Italian government launched ‘Mare Nostrum’, the first state-run rescue mission at sea (Hess and Kasperek 2017).<sup>3</sup> Even though this prevalence of humanitarian rationales was short-lived and quickly replaced by a new dominance of restrictive approaches after the 2015–2016 events saw a return to the doctrine of deterrence, humanitarian discourses in the field of border and migration policies and their entanglement with security-based politics can be traced back to the early 2000s.

The happy marriage of humanitarianism and securitization—to rephrase a concept of the feminist security theorist Claudia Aradau (2004)<sup>4</sup>—seems to be possible as both construct the refugee migrant as a ‘vulnerable victim’ reducing her experience to one of a ‘suffering body’ that needs to be rescued and saved.<sup>5</sup> In the word of Williams,

[T]he migrant as vulnerable victim is emerging as a more and more significant character in struggles over border enforcement. Within the symbolic space of the safety/security nexus, migrant safety and border security are seemingly reconciled as border enforcement is rendered humanitarian. (Williams 2014: 8)

In recent years, this has changed considerably along with the ongoing criminalization of the civic sea rescue fleet by the Mediterranean EU countries and the almost complete cessation of state-run rescue missions as documented by human rights and media reports almost on a daily basis.

Another research field pointing especially to a safety–security nexus governing the field of migration and border policies is the research on refugee

---

<sup>3</sup> But, as Sabine Hess has argued elsewhere, this paradigmatic shift was only possible due to ‘wider hegemonic changes, which in part were also due to incessant migration struggles, transnational solidarity networks, and the professionalized critical knowledge practices of NGOs and legal interventions, all of which have led to a further juridification of the border regime and human rights-based approaches in these years’ (Hess 2018: 91f).

<sup>4</sup> Claudia Aradau demonstrates a similar nexus, namely of women’s rights discourses in the field of anti-trafficking politics in the late 1990s and early 2000s that were ‘happily married with the field of security and anti-immigration policies in the context of the EU’ (Aradau 2004: 253). This coupling was made possible through the figure of the ‘suffering’ (now female) migrant body as ‘passive victim’ (Hess 2013).

<sup>5</sup> As Sabine Hess has shown elsewhere, the figure of the vulnerable migrant dates further back, to the White Paper tabled by the Blair government in the UK in 2002, entitled ‘Secure Border, Safe Haven’. It is mostly read as a founding document for externalization. The White Paper instrumentalized a strong humanitarian rhetoric to legitimize further externalization and an intensification of border controls.



camp, which has demonstrated how humanitarianism as a regime of care is practised by states, NGOs and IOs alike and how it is aligned with control, paternalism and victimization (Malkki 1995; Agier 2011; Hoffmann 2015).<sup>6</sup> In a similar vein, recent developments suggest that refugee camps should be considered as central nodal sites of migration management and control (Turner 2016; Kreichauf 2018), enacting a specific figuration of control and policing as well as humanitarian assistance and protection (Hoffmann 2016).

Tobias Pieper's historical reconstruction of the camp system in Germany dates back to colonial times while noting that the use of camps as the primary accommodation facility for asylum seekers was implemented after the 1980s when 'asylum' became a controversial public topic for the first time (Pieper 2008). Since then, the German camp system has undergone different phases oscillating between the poles of centralization with half-open mass camps ('Sammellager') and decentralization.<sup>7</sup> In the post-2015 asylum regime, this rationale seems to be shifting towards centralization, prolonged confinement, spatial segregation and a 'regime of differential detention' (de Vries, Carrera and Guild 2016: 5).

Kreichauf (2018: 4) has analysed accommodation and reception policies in Europe since the 1990s in a similar vein. The author points to decisive changes with the arrivals of 2015. He has identified a general trend toward 'campification'<sup>8</sup> in the accommodation of refugees, arguing that 'accommodation has increasingly been transformed into large, camp-like structures with lowered living standards and a closed character' (ibid.: 1). Such a rationale has also dominated the reception policy and transformation of the German camp system since then (Hänsel, Hess and Schurade 2019).

Given its focus on policies and practices of refugee protection and reception and its country comparative research design, the RESPOND consortium seems to be particularly apt to address the humanitarian–security nexus and

---

<sup>6</sup> Particularly noteworthy is the emergence of a new humanitarian–military nexus also within the context of this, where military forces are deployed under a humanitarian rationale. This can be seen in the use of the army in the construction of refugee camps and hotspot centres in Greece or temporarily in Croatia. In this way, restructuration attempts produce both *an increased militarization of the border* (such as in Macedonia, Hungary or Austria) where the army or new military–police units are called to support the border guards and also a *new securitarian–military–humanitarian complex* within states (Hess and Kasperek 2017).

<sup>7</sup> Whereas camps in the Global South are usually directed to a prolonged confinement of people (Inheteen 2010; Krause 2013), a different typology of camps has been described in Europe. Agier qualifies European camps as 'transit' and 'sorting centres' causing a 'more or less prolonged moment of immobility, waiting and multiple constraints' (Agier 2011: 47) for those on the move.

<sup>8</sup> Also referred to as 'campization' (e.g., Kreichauf 2018).

its transformations in recent years. As a matter of fact, all countries covered by the consortium exhibit an increase of securitization and, in some cases, even militarization along with severe cutbacks of rights and protection standards (Gökalp-Aras et al. 2020).

Against this backdrop, we would like to caution against an ahistorical and rather fixed conceptualization of the humanitarian–security nexus and rather scrutinize the ongoing connection and recombination of humanitarian and security rationales, which varies not only across national contexts but in the German context also between the different federal states.

To the extent that refugee accommodation (and reception politics in general) can be located at the intersection between welfare and immigration politics (Bank 2000; Scholten 2020; Nagel and Kaya 2020), we assume that the humanitarian and security nexus crystallizes in the German model of *welfare paternalism*. In general, paternalism can be characterized as a system of rule that legitimizes authority based on a *custodial relationship* between the ruler and the ruled. In the history of the German welfare state, the term was used to describe corporate welfare measures offered by big companies, such as the steel manufacturer Krupp as it reflected the assumed patriarchal responsibility of the company owner for ‘his’ workers.

More recently, some authors have pointed to the rise of a ‘new paternalism’ in the course of a neoliberal retrenchment of late modern welfare states. According to Susan MacGregor

[t]he focus is now on *responsibility* and it is stressed that there are *no rights without duties*. This old principle has been adapted from the welfare state era but modified so that now, rather than risks being shared and collective responsibility accepted, the focus is on a balance of rights and obligations at the *level of the individual*—you only have rights to the extent that you fulfil your obligations. The main stress is on getting the poor and those receiving public services to *change their behaviour* and act more responsibly. (MacGregor 1999: 108; *emphasis added*)

In a similar vein, paternalist strategies have been discussed and criticized in the recent German literature on social work. The main point of criticism is that paternalism promotes a logic of policing and incorporates NGOs as agents of a punitive social policy paradigm (Eick 2011). According to Breymann (2007), the new paternalism envisions itself as authorized to evaluate individual interests and to actively intervene in individuals’ life conduct to adjust them to external socio-economic demands: ‘It is part of its logic of enforcement to make use of authoritarian and repressive means’ (ibid.: 84).

From our perspective, the new paternalism<sup>9</sup> embraces the main rationales of the humanitarian–security nexus in an almost ideal-typical fashion and translates them into concrete practices of refugee reception and accommodation. This is because the new paternalism a) relies on a particularistic idea of defining and segregating distinct target populations, b) assumes that the best welfare outcome for these populations can only be achieved through ongoing external monitoring and intervention and c) makes use of certain civil society actors (either NGOs or well-intentioned volunteers) to put these measures of surveillance and control into practice. On a general level, paternalism points to the dilemmatic relationship between care and dependency, which materializes in institutionalized protection and reception practices.

The following sections will provide a more detailed account of some general shifts within the German protection and reception system and their discursive framing (section 2). Subsequently, we will provide a more in-depth analysis of changes in the protection regime under the rubric of acceleration and efficiency (section 3) and in the reception system under the rubric of ‘integrated refugee management’.

## Shifts in the German protection and reception system

The sharp increase in the number of asylum seekers in the years 2015 and 2016 more or less caught the German asylum and reception system unprepared. Nevertheless, the numbers had been rising gradually since 2011. Applications for international protection in 2011 were 45,741, but rose to 173,002 in 2014, and then sharply again to 441,899 in 2015 and 722,370 in 2016. This intense growth brought the protection and reception system—which had been cut back over previous years—close to the edge of a collapse. The asylum and reception infrastructure, as well as the procedural apparatus of the Federal Office for Migration and Refugees (BAMF), were not adequately equipped and staffed to deal with the vast numbers of newcomers despite BAMF’s numerous appeals for more resources in the years prior. In that sense, the German asylum system played an active role in co-producing the emergency situation.

Whereas the emerging crisis narrative in the summer months of 2015 was at the beginning mainly fuelled by discussions about the lack of infrastructure and capacity and first and foremost regarded as a ‘logistical challenge’ (Hänssel, Hess and Schurade: 70–71), the political and media discourse rapidly changed in autumn 2015. The emerging discourse centred on the tropes of a

---

<sup>9</sup> In the field of asylum and refugee reception, paternalism is certainly associated with xenophobic and racist legacies and knowledge production as critical race studies in Germany indicates (do Mar Castro Varela 2016).

‘state emergency’ and a ‘loss of state control’, thus legitimating security-centred responses.

To that extent, the subsequent institutional responses can be characterized (retrospectively) as a second ‘decisive break’ within the German asylum system. The first break took place in the years after the German reunification and the end of the Cold War when rising numbers of asylum-seeking migrants (numbers nearly doubled from 120,000 to 220,000 between 1989 and 1991) led to a broad and controversial politicization of asylum, which was associated with outbreaks of racist violence all over the country. In 1992, the parliament adopted a reform of Article 16 of the German Basic Law, the legal basis on which the right to political asylum in Germany is grounded. This reform—the so-called ‘asylum compromise’—introduced a couple of concepts that have continued to shape the German asylum system until today. Specifically, it introduced the concepts of ‘safe third country’ or ‘safe country of origin’ into German law, accelerated asylum procedures at international airports, and established a separate social welfare regime for asylum seekers that saw benefits reduced by 30 per cent (see Chemin et al. 2020a). As this glance at the early history of asylum in reunified Germany indicates, the asylum procedure was marked by a rationality of deterrence and restriction (namely, blocking access for a wider number of groups to the protection system) even in the years before 2015.

However, through the 1990s, numbers dropped significantly—partly because of the restrictions introduced by the asylum reform—and the asylum and reception infrastructure was retrenched. In response to several pro-refugee-rights campaigns in the following years, the early 2000s also saw significant improvements in conditions for asylum seekers. In 2013, the German Asylum Law was decisively extended through the transposition of the Qualification Directive 2011/95/EU into national law and the incorporation of the subsidiary protection status, which had been unknown to the German asylum system (Gesetz zur Umsetzung der Richtlinie 2011/95/EU). Additionally, there were successive improvements concerning access to the labour market (Neuregelung der Beschäftigungsverordnung, 1 July 2013) and lifting the geographic restriction on asylum seekers—the so-called ‘residence obligation’ (*Residenzpflicht*). As a matter of fact, all of these improvements have been retracted since 2015.

Moving on to the more recent developments, one could argue that the German ‘refugee crisis’ had already begun one year before the mass movements of migration started to shake Europe in 2015. In fact, the numbers of asylum-seeking migrants already started to increase sharply in 2014 as arrivals from Balkan countries, such as Kosovo, Montenegro and Serbia, shot up. This new ‘Balkan corridor’ would become ‘notorious’ after 2015 (Speer 2017). In this regard, the extension of the list of safe countries of origin became an important milestone in the overall retrenchment of the protection system:

Serbia, Macedonia and Bosnia–Herzegovina were included in November 2014 and Albania, Kosovo and Montenegro followed in the context of the first so-called Asylum Package in October 2015. The years 2015 and 2016 saw further amendments within a noticeably short period.<sup>10</sup>

In the name of ‘efficiency of the reception and return system’ and ‘regaining state control’ (Hänsel, Hess and Schurade 2019), the reforms centred on the asylum procedure and the status determination process and on the other side revised the accommodation system in the course of the doctrine of ‘integrated refugee management’ (see next section). Under the increasing dominance of security and control-based narratives circulating around the notion of a ‘lack of state control’, we can study a turn to a law-and-order policy and a further securitization of the German asylum and reception system, as a high-ranking employee of the Ministry of the Interior of Lower Saxony also realized:

Yes, indeed, the political approach has been changing. One of the reasons for that is that the initial high acceptance of society of a humanitarian approach has been decreasing. But, at the same time, certain voices from certain more extreme political sectors have become louder, [ones] that demand a different approach and a cut in protection standards. And these kinds of demands have had their repercussions on the daily political routines [*politischer Alltag*] in federal and state bureaucracies regarding political initiatives, without a doubt.

A member of the national platform of refugee councils, Pro Asyl, even described the moment in 2016 as ‘a kind of counterrevolution, against the more humanitarian approaches and the welcoming culture, with the state wanting to regain control’ (Hänsel, Hess and Schurade 2019: 73). In fact, the procedural changes produced a heightened degree of ‘deportability’ (de Genova 2002), whereas the doctrine of ‘integrated refugee management’ ensured better state control and hence a more effective implementation of deportation measures. In 2017–2018, the public debate escalated further with the intensified focus on the question of deportation and the narrative of a ‘deportation gap’ that was accompanied by drastic political statements such as the diagnosis of a general ‘state failure’ (*Staatsversagen*) by the national director of the Union of Police officers (Hänsel, Hess and Schurade 2019: 74). This perception of state failure concerning the enforcement of deportations led further to several institutional and political-legal changes on the national and subnational level and represented another decisive step, a final ‘turn from welcome to deportation’ (cf. de Genova and Peutz 2010).

---

<sup>10</sup> The political debates resulted in some major legislative acts, namely the so-called Asylum Package I and II (‘Asylpakete’, 2015/2016), the Integration Act (‘Integrationsgesetz’, 2016) and the Law for a Better Enforcement of the Obligation to Leave the Country (‘Geordnete Rückkehr Gesetz’, 2017).

More specifically, the so-called Asylum Package I of October 2015 extended the maximum length of stay in a reception centre to 6 months. Previously it was three months before asylum seekers had to be distributed to smaller municipal accommodation centres (*Gemeinschaftsunterkünfte*) or decentralized housing in separate apartments. The same package introduced the ‘prospect to remain’ (*Bleibeperspektive*) as a selection criterion, mainly based on the country of origin and had a crucial impact on integration chances and procedural rights (discussed in further detail in the next section). The Asylum Package II of March 2016 enforced accelerated procedures for certain groups and stipulated that new reception facilities should be created (see above), benefits for asylum seekers be cut further, and the right to family reunion for persons with a ‘subsidiary protection’ status be abolished. According to the Refugee Council of North Rhine-Westphalia, both asylum packages reflect a restrictive stance on reception politics, are (partly) incompatible with international law and have therefore been ‘vehemently rejected’ by many human rights organizations.

Furthermore, the Integration Act of August 2016 has allowed restrictions on the freedom of movement of recognized refugees—those arriving in Germany after 1 December 2016 can be required to remain resident in a particular state for up to three years (*Wohnsitzauflage*). In addition, recognized refugees have to prove they are actively integrating (such as by developing language skills and seeking employment) to receive a residence permit (*Niederlassungserlaubnis*). Finally, as its name suggests, the Law for Enhanced Enforcement of the Obligation to Leave the Country from July 2017 was supposed to establish measures of surveillance of immigrants with the obligation to leave, including the utilization of their private data (for example, from cell phones), to extend the residence in reception centres for up to two years and to facilitate detention. In addition, the so-called Migration Package of June 2019 comprised eight new laws on asylum and introduced even more measures to facilitate and accelerate return and deportation, partly by again extending the possible length of stay in mass-reception centres.<sup>11</sup>

---

<sup>11</sup> The ‘Second Law on the Enhanced Implementation of the Obligation to Exit the Federal Republic of Germany’ (also commonly referred to as the ‘Ordered Return Act’) introduced sanctions for those applicants seen to be not actively collaborating with German institutions to establish their identities and get hold of passports; it lowers the barriers for detention and allows for the detention of migrants obliged to leave the country in regular penal facilities. Additionally, it extends the maximum length of stay for all persons in initial reception facilities to up to 18 months with the exception of families with minor children, including adult siblings, who may not be accommodated in mass reception facilities for more than six months, which also applies to families from so-called ‘safe countries of origin’ (new § 47 AsylG).

All in all, the early history of political and legislative changes within the German asylum system reflect a general trend of exacerbating the conditions for protection and reception in the wake of a symbolic politics of restriction and deterrence. It is obvious how the rationale of the humanitarian–security nexus has been operative in this backlash: It is reflected in the inherent logic of selection and compartmentalization (for example, in the distinction between ‘good’ and ‘bad’ prospects to remain in Germany), a collectivized notion of eligibility (in contrast to a rights-based understanding of individual legal entitlement) and a paternalist spirit of intervention, which takes form in the politics of dispersal and ‘campification’. In the following, we will first analyse recent procedural changes and, in the subsequent section, discuss the recent reception policy doctrine of ‘integrated refugee management’ as an exemplary case of paternalism and control.

### Procedural acceleration and centralization: Blocking access, selecting groups, and lowering procedural rights

Against the backdrop of the sheer collapse of the asylum system in 2015, two rather technical tropes—namely, of ‘efficiency’ and ‘acceleration’—quickly came to dominate the public and political debate. Additionally, the consultancy firm McKinsey, an actor without any legal expertise, was asked to write an efficiency study on how to revise the whole system. Even though at first glance, all actors, including pro-refugee groups, could subscribe to the objective of acceleration given the serious infrastructural problems of the understaffed BAMF, the subsequent restructuring of the asylum procedure led, as mentioned above, to a series of severe retrenchments in procedural rights and protection standards.

The German asylum system before 2015 already knew exclusionary procedural norms with the aforementioned 1993 invented category of ‘safe country of origin’, which entailed a shortened and accelerated procedure as well as the reversal of the burden of proof in the asylum procedure.<sup>12</sup> After 2015, *acceleration* and *centralization* became the two main objectives. The acceleration of procedures (talking anywhere from years to several weeks) was mainly achieved through the concentration of the key administrative agencies on the premises of the newly introduced arrival centres, by lowering procedural standards, and by increasing staff levels, mainly of the BAMF. The recruitment drive entailed severe problems, as most of the newly employed case officers were not sufficiently trained, leading to an increase in poorly justified adverse decisions.

---

<sup>12</sup> Since 2016 with Asylum Package II, people from safe countries of origin are generally channeled into this kind of accelerated asylum procedure.

In 2015, one of the first decisive measures introduced in Asylum Package I was a fast-tracking procedure that relied on the aforementioned introduction of the concept of ‘prospect to remain’ as a primary selective criterion. Playing on the humanitarian–security nexus in a distinct way, this new criterion was officially introduced to enable the integration for asylum seekers from particular countries, such as Eritrea, Iran, Iraq, Somalia and Syria (today it is only Syria, Iraq and Eritrea), who were more likely to settle permanently in Germany. In contrast, other applicants were increasingly excluded from early integration measures. The concept was also used as a decisive filter mechanism in the procedural sense (Hänsel, Hess and Schurade 2019). In turn, individual asylum seekers were pre-selected based on the overall statistical recognition rates of their respective countries of origin—before any consideration of their individual cases—and channelled into different sections of the protection and reception system.

Given their ‘good prospect to remain’ in Germany, it is hardly surprising that most of our Syrian-origin interviewees had come away with a rather positive impression of the reception process in Germany, as one female interviewee noted as follows: ‘It was not difficult; the whole procedure was very smooth’ (SYR-F-MUN 140818). Another Syrian asylum seeker commented on the obvious mechanisms of selection based on national groups in the following way:

I wouldn’t label the asylum procedure as either easy or difficult, but it was clear that Syrians could [readily] secure their asylum rights. You just needed to prove that you were Syrian. [...] You are asking me if I was afraid I would get a rejection? We were not afraid about it because Syrians were always getting acceptances. Maybe Iraqis and Afghans were afraid about that. (SYR-M-MUN 031218)

In contrast, asylum seekers of other nationalities complained heavily about this practice, such as one applicant from Cameroon. Not only did he recall that Syrians had been given priority in crossing the border in 2015, but he pointed to differential treatment between those with a ‘good’ and a ‘bad prospect to remain’ within the accommodation system as well:

When I went there, the camp was so full, and it was winter, and I was put up, I remember, in a tent. Because the housing [fixed dwellings] was [reserved] for Syrians, and so I was put up in a tent. And that was my first experience of cold temperatures in winter because I’d never faced winter before. And I got sick. I got an infection. (CAM-M-GRO 070718)

As outlined above, this procedural division not only caused tensions between different refugee groups, but it undermined the basic principle of the EU and German asylum systems—namely, that refugees are entitled to an *individual hearing or procedure*. Instead, collective criteria premised on group attributes, such as asylum seekers’ country of origin, were prioritized. As a matter



of fact, the full impact of this division was reached by combining the procedural reforms and reorganization of the accommodation system under the doctrine of ‘integrated refugee management’ that we will explore in greater detail in the following section.

In this regard, the introduction of the so-called initial reception or arrival centres—as well as the further establishment of mass-reception centres—not only influenced the well-being of asylum seekers and their opportunities for participation and integration but *their very chances of asylum*. The following statement by the director of the Refugee Council of Lower Saxony underlines how the procedural reform and the rationale of acceleration were put into practice in the framework of the newly created arrival centres:

The main effect was that the new director of the BAMF optimized the hitherto rather bureaucratic and entrenched decision-making procedures. Especially the famous ‘asylum road’ (*Asylstraße*) that he had implemented in the arrival centres meant that the people were registered, fingerprinted, photographed and interviewed by the police, public health officials, intelligence services, and the like, all within a short time frame of perhaps two days (24–48 hours). The steps were all laced up like a pearl bracelet. And the asylum seekers were pushed through it relatively quickly.

Apart from the isolation of refugees in such half-closed and remote mass accommodation centres, refugee rights organizations criticized the hasty procedures for potentially obstructing a sound information policy and counselling about rights and duties as enshrined in the European asylum directives. In particular, vulnerable and traumatized asylum applicants would find it difficult to express their needs and backgrounds in such a short period. Consequently, both recognition rates and the quality of adverse decisions declined tremendously, which is reflected in an increase in the rates of appeal to a record high of 76 per cent in 2018.

Since the administrative courts have been working at the limits of their capacity, asylum applicants have had to wait several months for their hearings, and sometimes up to two years. During that time, they are obliged to stay in the designated reception centre. Hence, the intended acceleration of asylum decisions appears to have produced a backlog in the courts and prolonged the period of isolation and restricted movement, as the Bavarian refugee council has pointed out (Flüchtlingsrat Bayern 2019a). To some extent, this critical tenor has been supported by asylum administrators who have problematized a number of logistic and legal ‘challenges’ resulting from the centralized approach (Hänsel, Hess and Schurade 2019: 42), which will be detailed further in the next section.

The chapter now turns to detail how the refugees experienced the reorganization of the camp system in line with the objective of process acceleration and control as a form of repressive paternalism.

## Paternalism in practice: The reception policy doctrine of ‘integrated refugee management’

In our interviews with reception stakeholders, interviewees frequently referred to a ‘new’ strategy of ‘integrated refugee management’ (*Integriertes Flüchtlingsmanagement*). One key element of this strategy turned out to be so-called *initial reception centres* or *arrival centres*, which were supposed to combine all steps of the reception process under one roof: registration, health check, asylum application and counsel on early integration measures.<sup>13</sup> One of the main goals was to speed up the application process, particularly for asylum seekers with a ‘good prospect to remain’ and those with a ‘bad prospect to remain’ (see above). Central to the accelerated decision process in these centres is the assignment of asylum seekers to four ‘clusters’.<sup>14</sup>

A number of critical media reports have pointed out major problems in the launch phase of initial reception centres, such as overstretched staff as well as limited access to medical treatment and a dearth of trained interpreters. A more fundamental critique was formulated by the Refugee Council of Lower Saxony, which held that ‘an asylum procedure which considers the needs of the applicants and which meets the legal requirements [cannot be] conducted in 48 hours [let alone] two weeks’ (Chemin and Nagel 2020a: 26).

Another recent development in the spirit of ‘integrated refugee management’ was so-called AnKER (short for ‘Arrival, Decision-making, and Return’) centres. Similar to the initial reception centres, AnKER centres are designed to combine different elements of the reception procedure in one spot. In addition, they are supposed to *maintain control* over the applicants and enforce

---

<sup>13</sup> Similar models have been adopted. For example on the EU level, with the emphasis on the new ‘integrated border procedure’ in the new EU Pact on Asylum and Migration (see European Commission 2020).

<sup>14</sup> Applicants with a ‘very good prospect to remain’ (such as those from Syria, Eritrea and religious minorities from Iraq) are assigned to ‘cluster A’. It is envisaged that a (positive) decision on their applications is reached in 24 to 48 hours, after which they are directly referred to municipalities and become eligible for early integration measures. In contrast, applicants from safe countries of origin are assigned to ‘cluster B’. It is envisaged that a (negative) decision on their application is reached in 24 to 48 hours and they undergo ‘return counselling’ (*Rückkehrberatung*), which provides information about the remuneration of travel costs and potential measures of reintegration support in their country of origin. Applicants assigned to cluster B are supposed to stay in the arrival centre or another reception centre until their (voluntary) return or deportation. ‘Cluster C’ comprises so-called ‘complex cases’ which can be referred to a branch office of the reception authority. The same applies to all ‘Dublin cases’—namely, all applicants who have been registered in another EU member state, who are assigned to ‘cluster D’.

the return of those bound to leave the country. In contrast to arrival centres, applicants can be made to stay in an AnKER centre for up to 24 months. They have a residence obligation, which allows them to leave the centre itself, but not the respective city or municipality, without permission. The AnKER centre concept has been contested from the very beginning on many different levels. One of the police unions voiced objections against plans to make use of the federal police (*Bundespolizei*) to guarantee security in the centres. Welfare associations and refugee councils heavily criticized the detention aspect of the concept and articulated severe concerns that the isolation of asylum seekers would not only hinder integration but could also lead to stigmatization and re-traumatization. Out of 16 regional states, only Bavaria has so far adopted the AnKER model on a larger scale. At the same time, most of the other states have established similar forms of highly centralized mass accommodation. All of these facilities are based on the rationale of isolation and control, which is crucial for the paternalist paradigm.

In harsh contrast to these attempts to centralize refugee reception (mainly in response to the emergency discourse we mentioned earlier), there has been a broad consensus that in terms of reception and integration, refugees benefit most from decentralized accommodation—that is, housing in separate apartments. In a policy paper published with the network for ‘Reception Management and Counselling for Asylum Seekers in Lower Saxony’ or AMBA, it was argued that ‘only decentral accommodation grants refugees the possibility of a self-determined life and the opportunity for social, cultural and political participation’ (Netzwerkprojekt AMBA 2018: 23). Consequently, municipalities are called upon to make decentral accommodation of all asylum seekers a central goal of their concepts of refugee housing and to flank it with appropriate measures of community organizing. In a recent explorative study, Elle and Hess (2018: 38) concluded that decentral housing in conjunction with intensive outreach, social work would be the preferred option as opposed to central accommodation.

An important issue connected to the newly employed mass accommodation centres is the protection of so-called *vulnerable groups* and the development of more encompassing strategies of violence protection. In 2015 and 2016, public debates focused on interreligious conflicts. Some parties, such as a police union and the Christian Social Party, had argued for a separation of refugees on religious grounds. In a recent pilot study on religious and cultural diversity in reception centres in Lower Saxony, Nagel and Rückamp observed that the social and administrative staff of the centres denied any sorts of group-related religious conflict but had perceived various instances of conflict on racist or nationalist grounds (Nagel and Rückamp 2019). At the same time, Hess and Elle have argued that protection measures have taken a ‘feminist conjuncture’ (Hess and Elle 2018: 17) and highlighted the protection needs of women and children.

These debates resulted in a number of protection guidelines at various levels of governance. On the federal level, the Ministry for Family Affairs, Senior Citizens, Women and Youth has formulated ‘minimum standards for the protection of refugees in accommodation centers’ in 2016, which has been updated since then (Chemin and Nagel 2020a: 27). One year earlier, the (regional) social affairs and interior ministries had come up with a ‘joint concept for the protection of children and violence protection of women in regional reception centres’, which has since then been updated. These concepts provide a preliminary definition of ‘vulnerable groups’ and formulate several ‘recommendations’ concerning spatial aspects (for example, separate accommodation for families, retreat zones for women, the option of locking apartments and toilets) as well as the composition and training of personnel (for example, one full-time equivalent position for every 75 residents, availability of female contact persons).<sup>15</sup> However, most of these recommendations are not binding, and research on gender protection standards in Lower Saxony indicates that they are only marginally applied and implemented (Elle and Hess 2020).

At the same time, the paternalist paradigm shift towards integrated refugee management resonates strongly with the individual experiences of refugees within the accommodation system. First of all, several of our interlocutors have pointed to *massive interventions* (in some cases even physical assaults or sexual harassment) *by the security staff*. A recurrent spur for security intervention was unauthorized cooking. Because of fire protection rules, in many accommodation centres, cooking is prohibited in private spaces. At the same time, many of our interview partners argued they were practically forced to cook for themselves given the quality of food or the poor hygiene conditions in the communal kitchens. In another case, an Algerian woman, who had fled with her Syrian husband and three children, was forced to stay separate from her husband (due to the segregated nature of the protection regime, see next section) and was hassled by the security service when her husband came to visit. A political refugee from Turkey perceived the security personnel as the personification of a wider strategy of deterrence:

The [authorities] employ another tactic here—assigning refugees as security staff, like Syrian or Arab newcomers who have learned the [German] language. Most of them had Arab roots. They were clamping down so hard. [...]

---

<sup>15</sup> Finally, some cities and municipalities have come up with their own concepts for protection against violence. For instance, the city of Oldenburg presented a concept in 2016, which compiles preventive and interventionist measures and resonates closely with the protection concept by the regional state. According to Hess and Elle (2018: 18), however, municipalities lack the capacity to fully implement these strategies.

They roughed us up so badly that I felt as if I was a criminal. (TUR-W-BER-2412)

The statement brings to light the connection between forceful and encroaching behaviour by the security personnel as the literal spearhead of the punitive character of the reception regime and a sense of captivity and imprisonment.

Other forms of paternalist practice were more subtle and took the shape of pedagogical interventions. For instance, a young, educated woman from Syria problematized the ‘guarding status’ of some German volunteers with the following powerful words:

Either we sit on the same table all equal, or I will not participate; I will not participate [when a] white person comes to take a selfie with me and shows pity towards the immigrants and indicates that they are trying to transform them into civilized human beings. I belong to an ancient civilization; I am not waiting for that white man to civilize me. (SYR-F-GOE-0712)

The quotation takes a critical stance towards the patronizing attitude of some volunteers, which is marked by ‘pity’ and the desire to ‘civilize’ the newcomers and calls instead for encounters on a level playing field. In a similar vein, a Turkish woman commented on her experiences in a reception centre in Berlin: ‘They remind you that you have to brush your teeth, as this is the first sign of being civilized’ (TUR-W-BER-0311). In both cases, the paternalist regime of reception provokes an apologetic reaction, which is phrased in the semantics of ‘civilization’. Apart from German volunteers and the staff at reception centres, a pronounced educational attitude vis-à-vis the newcomers can also be found in the support measures of established migrant self-help organizations. It is important to note that the paternalist foundation of these measures does not rest in the actual performance of support but in the politics of care and the profound asymmetry and power play that they entail.

Finally, our interviews with reception stakeholders brought to light another facet of the paternalist framework—namely, a *tendency to infantilize refugees*. One significant trope in this regard was the so-called ‘capacity to be in residence’ (*Wohnfähigkeit*) that refugees were supposed to lack. In this regard, the representative of a large welfare association praised the advantages of assisted living: ‘They just learn so much in these living arrangements. They learn how to cook, how to clean up; they learn housekeeping. Until now, men lived with their families and did not have to care about such tasks’.

The statement suggests that (male) refugees need continuous assistance and surveillance to acquire the competences necessary to maintain an apartment in Germany. The bottom line is that they are not yet ready for an independent life and more or less depend on the support and educational interventions

of their social workers. Against this backdrop, our interlocutor concludes that centralized accommodation is an essential part of the reception process:

They learn a lot here, and this is why the accommodation centre is incredibly valuable at the time of arrival. Many people are against accommodating the refugees in centres and argue that they should go out into the private housing market. But for the families, in particular, it is so important that the children can access pedagogical assistance. So, one year in an accommodation centre is perfect!

The quote sheds light on the ambivalence of the humanitarian–security nexus in an ideal-typical fashion. After refugees in general (and families in particular) have been identified as a target population with special needs for ‘pedagogical assistance’ (humanitarian concern), central accommodation is identified as an ideal means as it allows permanent access for pedagogical intervention (security concern).

All in all, our evidence brings to light various facets of the paternalist shape of the German reception system, be it a rigid regime of surveillance and control, a profoundly asymmetric role division between residents and staff, a spirit of infantilization and, last but not least, an extensive repertoire of interventionist and correctional practices.

## Conclusion

In this chapter, we have shown that the topic of asylum has been highly politicized in Germany since the 1990s. Moreover, this politicization has given voice to new actors on both the right and the left of the party spectrum as well as within civil society (Hess and Linder 1997; Schwiertz and Ratfisch 2017). As a consequence, in 2015, there was a well-established public discourse of ‘welcome’ as well as a support infrastructure and know-how, especially on the part of civil society and church-based NGOs and welfare organizations which were professionally active in the field (Karakayali and Kleist 2015). In addition, refugee self-help organizations have gained some momentum over the last 30 years and have been able to build up some enduring nationwide infrastructure. While this ‘welcome culture’ prevented a major retrenchment or abolition of the right of asylum as enshrined in Article 16 of the German Basic Law, it also reflects an intrinsic humanitarian bias in the German asylum and migration regime.

In order to address this bias, we set out to analyse the recent trends and transformations of the German protection and reception system over several decades, drawing on the concepts of a *humanitarian–security nexus* and *welfare paternalism*. In this light, we have shown that the first decisive break in the early 1990s was associated with the so-called ‘asylum compromise’. The compromise was characterized by a strong tendency to securitization in

discursive as well as in practical terms, which set the ground for subsequent policies of ‘campification’ and centralization. Concerning the asylum process, we traced the introduction of procedural barriers, which restricted access to the asylum system, such as the concept of ‘safe countries of origin’, which was later adopted at the EU level. We detailed how refugee protests and human rights campaigns in the first decade of the new millennium succeeded in improving the situation for asylum seekers and liberalizing the system of reception in terms of decentralized accommodation, enhanced freedom of movement and access to the labour market. Such improvements were driven primarily by *discourses of effective integration* and *maximizing the economic benefits from accepting asylum seekers*. These observations point to the humanitarian–security nexus governing the German asylum regime since the 1990s. This nexus is by no means fixed but oscillates between the two poles in response to whatever discourses become salient in a given period.

The almost unanimous framing of the large-scale arrival of refugees in Europe in 2015–2016 as the ‘European refugee crisis’ set the ground for a humanitarian approach to governance all across Europe under ‘emergency’ conditions. This approach undermined existing legal regimes through ad hoc policies and measures in the name of restoring public order. As we have shown, already in the autumn months of 2015 in Germany, broad segments of the public and political discourse quickly turned towards perceiving the situation as a ‘state of emergency’ and ‘lack of state control’. As a result, a strict law-and-order approach was advanced, calling for strong state action and firm control over the movements of asylum seekers, the asylum procedure and civil society.

These findings are in line with recent debates on a widely practised ‘crisis-led policy-making’ in Europe in response to the perceived ‘refugee crisis’ of 2015. Research shows that this specific response constitutes a mode of governance that generally ‘makes use of rapid, informal and flexible policy instruments and legislative proposals, which often are at odds with democratic rule of law and fundamental rights’ (de Vries, Carrera and Guild 2016: 2). This very often includes blocking access to existing asylum and protection systems, the establishment of ‘extended zones of hold-up, push-back and violence’ (ibid.: 3), a renewed ‘warehousing of refugees’ (Smith 2004), and more generally, a multiplicity of illegal or illiberal practices circumventing legal norms (cf. Hess and Kasparek 2019). Critical humanitarianism studies argue that such a mode of governance can be defined as a ‘politics of exception’ (Calhoun 2004; Fassin 2012).

All in all, the humanitarian–security nexus which has marked the German asylum system ever since the 1990s, has taken a restrictive and paternalist turn in response to the large-scale arrival of refugees in 2015–2016, which can be characterized by four main trends:

1. A *centralization and ‘campification’ of the reception and procedural system*, associated with a concentration of all administrative agencies and asylum seekers in half-open mass camps for an extended period (for some groups theoretically during their whole stay until deportation) intensifying state control and interventions in the name of an effective return policy.
2. *The trope and policy objective of procedural acceleration*. While the acceleration of the asylum decision-making procedure was publicly legitimated as being in the best interest of applicants by reducing insecurity and waiting time, in practice, it turned out to undermine crucial procedural rights and a safe determination process as enshrined in the CEAS and the European Charter of Fundamental Rights.
3. Altogether, it appears as if recent reforms of the German asylum system have made strategic use of the security-humanitarian nexus to *erode the right to asylum through an arsenal of exceptional clauses and selective categorizations*. In this regard, the concept of a good or bad ‘prospect to remain’ in Germany represents the symbiosis of humanitarian action and security, care and control in an ideal-typical way as it establishes different trajectories of protection and reception based on group attributes.
4. This group-based approach not only undermines the right of the applicants to an individual hearing and determination process but is also exemplary for the *collectivist and interventionist logics of paternalism* in which the humanitarian–security nexus is embedded. These logics have also shaped recent discussions on vulnerability. This concept is well-intended but continues the above-mentioned compartmental logic of the paternalist rule as it entails new categorizations centring more or less around the ‘vulnerable body’. Whereas the previous refugee protection system centred mainly on the notion of protection from (state) persecution and prioritized narratives of political activism, the vulnerability discourse centres on physical characteristics (gender, age, illness, disabilities, and so on) that are qualified in ‘screening tools’ and are scored differently (Elle and Hess 2020; UNHCR 2016).



## References

- Agier, M. 2011. *Managing the Undesirables: Refugee Camps and Humanitarian Government*. Translated by David Fernbach. Cambridge, UK: Polity Press.
- Andersson, R. 2017. 'Rescued and Caught: The Humanitarian–Security Nexus at Europe's Frontiers', in N. de Genova (ed.), *The Borders of 'Europe': Autonomy of Migration, Tactics of Bordering*. Durham, NC: Duke University Press, pp. 64–94.
- Aradau, C. 2004. 'The Perverse Politics of Four-Letter Words: Risk and Pity in the Securitisation of Human Trafficking', *Millennium: Journal of International Studies* 33(2): 251–278.
- Bank, R. 2000. 'Reception Conditions for Asylum Seekers in Europe: An Analysis of Provisions in Austria, Belgium, France, Germany and the United Kingdom', *Nordic Journal of International Law* 69(3): 257–288.
- Bendixsen, S. 2019. 'The Care/Security Nexus of the Humanitarian Border: Assisted Return in Norway', *International Migration* 58(6): 108–122.
- Bigo, D. and E. Guild. 2005. 'Policing in the Name of Freedom', in D. Bigo and E. Guild (eds), *Controlling Frontiers: Free Movement Into and Within Europe*. Aldershot: Ashgate, pp. 1–13.
- Breymann, K. 2007. 'Auf Dem Weg in Die Gendarmisierte Gesellschaft: Sicherheitsstaat, Neuer Paternalismus Und Soziale Arbeit Als Mittel Zum Zweck', *Neue Kriminalpolitik* 19(3): 82–86.
- do Mar Castro Varela, M. 2016. *Die Dämonisierung der Anderen. Rassismuskritik der Gegenwart*. Edited by P. Mecheril. Bielefeld: transcript Verlag.
- Calhoun, C. 2004. 'A World of Emergencies: Fear, Intervention, and the Limits of Cosmopolitan Order', *Canadian Review of Sociology/Revue Canadienne de Sociologie*, 41 (4): 373–395.
- Chemin, J. E., and A.K. Nagel. 2020a. 'Reception Policies, Practices and Responses: Germany Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/44, February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1414711/FULLTEXT01.pdf>.
- . 2020b. *Integration Policies, Practices and Experiences: Germany Country Report. RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 51/2020, June 2020*. Available at <http://doi.org/10.5281/zenodo.3874426>.
- de Genova, N. 2002. 'Migrant 'Illegality' and Deportability in Everyday Life', *Annual Review of Anthropology* 31: 419–447.
- , and N. Peutz (eds). 2010. *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Durham, NC: Duke University Press.
- de Vries, L.A., S. Carrera, and E. Guild. 2016. 'Documenting the Migration Crisis in the Mediterranean Spaces of Transit, Migration Management and Migrant Agency', *CEPS Paper in Liberty and Security in Europe* 94. Available at: <https://www.ceps.eu/download/publication/?id=9601&pdf=LSE%20No%2094%20DocumentingMigration.pdf>.

- European Commission. 2020. *Communication for the Commission on a New Pact on Migration and Asylum*. COM(2020) 609 final, Brussels, 23 September.
- Eick, V. 2011. 'Policing 'Below the State' in Germany: Neocommunitarian Soberness and Punitive Paternalism', *Contemporary Justice Review* 14(1): 21–41.
- Elle, J., and S. Hess. 2018. 'Leben jenseits von Mindeststandards. Dokumentation zur Situation in Gemeinschaftsunterkünften in Niedersachsen. Im Auftrag des Rats für Migration 2018'. Available at [https://www.gender-flucht.uni-osnabrueck.de/fileadmin/MWK-Projekt/Publikationen/Jenseits\\_von\\_Mindeststandards\\_Final.pdf](https://www.gender-flucht.uni-osnabrueck.de/fileadmin/MWK-Projekt/Publikationen/Jenseits_von_Mindeststandards_Final.pdf).
- . 2020. 'Asyl und Geschlecht: Dynamiken und Fallstricke des Vulnerabilitätsparadigmas', in F. von Harbou and J. Markow (eds), *Philosophie des Migrationsrechts*. Tübingen: Mohr Siebeck, pp. 317–342.
- Fassin, D. 2007. 'Humanitarianism as a Politics of Life', *Public Culture* 19(3): 499–520.
- . 2012. *Humanitarian Reason. A Moral History of the Present*. Berkeley, CA: University of California Press.
- . 2016. 'From Right to Favor. The Refugee Question as Moral Crisis', *The Nation*, 5 April. Retrieved 1 September 2021 from <https://www.thenation.com/article/from-right-to-favor>.
- Flüchtlingsrat Bayern. 2019. 'Bilanz nach 6 Monaten ANKER-Zentren', 5 February. Retrieved 1 September 2021 from <https://www.fluechtlingsrat-bayern.de/beitrag/items/bilanz-nach-6-monaten-anker-zentren.html>.
- Netzwerkprojekt AMBA. 2018. 'Unterstützen, Beraten und Stärken, Eine Broschüre des Flüchtlingsrats Niedersachsen e.V im Rahmen des Projekts AMBA, Januar 2018'. Available at: [https://www.nds-fluerat.org/wp-content/uploads/2018/02/2018\\_01\\_AMBA\\_Unterstützen\\_Beraten\\_Stärken.pdf](https://www.nds-fluerat.org/wp-content/uploads/2018/02/2018_01_AMBA_Unterstützen_Beraten_Stärken.pdf).
- Gökalp-Aras, N. E., E. Papatzani, Z. Şahin Mencütek, N. Leivaditi, and E. Petracou. 2020. 'Refugee Protection in and Beyond Europe: Comparative Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/61, August 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1456826/FULLTEXT01.pdf>.
- Hänsel, V., S. Hess, and S. Schurade. 2020. 'Refugee Protection: Germany Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/28, December 2019*. Available at <http://uu.diva-portal.org/smash/get/diva2:1383388/FULLTEXT01.pdf>.
- Hess, S. 2013. *How Gendered Is the European Migration Regime? A Feminist Analysis of the Anti-Trafficking Apparatus*. Copenhagen: Museum Tusulanum Press.
- . 2018. 'Border as Conflict Zone – Critical Approaches on the Border and Migration Nexus', in D. Bachmann-Medick and J. Kugele (eds), *Migration: Changing Concepts, Critical Approaches*. Berlin: De Gruyter, pp. 83–100.
- , and J. Elle. 2018. 'Gender in the German Refugee Debate – Reflections on Shortcomings, Side-effects, and Pitfalls'. *Responders blog*, 9 August. Retrieved 17 February 2021 from <http://responders.crs.uu.se/2018/08/09/gender-in-the-german-refugee-debate-reflections-on-shortcomings-side-effects-and-pitfalls/>.

- and A. Linder. 1997. *Antirassistische Identitäten in Bewegung*. Tübingen: discord Verlag.
- and B. Kasperek. 2017. 'De- and Restabilising Schengen. The European Border Regime After the Summer of Migration', *Cuadernos Europeos de Deusto: Governing Mobility in Europe: Interdisciplinary Perspectives* 56: 47–78, <https://doi.org/10.18543/ced-56-2017>.
- and B. Kasperek. 2019. 'The Post-2015 European Border Regime: New Approaches in a Shifting Field', *Archivio Antropologico Mediterraneo* 21(2): 1–17.
- Hoffmann, S. 2015. 'Wen Schützen Flüchtlingslager? 'Care and Control' im Jordanischen Lager Azraq', *Peripherie* 35(2): 281–302.
- Huysmans, J. 2000. 'The European Union and the Securitization of Migration', *JCMS: Journal of Common Market Studies* 38(5): 751–777, <https://doi.org/10.1111/1468-5965.00263>.
- Inheteven, K. 2010. *Die Politische Ordnung des Flüchtlingslagers: Akteure–Macht–Organization. Eine Ethnographie im Südlichen Afrika*. Bielefeld: transcript Verlag.
- Karakayali, S., and J.O. Kleist. 2015. *EFA-Studie: Strukturen und Motive der ehrenamtlichen Flüchtlingsarbeit (EFA) in Deutschland*. Berlin: Berliner Institut für empirische Integrations- und Migrationsforschung der Humboldt-Universität zu Berlin.
- Krause, U. 2013. *Linking Refugee Protection with Development Assistance. Analyses with a Case Study in Uganda*. Baden-Baden: Nomos Publishers.
- Kreichauf, R. 2018. 'From Forced Migration to Forced Arrival: The Campization of Refugee Accommodation in European Cities', *Comparative Migration Studies* 6(7), 1–22.
- Lahav, G., and V. Guiraudon. 2000. 'Comparative Perspectives on Border Control: Away from the Border and Outside the State', in P. Andreas and T. Snyder (eds), *The Wall Around the West: State Borders and Immigration Controls in North America and Europe*. Lanham, MD: Rowman & Littlefield, pp. 55–77.
- Malkki, L. 1995. 'Refugees and Exile: From "Refugee Studies" to the National Order of Things', *Annual Review of Anthropology* 24: 495–523.
- MacGregor, S. 1999. 'Welfare, Neo-Liberalism and New Paternalism: Three Ways for Social Policy in Late Capitalist Societies', *Capital and Class* 23(1): 91–118.
- Nagel, A.K., and V. Rückamp. 2019. 'Religiöse Diversität und Praxis in Flüchtlingsunterkünften', *Zeitschrift für Religion in Gesellschaft und Politik* 3(1): 7–27.
- Nagel, A., and A. Kaya. 2020. 'Comparative Reception Policy Typology'. *RE-SPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/52*, June 2020. Available at <http://doi.org/10.5281/zenodo.3880401>.
- Pieper, Tobias. (2008). *Die Gegenwart der Lager: Zur Mikrophysik der Herrschaft in der deutschen Flüchtlingspolitik*. Münster: Westfälisches Dampfboot.
- Scholten, P. 2020. 'Mainstreaming Versus Alienation: Conceptualising the Role of Complexity in Migration and Diversity Policymaking', *Journal of Ethnic and Migration Studies* 46(1): 108–26.

- Smith, M. 2004. 'Warehousing Refugees', in M. Smith (ed.), *World Refugee Survey*. 38. Washington DC: US Committee for Refugees and Immigrants, pp. 38–56.
- Speer, M. 2017. 'Die Geschichte des formalisierten Korridors: Erosion und Restrukturierung des Europäischen Grenzregimes auf dem Balkan'. *bordermonitoring.eu*. Available at [https://bordermonitoring.eu/wp-content/uploads/2017/08/report-2017-balkan\\_web.pdf](https://bordermonitoring.eu/wp-content/uploads/2017/08/report-2017-balkan_web.pdf).
- Schwartz, H., and P. Ratfisch. 2017. 'Rassismus und Anti-migrantische Bewegungen im deutsch-europäischen Migrationsregime', in S. Hess, B. Kasparek, S.Kron, M. Rodatz, M. Schwertl, and S. Sontowski (eds), *Der Lange Sommer der Migration. Grenzregime III*. Berlin: Assoziation A, pp. 151–162.
- Ticktin, M. 2011. *Casualties of Care: Immigration and the Politics of Humanitarianism in France*. Berkley, CA: University of California Press.
- . 2014. 'Transnational Humanitarianism' *Annual Review of Anthropology* 43: 273–289.
- Turner, S. 2016. 'What Is a Refugee Camp? Explorations of the Limits and Effects of the Camp', *Journal of Refugee Studies* 29(2): 139–148.
- UNHCR. 2016. 'UNHCR-IDC Vulnerability Screening Tool: Identifying and Addressing Vulnerability: a tool for asylum and migration systems'. Retrieved 17 February 2021 from <https://www.unhcr.org/protection/detention/57fe30b14/unhcr-idc-vulnerability-screening-tool-identifying-addressing-vulnerability.html>.
- Vaughan-Williams, N. 2015. "'We are *not* Animals!' Humanitarian Border Security and Zoopolitical Spaces in Europe', *Political Geography* 45: 1–10, <https://doi.org/10.1016/j.polgeo.2014.09.009>.
- Walters, W. 2011. 'Foucault and Frontiers: Notes on the Birth of the Humanitarian Border', in U. Bröckling, S. Krassman, and T. Lemke (eds), *Governmentality: Current Issues and Future Challenges*. London & New York: Routledge, pp. 138–164.
- and J.H. Haahr. 2005. *Governing Europe: Discourse, Governmentality and European Integration*. London & New York: Routledge.
- Williams, J.M. 2016. 'The Safety/Security Nexus and the Humanitarianisation of Border Enforcement', *The Geographical Journal* 182(1): 27–37

# 10 Turkey: Border Management, Protection, Reception, and Integration of Refugees

*Ayhan Kaya, Susan Beth Rottmann,  
N. Ela Gökalp-Aras, and Zeynep Şahin-Mencütek*

---

## Introduction

Syrian mass migration has created significant consequences for all receiving countries, but none more so than the three largest host countries: Turkey, Lebanon, and Jordan. Since 2014, Turkey has been hosting the largest refugee population on earth. The vast majority are Syrians under temporary protection (TP). At some 3.6 million currently living in Turkey, this amounts to 64.4 per cent of the total displaced Syrian population. Turkey is also hosting close to 370,000 refugees and asylum seekers elsewhere (the top three nationalities being Afghans, Iraqis, and Iranians) under international protection (UNHCR 2020).

This chapter focuses on mass refugee movements in Turkey between 2011 and 2018. The main research question the chapter addresses is how the various stakeholders in Turkey at both meso- and micro levels have responded to regulations, policies, and practices concerning migrants under international and TP. To systematically explain the stakeholder responses, we have differentiated four sub-areas – ‘border management’, ‘protection’, ‘reception’, and ‘integration’.

Adopting a qualitative approach, this chapter compiles data from various sources to address the principal research question. The inquiry relies on critical analyses of government policies and legal regulations as well as the subjective experiences of state officials, relevant experts, and migrants themselves. The chapter draws from fieldwork<sup>1</sup> conducted in four Turkish cities (Izmir, Istanbul, Şanlıurfa and Ankara) by the members of the Turkish re-

---

<sup>1</sup> The fieldwork was conducted as a part of the Horizon 2020 project “RESPOND: Multi-level Governance of Mass Migration in Europe and Beyond Project”. An earlier version of the sections of this chapter has been presented in several project reports on “Turkey” in RESPOND Working Paper series.

search team<sup>2</sup> between July 2018 and November 2018. The fieldwork includes 81 semi-structured meso-level interviews with high-level state officers, including representatives from ministries, and directorates, local government bodies, law enforcement agencies, provincial civil servants, experts from international organisations, representatives of international, national, local non-governmental organizations and lawyers dealing with cases about migrants.

The chapter also draws from micro-level interviews to shed light on refugee responses to policies, regulations, and practices. Some 104 refugees were interviewed. Most were of Syrian origin, with a small number of non-Syrian respondents (from Morocco, Sudan, Iraq, Senegal, Sierra Leone and Afghanistan). A total of 40 micro-level interviews were conducted in Izmir, 24 in Şanlıurfa, and 40 in Istanbul (balanced between women and men). The data were analysed using a qualitative content analysis approach.

## From ‘guesthood’ to return: Turkey’s changing border management and migration policy

Turkey has a highly fragmented legal and institutional framework for border management. Moreover, border management has been a central theme in EU–Turkey relations since the 2000s. However, increasing security-related concerns, mass migration from the Middle East and long-standing irregular migration movements have also been challenging and critical driving forces for Turkey’s ever-changing border management (Gökalp-Aras 2019a, 2019b).

Since 2011, many challenges pertaining to border management have arisen, marked by Syrian mass arrivals to Turkey and the continued arrival of irregular Afghan, Iraqi, Iranian, and African migrants. Until mid-2012, Turkey adopted a humanitarian and flexible approach with an unconditional ‘open-door’ policy that welcomed most Syrian refugees fleeing from the conflict, which can be seen as the first phase of its response. Turkey’s ‘open-door’ policy was driven by a range of geopolitical and humanitarian concerns, such as a desire to present itself as a powerful country in the region, to play a regional mediator role, and to contribute to the solution of humanitarian problems through diplomacy (Gökalp-Aras and Şahin-Mencütek 2015). In the studied period, Turkey’s dominant perspective vis-à-vis border management shifted, taking at first a humanitarian lens and later adopting one of

---

<sup>2</sup> The Turkish research team is composed of Ayhan Kaya, Susan Beth Rottmann and Aslı Aydın in Istanbul, N. Ela Gökalp-Aras in Izmir and Ankara, and Zeynep Şahin-Mencütek in Şanlıurfa.

securitization within a context of combating irregular migration and protecting national security.

The second phase of the refugee response started in late 2012 and ended around mid-2015 when Turkey began to look to regional and international initiatives and actors (such as the UN) for solutions. Starting in April 2014, the national migration and asylum agency started registering Syrian refugees in parallel with an unofficial closed-door policy. Securitization moved to the policy centre in this period. Turkey started to construct a 764-kilometre ‘security wall’ along its border with Syria and carried out cross-border operations. After military operations in Syria in 2017–2018, the return narrative became more visible. Here, the government strongly linked these transboundary security practices—which it labelled self-defence and anti-terror operations—with large-scale repatriation and safe zone proposals at the international level (Şahin-Mencütek 2021).

By mid-2015, the third phase had begun. Turkey’s border management increasingly focused on the western land and sea borders with the EU, with migrants seeking to cross in ever-large numbers. In 2015, at the peak of mass arrivals from Turkish shores to Greece, Turkish policy and the EU objectives in controlling irregular migration once again intersected. Following a sharp increase in the number of border crossings through Turkey to Greece in 2015, new policy tools and agreements were introduced regarding external border controls, such as the Joint Action Plan with the EU in 2017 and the EU–Turkey Statement (EUTS) of 18 March 2016.<sup>3</sup> According to the Statement, the EU member state representatives and Turkey agreed to end irregular migration flows from Turkey to Europe, improve the reception conditions for refugees in Turkey and open up organized, safe, and legal channels to Europe for Syrian refugees. The EUTS aims to prevent the loss of lives in the Aegean Sea, break down migrant smuggling networks, and replace illegal migration with legal migration. Known as the ‘one-to-one’ formula, the agreement is that for every Syrian returned to Turkey from the Greek islands, another Syrian should be resettled in the EU (Article 2).

Although the EU–Turkey Readmission Agreement (EUTRA) was signed in 2013 and all its articles came into force in 2017, it could not be applied due to a Turkish administrative measure. However, it was not possible to obtain an official declaration from Turkey regarding the measure until 22 July 2019, when the Turkish government officially announced it had suspended the EUTRA in response to EU sanctions against Turkey’s gas drilling operations in Cypriot waters and delays in visa-free access for Turkish citizens (Gökçalp-Aras 2020: 57). Despite Turkey’s unilateral suspension of the EU-

---

<sup>3</sup> For the EU–Turkey Statement see <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/> (accessed 20 September 2020).

TRA, the EUTS (2016) still appears fully operational, which was confirmed during our fieldwork. However, the last readmission operation as a part of the EUTS was conducted in March 2020 (Gökalp-Aras 2021).

Border management continues to be one of the significant issues regarding EU–Turkey relations, as was apparent during the February 2020 events at the Greece–Turkey border. Following an incident in Idlib on 27 February 2020, the Turkish government lifted controls along its borders with the EU, declaring they were open for migrants who wanted to leave. Turkish state actors were clearly sending a message to the EU and leveraging the migrant population in the interests of foreign policy objectives (Kaya 2021; Gökalp-Aras 2021).

Beyond the geopolitical dynamics, political factors have influenced Turkey’s border management, including securitisation and exit controls. The abortive 15 July 2016 coup was a critical juncture in this regard.<sup>4</sup> Shortly after, a ‘state of emergency’ lasting until 18 July 2018 came into force. In the wake of the coup, Turkey tightened its border controls to prevent those caught up in or linked to the failed coup from slipping away. An intergovernmental organization (IGO) representative addressed the increased controls at exit points and the pressures on border-related actors as follows:

I know very well that the coast guard is doing everything possible [to prevent departures]. The ‘let them cross period’ has passed because there is a lot of pressure on them [the coast guard] because of FETÖ. For example, if one—a FETÖ member—leaves Turkey, it is the coast guard that can be the subject to an investigation (Interview SR11-Izmir-02\_NEGA).

In addition to external border controls, internal border controls have grown in importance over time. Despite the earlier flexible approach to the Syrian movement from one province to another, this changed over time and provincial authorities adopted a range of new measures. So-called ‘travel permits’ have been introduced and implemented for international and temporary protection beneficiaries. On 24 May 2018, another regulation was adopted regarding the strategies after Syrians’ apprehension during their irregular border crossings. In 2019, the governor of Istanbul—operating through the Ministry of the Interior—announced that Syrians under TP residing in Istanbul who had initially been registered in other cities would be sent back to the cities where they were initially registered or risked losing their protection rights.

---

<sup>4</sup> On 15 July 2016, an attempted coup took place in Turkey. The government accused coup leaders of having links to the Gülen Movement, which has now been officially labelled the Fethullah Gülen Terrorist Organization (FETÖ).



Our research shows that by 2019 a significant emphasis on returns policy had commenced, which can be seen as the fourth phase based on broad return narratives and ad hoc practices and techniques (Gökalp-Aras and Şahin-Mencütek 2019). More strategies have been adopted to promote ‘voluntary’ returns, including municipal campaigns to return home, provision of transportation support, and so-called ‘go and see visits’ in which Syrians could return home temporarily—often during religious festivals—to see if conditions on the ground in Syria had changed for the better (Şahin-Mencütek 2019). Also, practices blurring the line between forced and voluntary returns and significant gaps between the legislation on paper and actual implementations have not been rare. Deportation in cases where migrants, including Syrian refugees, have disobeyed internal controls was also floated. Since then, deportations have been increasingly reported, and we also observed this during our research.

These developments created increasing concern about Syrians being returned involuntarily as well as individual cases of administrative detention and deportation of irregular migrants. Such challenges hamper integration and protection. Along with voluntary return, many interviewees from our fieldwork showed rather than voluntary returns but forced returns or unlawful practices regarding the voluntary return process. The following quote from an interview with the representative from an international organization in Izmir bears this out:

We request that the Izmir PDMM [Provincial Directorate of Migration Management] not return [certain people]. People cannot be classified as voluntary until we have seen them face-to-face. It is difficult to understand [in some cases] whether a return is really voluntary or not. Through a phone call, you cannot be sure. Once, we were called from the DGMM (for an assisted return). There was a woman; she had been registered with us. We realized that hers was not a voluntary return at all. She did not want to turn back, and she was registered for protection. In general, deportation decisions are taken overnight, and the following morning the deportation is completed. (SRII\_Meso\_Izmir\_02\_NEGA)

As yet, there have been no mass or forced returns from Turkey to Syria. The returns that have taken place have been primarily on an individual case-by-case basis, which might be called ‘spontaneous returns’. Nevertheless, a growing discourse focused on the need for Syrians to return and replaced the initial discourses around ‘guesthood’. The ruling elite has refrained from using a discourse of integration as they strongly believe that the discourse of return will pay off politically.

## *The protection regime*

The concept of protection is blurry and highly contested. A broad definition of protection is ‘all activities aimed at obtaining full respect for the rights of the individual following the letter and spirit of the relevant bodies of law—namely, human rights law, international humanitarian law and refugee law’ (UNHCR 2011: 7). Protection should not be approached as limited to survival and physical security and the provision of the full range of rights, including civil and political rights, as well as economic, social, and cultural rights.

In terms of the legislative framework, Turkey is different from the EU member states because it does grant refugee status to non-European refugees due to its geographic limitation to the 1951 Geneva Convention. Instead, the legislation introduces ‘conditional refugee’ status pending resettlement and durable solutions from the United Nations High Commissioner for Refugees (UNHCR). There is a dual structure within the asylum system, creating ‘conditional refugee’ and ‘refugee’ statuses based on international protection (IP) applicant nationality. In addition to this duality, more than 3.6 million asylum seekers arriving from Syria were granted another protective status—namely, ‘temporary protection’. Turkey introduced TP for refugees in 2014 with the Temporary Protection Regulation (TPR), based on Articles 61 to 95 of the Law on Foreigners and International Protection (LFIP) of 2013. The TP consists of three elements: an open-door policy for all Syrians, no forced returns to Syria (non-refoulement), and unlimited stay in Turkey. The TPR grants Syrians almost the entire spectrum of social and civil rights refugees enjoy in Western societies. Its initial formulation granted even more rights to Syrians than to other refugees in the country, including free access to healthcare and formal employment.

However, the TP brings additional complexities and uncertainties for the dual IP system. Turkey now recognizes a range of IP statuses—including ‘refugee’, ‘conditional refugee’, ‘subsidiary protection’, and, as mentioned, ‘temporary protection’—which has resulted in a rather complicated and difficult-to-navigate protection regime replete with ambiguities, barriers, and right-based differences for beneficiaries (Göktaş-Aras and Şahin-Mencütek 2020).

Institutionally speaking, key developments have been the establishment of a national migration agency (the Directorate General of Migration Management, DGMM) with provincial branches and the increasing number of national and international NGOs working in the field. However, problems regarding coordination and communication between state and non-state actors and state agencies have arisen. After the failed 2016 coup, the Turkish government has become more suspicious about international and national NGOs. The environment for NGOs working in the field of asylum and mi-

gration has become more constricted, as it has for NGOs serving in other fields (Gökalp-Aras and Şahin-Mencütek 2020). Many have encountered legal restrictions, had service permits revoked (or not renewed) and access to the field limited; others have been shut down entirely (Şahin-Mencütek 2020: 8; Gökalp-Aras 2020).

Registration of asylum seekers is the first critical step for status determination and access to rights. The DGMM has been the sole responsible authority for registrations for TP and verification and renewal of previous registrations. For Syrians, the process was initially easy, as one of our female İzmir interviewees explained,

We have a foreigner ID card now. It happened like that. Police stopped my brother and informed him that we all need an ID card; we then went to the nearest place [to apply]. On the first day, we got one for my mother and brother. On the second day, we got IDs for my family too, and it was not difficult. (Interview, Izmir, 2018, SRII\_Micro\_02\_ZSM)

Since the autumn of 2018, the DGMM has assumed full authority for refugee status determination (RSD) procedures. The parallel procedure carried out with the UNHCR for non-Syrian asylum seekers has been gradually eliminated. Following this institutional and procedural change, beneficiaries of IP face significant obstacles for initial registration and identification of vulnerabilities. The DGMM—in particular the provincial branches or PDMMs—seem unable to meet the demand in the field, as was stated by a representative of one of the national NGOs:

The Turkish authorities should have the capacity to evaluate asylum applications. Why has the UNHCR performed this role in Turkey until now [10 September 2018]? For two reasons. First, the geographical limitation<sup>5</sup> and second, Turkey's lack of capacity and expertise in evaluating these applications [...]. Of course, undertaking the asylum process as a sovereign country should be the case. However, neither the administration nor the judiciary actors in Turkey have such a capacity. (SRII\_Meso\_Izmir\_16\_NEGA)

Non-standardized practices in registration have been observed across cities. As a result, access to rights and, in some cities, even access to asylum is now challenging for migrants since the authorities have temporarily suspended registration for both international and TP applicants and are not taking first registrations. An interview with a refugee lawyer is illustrative in this regard:

---

<sup>5</sup> Turkey retains a geographic limitation to its ratification of the 1951 UN Convention on the Status of Refugees). It means that only those fleeing as a consequence of 'events occurring in Europe' can be given refugee status in Turkey.

[At one point], there was no new registration possible in Istanbul. But then they re-opened the registration. Now [2018], we are sending people [Syrians] to Yalova. Because Istanbul is closed for [temporary protection] applications, you cannot know, without going there, if they [the PDMM] will take the application or not because they do not publicise the current service policy. The instructions come from the DGMM, or PDMMs decide daily policies on their own initiative. (Interview, Istanbul, 2018, Bilgi\_M10\_AK)

Besides challenges in accessing registration and status determination, Turkey's dual protection system results in vast differences regarding access to rights for international and TP beneficiaries. Non-Syrian beneficiaries of and applicants for IP appear to be more disadvantaged. Access to asylum—especially at the borders—appears problematic for both international and TP applicants. For asylum seekers, it is challenging to reach NGOs or IGOs to get legal assistance. The majority of the migrants who are caught at the borders during irregular border crossings do not know about their right to apply for asylum.

Also, lodging an asylum application with law enforcement after being apprehended is difficult. In many cases, even if they apply for asylum, applicants tend to leave Turkey as soon as possible due to the misleading information they gathered from informal channels. An IGO representative operating at one of the border-crossing points (BCPs) stated the following:

Many deceived people say, 'I would like to stay in Turkey; what can I do?' After we explain their options in Turkey, they divulge their lack of awareness: 'We did not know about these opportunities; nobody told us that we could be registered and legal in Turkey. Nobody told us that we could benefit from the hospital, school, etc.—we did not know'. I have never met anyone who applied for asylum after being caught. Because people are so scared after they are caught, they worry about what will happen next—namely, whether they will be deported or not. (Interview, Izmir, 2018, SRII\_Meso\_8\_NEGA)

Few IGOs and NGOs are able to officially cooperate with Turkish law enforcement authorities at the BCP to provide information to migrants about IP applications. Besides the problems that migrants face accessing information, Turkish state agencies have limited capacity, training, and preparation to fully undertake their responsibilities for registration, identification, evaluation, and appeal, stages that are all characterized by uncertainties and complexities. Problems at each stage either prevent or slow down the recognition of vulnerabilities within the asylum procedure.

Considering that TP does not afford primary protection, an interim measure provided in emergencies should not be seen as an alternative to proper IP. With limited or no access to IP, temporarily protected individuals face the risk of being subject to an uncertain status for an indefinite period. This is underscored by the fact that TP status prevents asylum seekers from approaching the UNHCR for resettlement save a limited number of exceptional

circumstances. Interviewees mentioned that the application often remains inconclusive or is rejected. Therefore, there is a significant risk of protracted refugee situations with no durable solution available. In addition, there is an increasing emphasis on the ‘return’ dimension, which has been hampering integration and the development of durable solutions, thus creating concerns that Syrians under TP are being pressured into the involuntary return.

## Reception governance and practices

The definition and scope of ‘reception’ in Turkish legislation (the LFIP and the TPR) include various material provisions, including housing, food, and clothing provided directly financial allowances or vouchers (or a combination of the three), plus a daily cash allowance. Reception also covers education, basic health care and accommodation, all of which the authorities are legally required to provide during the period of reception.

As in EU legislation, the time frame of ‘reception’ is not clearly defined in Turkish legislation. However, there is an implicit definition: reception starts as soon as the border of a given state has been crossed and an application for IP has been made. It ends with either the ‘effective expulsion’, ‘repatriation’, ‘forced/assisted return’ of the unsuccessful applicant or with his or her request for protection accepted. At this point of acceptance, the applicant is subject to ‘integration’ in the terminology of RESPOND. Under normal circumstances, reception refers to the liminal period between arrival and application for asylum and the decision about the asylum application. However, in the Turkish case, it refers to the liminal period between ‘arrival’ and ‘exit’, or between ‘arrival’ and the moment when the refugee decides to spend their efforts to integrate into the social, economic, and cultural spheres of the life of the receiving society.

In Turkey, Syrians were first registered by the camp authorities under the surveillance of the Disaster and Emergency Management Authority (AFAD) in collaboration with the DGMM. From the very beginning of the Syrian civil war, Turkey adopted a state-centric model of reception. Initially, Turkey offered both self-settlement and camp settlement options. Even though conditions within camps were good, 98 per cent of refugees in Turkey have chosen self-settlement, mainly in urban areas. There are several potential reasons for this. The negative perceptions attached to ‘campification’ may be one reason (Kreichauf 2018). Refugees likely also feel comfortable and safe in newly established enclaves in big cities beyond the strict control of state authorities (Rottmann and Kaya 2021; Kaya 2017). The camps are now almost completely closed down. As of May 2020, only 1.7 per cent of Syrians in Turkey were residing in camps.

Since the beginning of the mass migration in 2011, Turkey has adopted a flexible but standard approach by tying residence permits to a specific prov-

ince. The large majority of Syrians live in cities in the Turkish border provinces of Şanlıurfa, Gaziantep, Hatay and Kilis, and the other major cities in Turkey. Only 59,543 Syrians live in the seven remaining Reception and Accommodation Centres, which are located in five provinces (Adana, Hatay, Kahramanmaraş, Kilis and Osmaniye) (DGMM 2021). When the authors conducted the field research, there were 13 such centres, all of which were located in provinces close to the Syrian border.

The reception of Syrian refugees in Turkey is mainly based on a discourse of tolerance and benevolence driven by path-dependent ethnocultural and religious premises dating back to the Ottoman Empire of the late 19th century and the establishment of the Turkish Republic in the 1920s. Having historical and religious roots, political discourse about the Syrian refugees was primarily mainstreamed around the category of ‘guesthood’, which was later coupled with the Islamic terminology of the ‘Ansar spirit’. The term ‘*Ansar*’ refers to the people of Medina who supported the Prophet Mohammad and the accompanying Muslims (*muhajirun*, or migrants) who migrated there from Mecca when it was under the control of pagans. The metaphor of Ansar points to a temporary situation as the Muslims later returned to Mecca after their forces recaptured the city from the pagans (Erdemir 2016; Kaya 2017; Haber7 2014).<sup>6</sup> Hence, the Turkish government has reached for a kind of Islamic symbolism in its attempts to address the Syrian refugee crisis. Most of the Turkish population shared this culturalist and Islamic reception of Syrian refugees spearheaded by the Justice and Development Party (Adalet ve Kalkınma Partisi, AKP) government in the first years of mass migration.

The discourse of the Ansar spirit employed by the AKP government and President Erdoğan parallels their more general Islamist, neo-Ottomanist and populist rhetoric in both domestic and foreign policy. Essentializing the Islamist and Ottoman heritage has made it easier to control and discipline the Turkish population—which is predominantly Sunni Muslim—and the Syrian refugees, who have similar religious characteristics (Kaya 2019). The Syrians chose to settle in big cities such as Istanbul, Izmir, and Bursa due to the better education, accommodation, health, and employment conditions available there.

The Turkish case demonstrates substantial regional variations as far as refugees’ access to the labour market is concerned. The field research conducted in Şanlıurfa, an agrarian province, reveals that agrarian economies facilitate ready access to the labour market compared to industrial cities such as Istanbul and Izmir. However, in the big cities, too, Syrians have found settlement workable, if not convivial. Cultural and religious intimacy in urban centres

---

<sup>6</sup> For a detailed discussion on this topic see, also, Korkut et al. (2015).

has been the major reason many Syrians have declined to pursue options to move on to Europe, which we discuss in greater detail in the next section.

### *Reception, cultural intimacy and responses*

Recent studies reveal that Syrian interlocutors see ethnocultural, religious and historical ties between themselves and native Turkish citizens as the primary source of respite during their stay in Turkey. This is what Michael Herzfeld calls ‘cultural intimacy’, which he defines as ‘the recognition of those aspects of a cultural identity that are considered a source of external embarrassment, but that nevertheless provide insiders with their assurance of common sociality’ (Herzfeld 2005: 3). Thus, cultural intimacy provides a kind of reassurance for Syrian refugees staying in Turkey despite the social-economic difficulties, deprivation of rights, and exclusion and exploitation in the labour market and everyday life that they confront.

Syrians have settled in significant numbers in specific neighbourhoods in major cities (namely Istanbul, Izmir, Gaziantep, Şanlıurfa, Adana, Mersin, Bursa). In a relatively short period, they have established enclaves in those neighbourhoods, launching businesses (often service- and trade-related) that have paved the way for their more permanent settlement in Turkey. Arabic-speaking Sunni Syrians have already created comfort zones based on a cultural intimacy with local communities that rests on religious, moral, architectural, urban, and sometimes even linguistic similarities. Unlike other groups, such as Afghans, Syrians have *mostly migrated in family groups*, which has provided an extra layer of reassurance and support. Thus, the role of family and kinship, especially in Şanlıurfa, Gaziantep and surrounding places along the Syrian border, has been central. It seems that cultural intimacy has dampened the desire of most Syrians to attempt to move on to Europe (Kaya and Kırac 2016; Fabbe, Hazlett and Sinmazdemir 2017).

Herzfeld’s notion of cultural intimacy not only refers to ‘the sharing of known and recognisable traits’ (Herzfeld 2016: 94) with insiders, but it also refers to those traits ‘disapproved by powerful outsiders’ (Byrne 2011: 148). It could be argued that this second component of cultural intimacy comes into play when Syrian refugees residing in Istanbul and other parts of Turkey—especially in the southeastern parts of the country—are asked to express their opinion about onward migration to EU countries (Kaya and Kırac 2016; Fabbe, Hazlett and Sinmazdemir 2017). The Syrian refugees’ hesitation in going to Europe seems to derive partly from their firm belief that Europeans disapprove of them and partly from the life-threatening nature of the journey, which has already led to the deaths of thousands of people *en route*. During our research, the interlocutors often noted that the tragedies endured by fellow Syrians during their exodus from Syria to Greece had left very negative marks on them. For example, we interviewed a 28-year-old

mother with two children from Damascus residing in Istanbul. When we inquired as to why she had settled in Istanbul and whether she wished to continue the journey to Europe, where her husband—who was smuggled to Germany three years ago—awaits her, she expressed her fears about dying on the way:

We stayed for a period [thinking] we could continue [on] our way to Greece [by using smugglers]. [The smugglers] scared us too much about the journey [...]. We kept hearing stuff [about the risks of death] a lot [... whenever] we went to see a smuggler [to discuss the journey]. I [didn't] feel comfortable [smothered crying]. We got scared [so we] cancelled the idea [...]. We decided to stay] here and wait until family reunification happens. (Interview, Istanbul, Zeytinburnu, 27 July 2018, 9\_Bilgi\_AK)

Another person (a 23-year-old Kurdish woman from Afrin, married with one son) whom we interviewed in Izmir, on the Aegean coast, expressed similar concerns when asked if they were planning to continue the journey to Europe:

No, we did not try to cross the sea. I was always planning to return to my family [in Afrin]. We do not want to go to Europe. One of my sisters-in-law is in Germany; we communicate with her [and] their conditions are very good. She has a baby now. They crossed by sea. [However,] we saw their pictures after they arrived on the other side [the Greek islands]. They looked like they were dead—their faces had turned yellow. They had three kids [who] got very scared. This scaring will impact [the children] their entire lives. It is like they were rescued from dying. It is like they saw death. (Interview, Izmir, 17 August 2018, 13\_SRII)

During the field research, we asked our interlocutors about their future plans regarding their geographical mobility, such as willingness to go to Europe, stay in Turkey, or return. We received various answers that differed in accordance with gender, age, economic status, education and the location of the interlocutors. For example, when asked about her choices about living in Turkey, Europe or somewhere else, a literature graduate, a 34-year-old mother with one daughter from Damascus, said the following to express her preference about staying in Turkey:

I love Turkey because it is an Islamic country, firstly, and a developed country. Secondly, although the language is a bit difficult, at least I am living in a place where I am not afraid for my daughter. Wherever we go, we find a comfortable environment similar to [what we are used to]. So, I don't want to leave [...]. I hope to get citizenship and stay here. Also, I hope to complete my studies here, even if [the classes are in] Turkish, because it is better for work if you speak the language of this country. (Interview, Istanbul, Fatih, 25 July 2018, 9\_OzU\_SR)



During the field research, many other interlocutors expressed similar testimonies. It is undoubtedly a relief for them to stay somewhere near their homeland so that they can stay connected with it and their remaining relatives, whom they can visit briefly during the religious Eid seasons twice a year.

Most Syrians continue to align themselves with this discourse of cultural and religious intimacy (Rottmann and Kaya 2021). However, after ten years of Syrian mass migration, the political discourse of cultural intimacy is no longer socially reciprocated by the majority of Turkish citizens. Following the local elections in the spring of 2019, a radical shift in the political discourse adopted by the AKP government and state actors could be observed. Rather than ‘guesthood’ and Ansar rhetoric, the emphasis is now on the return of the Syrians either to their home cities or to the safe zone, which is in the process of being constructed by international forces along the Turkish–Syrian border.

## Integration governance or non-governance?

Despite lacking an official national integration programme and despite the rise of a return discourse (to Syria) among public officials and the media, Syrians are gradually integrating into all major areas, including in the labour market, education, housing, and healthcare (AIDA 2019). They are also finding ways to engage civically and to forge a tenuous social belonging.

However, integration is far from uniform. Indeed, it varies according to gender, age, life stage, social class, and other factors (Şimşek 2018). For example, adjustment to the new society may be relatively quick for youth but difficult for the elderly. As men and women’s roles change (Rottmann and Nimer 2020; Rottmann and Nimer 2021), children may need to take on non-customary roles, including as providers or translators. Parents may feel out of control. Not surprisingly, more economically and socially privileged migrants find it easier to integrate and are more likely to find societal acceptance, even the right to obtain citizenship (Şimşek 2018).

Among the three regions of Turkey in which we conducted research (Şanlıurfa, Izmir and Istanbul), integration seems to be slightly smoother for Syrians due to shared linguistic and social ties in Şanlıurfa and somewhat more challenging for migrants due to host community reception in İzmir. However, in general, we observed only slight differences in service provision between the three cities. Non-Syrian forced migrants have even more challenges than Syrians, as they may face even more local discrimination, less access to services, and fewer programmes directed to meeting their needs.

Despite difficulties, Syrians are making a place for themselves in Turkish society. They have established formal and informal grassroots organizations for humanitarian relief, socio-religious services, and empowerment via employment, particularly in the border cities and Istanbul. They actively participate in activities organized for social cohesion by municipalities, local NGOs, or faith-based actors. However, theirs is often token participation due to the government's clientelist approach. Those organizations with socio-economic capital can collaborate with Syrian diaspora organizations elsewhere. Some Syrian community leaders and grassroots organizations emphasize Arabic-language teaching, literature, and art among the refugee community to maintain Syrian identity. Despite the overall negative economic outlook and the pandemic crisis that is pressuring Turkish society, these efforts have positive impacts.

Strong national leadership in the area of integration—the publication of a national policy and facilitating local-level deliberations on the topic—would improve integration for forced migrants, ensuring that they are incorporated into a society based on equality and fairness. Developing a comprehensive policy would also reduce animosity towards Syrians in local communities, which is a severe and growing problem.

### *The labour market*

At the heart of self-sufficiency is the ability to earn a living and provide for one's family. Under international and temporary protection, beneficiaries lack the automatic right to work, and legal work permits are difficult to come by. Integration is a new policy field in the Turkish legal and political context, and its contours are still in flux. The LFIP and the TPR are the legal regulations that determine migrants' legal status and have provisions for the labour market (Rottmann 2020: 18). The majority of the refugees in Turkey are Syrians under TP. An essential regulation concerning their labour market participation is the Regulation on Work Permits of Foreigners under Temporary Protection (2016). There are also regulations related to IP and migration in general, such as the Regulation on the Labour of Applicants and Beneficiaries of International Protection.

However, there is a time restriction for international and temporary protection beneficiaries to enter the labour market. The asylum and work permit processes are highly time-consuming and limit access to the labour market and slow down labour integration, resulting in high levels of informal employment and significant risk of exploitation. Furthermore, although migrants are eligible for financial assistance through cash payments, specific criteria must be met, including there being no worker with socially insured employment in the household. Thus, in practice, regulations regarding employment are in conflict.

Before Law No. 8375 of January 2016, which allows Syrians under TP to have work permits subject to specific conditions and with certain restrictions, only 7,351 work permits had been issued to Syrians, mostly issued to those starting businesses. In 2019, 65,000 Syrians received work permits, a significant rise, although still a low number compared to the total number of Syrians in Turkey. The limited numbers are due to bureaucratic obstacles in permit applications and employers' preference for keeping Syrians as an informal, lower-paid labour force. Aside from wage-work, Syrians are provided with a small amount of cash-transfer support by the Emergency Social Safety Net (ESSN) through the so-called 'Kızılay cards'. In Turkey, around 1.7 million of the most vulnerable refugees receive monthly cash transfers of 120 Turkish liras (TL) financed by the EU in collaboration with the World Food Programme, the Turkish Red Crescent and Turkish government institutions.

Without ready legal channels to access the labour market, the informal sector becomes the only option for most individuals to earn a living. Jobs are primarily found in the textile, construction, service and agricultural sectors. Pay for Syrians are generally reported to be around half the minimum legal wage, and some participants reported making as little as 30 TL a day. Of course, it should be mentioned that none of these jobs provides job security, occupational safety, or social security benefits. These difficulties were often related to us during our interviews. For instance, one man in Izmir explained, 'Jobs for which Turks are paid 100 TL are given to Syrians at half the price. It is hard for us. It is very hard to pay the expenses of our children' (Interview, Izmir, 2018, SRII\_25). A persistent complaint of migrants is not receiving payment on time or sometimes at all.

Overall, forced migrants face difficult labour conditions. They cannot easily find or change jobs and even increasing some of their qualifications (like language ability) often has a limited impact on employment opportunities. Treatment in the labour market seems to be an area where Syrians and other forced migrants face similar difficult conditions. However, non-Syrians maybe even worse off as fewer programmes are directed towards them, and they often face even more discrimination than Syrians.

### *Education*

Regarding education, around two-thirds of Syrian children are now in school, and urgent steps are needed to ensure that the remainder enrolls as soon as possible. New programmes supported by the EU and the Ministry of National Education have been implemented to smooth the transition of Syrians into Turkish schools and improve Syrians' educational outcomes. Our research shows that there are still barriers to access and tensions in schools,

among children and between children and teachers. For example, a woman in Izmir stated that

The other students did not talk to my kids in school and were saying, ‘These are Syrians, do not talk to them’. My kids got upset. They wanted me to send them to another school or to let them stay home, and were saying, ‘Our classmates do not like us, although we did not do anything wrong’. And the mothers of Turkish students were saying to their kids: ‘don’t get involved with Syrian students’. (Interview, Izmir, 2018, SR11\_2\_ZSM)

There is a strong need for more cohesion programming and diversity education. Another problem is child labour, which was an issue raised by several interlocutors during interviews. Adult language education is also an urgent need, particularly an increased number of courses and more Turkish-language teacher training is required.

### *Housing*

The average size of a Syrian refugee family is just above five people, with an average of two families in each dwelling. Housing and living costs are higher for Syrian refugees due to abuse by landlords. They are generally higher in Istanbul than in other parts of the country, resulting in multiple families living under the same roof. A majority of Syrians navigate Turkey with overwhelmed public and support services, coupled with language barriers. Even though some aid agencies provide sporadic assistance and protection to the refugee population settled in urban areas, urban refugees struggle to secure a minimum of social and economic rights, such as education, housing and healthcare. Many families live in abject poverty—often in unsanitary, even dangerous, housing conditions. Migrants often expressed that they felt insecure.

Despite all of their difficulties, they manage to create spaces of comfort through furniture purchases and personal decorating choices. One woman explained how she changed her home decoration to make herself feel more at home. She gave an example during Christmas time in which she hung pictures of herself and her husband at parks and gardens in Turkey. However, she said that she only feels that it is her home until the rent is due. When the landlord comes to collect the rent, he comments about the home’s cleanliness, which results in her not feeling at home (Interview, Istanbul, 2018, Bilgi\_3\_AK).

Although they face some discrimination, migrants generally speak positively of their neighbourhoods, and our research has shown that they are embedding themselves vividly in their cities through newly opened restaurants, shops, and cultural centres.

### *Healthcare services*

Legally, Syrians registered under the Temporary Protection system can access Turkey's public hospitals free of charge. Refugees are generally pleased with their care in Turkish hospitals, making statements like, 'Once my mother fell and broke her leg. They [the hospital] did the operation for her, and they cared for her so well, and it was all free. Thank God!' (Interview, Istanbul, 2018, OzU\_18\_SR). However, they are affected significantly by difficulties in legal registration requirements (they must be registered in the city in which they seek treatment), thereby negatively influencing access to healthcare services.

Many interlocutors during the field research reported a lack of access to healthcare facilities with Arabic-speaking staff and doctors. They attributed this as a major concern and barrier for access of Syrians to basic services. Due to the size of big cities such as Istanbul and Izmir, local transportation is also another major barrier to accessing services.

### *Citizenship, belonging and gender*

Most migrants claim that they want citizenship. Syrians do not find their TP status confers sufficient rights. For example, one man from Şanlıurfa related that citizenship would improve his employment situation:

Yes, if I get citizenship, I can work freely here. For my job, it would be better. For example, when I need something, I cannot go to Adana, Istanbul or to the border to check our goods or talk with customers, etc. But with citizenship, I could travel freely [...]. I could [also] work freely. I could speak with people in the government, and I would not have problems. (Interview, Şanlıurfa, 2018, SR11\_2\_ZSM)

The Turkish state has been bestowing citizenship on some migrants, seemingly on an invitational basis and according to the refugee's educational or class qualifications. While Syrian business people who received citizenship are pleased that business and travel are made easier, others who recently acquired citizenship felt disadvantaged as they lost access to social assistance, and men are now subject to compulsory military service. More information about the requirements and process is needed. Migrants are eager to participate in the political process, but this is not possible in today's Turkey; even the possibility of having a Syrian candidate in elections sparked heated tensions in 2018. In general, Syrian migrants feel a strong belonging in the country due to historical and cultural links, but tensions are at an all-time high in local communities. For example, one woman related, 'I don't like where I live. Our neighbours are crazy. They keep harassing me and saying bad things about us, but my son's work is nearby. And it is not easy to find somewhere else for us all to live' (Interview, Istanbul, 2018, Bilgi\_4).

Difficulties establishing neighbourly ties are particularly strongly felt by women who carry heavy community expectations of cultivating and strengthening social networks and are readily seen as ‘other’ due to their appearance (wearing a particular head covering style) (Rottmann and Nimer 2021). Syrian women’s entry into the labour market in Turkey is limited, but it is still creating significant changes in terms of social relations within families and the broader Syrian community. For some women, migration has led to a welcome evasion of traditional roles, while others feel more burdened by new challenges and responsibilities. Traditional family roles are under pressure, leading to divorce and a rise in domestic violence. Many men cannot maintain their status as the sole breadwinner, which they held in Syria, leading to family tensions. More long-term research could determine what might be done to support Syrian families in the future. Our research shows that this is a pressing issue that will strongly affect integration in the years to come.

Given that integration policies in the areas of labour market access, education, housing support, health and citizenship are insufficient or lacking, it can be said that integration is largely being left to migrants to navigate on their own. In a sense, integration is not being governed. On the other hand, empirical research shows that integration is very much happening on local neighbourhood levels where migrants find ways to meet their needs. While policies could be improved, some—such as healthcare—are already generally satisfactory for Syrians in Turkey. Therefore, it is essential to examine integration from a holistic and micro or ethnographic perspective to understand its governance and non-governance.

## Conclusion

This chapter has sought to demonstrate how various stakeholders in Turkey at both meso- and micro levels responded to legal regulations, policies and practices related to border management, protection, reception and integration of migrants under TP. As described, based on various experiences of encountering mass migration movements in the past as well as on the legal and political implications of relations with EU member states and neighbouring states in the Middle East, Turkey has formulated a variety of legal documents and policies to respond to the mass migration of Syrians since 2011. Our research found that the legal and political formulations designed to meet Syrian refugees’ needs received some positive and some unfavourable responses from refugee and local communities.

Turkey has gradually moved from an open-door policy towards Syrians to rhetoric and return practices that reflect mass migration’s internal social, economic, and political costs. Accordingly, border management’s policies and practices initially revolved around the *principle of humanitarianism* but

later turned towards a *politics of deterrence and securitisation*. Such a change in the protection policies and practices has caused an increase in concern about involuntary returns of Syrians as well as individual cases of administrative detention and deportation of irregular migrants.

This chapter also documented the *shift from hospitality to reticence* in the reception of Syrian refugees. Turkey does not commit to providing shelter to asylum applicants, but the DGMM does provide state-funded accommodation on a discretionary basis. In the first years of Syrians' mass migration, a religio-political discourse of reception based on 'guesthood' and the 'Ansar spirit' was successfully implemented. However, since 2017, this religio-political discourse is no longer embraced by an overwhelming majority of Turkish citizens. Nevertheless, a growing discourse of cultural and religious intimacy is magnifying among Syrians in the face of their increasing socio-economic deprivation.

Finally, this chapter has revealed that Turkey has been muddling through with the integration of Syrian refugees without an officially recognized integration policy. Despite the absence of an official national integration programme and the rise of a discourse promoting (to Syria) among public officials and the media, there is a de facto national integration policy, including integration measures for employment, education, healthcare, and citizenship. Growing domestic societal and political tensions in Turkey have strengthened popular discontent against Syrians since 2017. This discontent has led to the formation of xenophobic and even Arabophobic sentiments expressed by mainstream political parties, especially during electoral cycles. However, there are also several developments at the national and local levels in Turkey, indicating that integration will most likely take more institutional forms in the years to come. Turkey's refugees face many challenges, but many still claimed to feel some level of belonging and hopefulness about the future at the time of our research.

## References

- AIDA. 2019. 'Country Report: Turkey'. Retrieved 4 February 2020 from <https://www.asylumineurope.org/reports/country/turkey>.
- Byrne, D. 2011. 'Archaeological Heritage and Cultural Intimacy: An Interview with Mitchael Herzfeld', *Journal of Sociological Archaeology* 11(2): 144–157.
- DGMM. 2021. 'Temporary Protection'. Retrieved 23 March 2021 from <https://en.goc.gov.tr/temporary-protection27>.
- Erdemir, A. 2016. 'The Syrian Refugee Crisis: Can Turkey be an Effective Partner?' *Foundation for Defence of Democracies*, 16 February. Retrieved 3 August 2017 from <http://www.defenddemocracy.org/media-hit/dr-aykan-erdemir-the-syrian-refugee-crisis-can-turkey-be-an-effective-partner/>.

- European Commission. 2016. 'Humanitarian Protection: Improving Protection Outcomes to Reduce Risks for People in Humanitarian Crises'. *DG ECHO Thematic Policy Document No. 8*. Available at: [http://ec.europa.eu/echo/sites/echo-site/files/policy\\_guidelines\\_humanitarian\\_protection\\_en.pdf](http://ec.europa.eu/echo/sites/echo-site/files/policy_guidelines_humanitarian_protection_en.pdf).
- Fabbe, K., C. Hazlett, and T. Sinmazdemir. 2017. 'What Syrians Want Their Future to Be? A Survey on Refugees in Turkey'. *Foreign Affairs* (1 May). Retrieved 1 September 2021 from <https://www.foreignaffairs.com/articles/syria/2017-05-01/what-do-syrians-want-their-future-be>.
- Gökalp-Aras, N. E. 2019a. 'A Game Changer in EU-Turkey Relations: The Opportunities and Pitfalls of Migration Policy', *The International Spectator* 54(4): 44–61.
- . 2019b. 'Coercive Engineered Syrian Mass Migration in the EU-Turkey Relations: A Case Analysis for Future Reference', *International Migration Journal* 57(2): 186–189, <https://doi.org/10.1111/imig.12566>.
- . 2019. 'Border Management and Migration Controls in Turkey Report', *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/25, August 2019*. Available at <http://uu.diva-portal.org/smash/get/diva2:1349261/FULLTEXT02.pdf>.
- . 2020. 'Migration Emergencies and Multi-Level Governance at the EU–Turkey Border', *Civil Society Knowledge Centre*. Retrieved 10 March 2021 from <https://civilsociety-centre.org/ar/paper/migration-emergencies-and-multi-level-governance-eu-turkey-border>.
- . 2020. 'Refugee Protection: Turkey Report', *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/30, January 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1387030/FULLTEXT01.pdf>.
- . 2021. 'The European Union's Externalisation Policy in the Field of Migration and Asylum: Turkey as a Case Study'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2021/76, March 2021*. Available at <http://uu.diva-portal.org/smash/get/diva2:1535069/FULLTEXT01.pdf>.
- Gökalp-Aras, N. E., and Z. Şahin-Mencütek. 2015. 'The International Migration and Foreign Policy Nexus: The Case of Syrian Refugee Crisis and Turkey', *Migration Letters* 12(3): 193–208.
- Haber7. 2014. 'Cumhurbaşkanı Erdoğan: Bizler Ensar sizler muhacir' (The President Erdoğan: We are Ansar you are Muhacir). Retrieved 4 August 2017 from <http://www.haber7.com/ic-politika/haber/1208342-cumhurbaskani-erdogan-bizler-ensar-sizler-muhacir>.
- Herzfeld, M. 2005. *Cultural Intimacy: Social Poetics in the Nation-State*. 2nd ed. New York: Routledge.
- . 2013. 'The European Crisis and Cultural Intimacy', *Studies in Ethnicity and Nationalism*, 13(3): 491–497.
- . 2016. *Cultural Intimacy: Social Poetics and the Real Life of States, Societies and Institutions*. 3rd ed. New York: Routledge.



- Kaya, A. 2017. 'A Tale of Two Cities: Aleppo and Istanbul', *European Review* 25(3): 365–387.
- . 2019. *Populism and Heritage in Europe*. London: Routledge.
- . 2020. 'Reception: Turkey Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/37, February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1392942/FULLTEXT01.pdf>.
- . 2021. 'Migration as a Leverage Tool in International Relations: Turkey as a Case Study', *Uluslararası İlişkiler* 17(68): 21–39, <https://doi.org/10.33458/uidergisi.856870>.
- , and A. Kıraç. 2016. 'Vulnerability Assessment of Syrian Refugees in Istanbul', Report for Support to Life, Istanbul, April 2016, <https://data2.unhcr.org/en/needs-assessment/1327>.
- Kreichauf, R. 2018. 'From Forced Migration to Forced Arrival: The Campization of Refugee Accommodation in European Cities', *Comparative Migration Studies* 6(7): 1–23.
- Korkut, U., K. Mahendran, G. Bucken-Knapp, and R. H. Cox (eds). 2015. *Discursive Governance in Politics, Policy, and the Public Sphere*. New York: Palgrave Macmillan.
- Rottmann, S.B. 2020. Integration Policies, Practices and Experiences: Turkey Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/50, June 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1433456/FULLTEXT01.pdf>.
- , and A. Kaya. 2021. "'We Can't Integrate in Europe. We Will Pay a High Price If We Go There": Culture, Time and Migration Aspirations for Syrian Refugees in Istanbul', *Journal of Refugee Studies* 34(1): 474–490, <https://doi.org/10.1093/jrs/feaa018>.
- Rottmann, S.B., and M. Nimer. 2020. 'Language Learning Through an Intersectional Lens: Gender, Migrant Status and Gain in Symbolic Capital for Syrian Refugee Women in Turkey', *Multilingua: Journal of Cross-Cultural and Interlanguage Communication* 40(1): 67–85, <https://doi.org/10.1515/multi-2020-0035>.
- . 2021. "'We always open our doors for visitors": Hospitality as Home-making Strategy for Refugee Women in Istanbul', *Migration Studies*, mnab005, <https://doi.org/10.1093/migration/mnab005>.
- Şahin-Mencütek, Z. 2018. *Refugee Governance, State, and Politics in the Middle East*. London: Routledge.
- . 2019. 'Turkey's Approach to Encourage Returns of Syrians' *Forced Migration Review, Special Issue on Return* 62: 28–31.
- . 2020. 'Refugee Community Organisations: Capabilities, Interactions and Limitations', *Third World Quarterly* 42(1): 181–199, <https://doi.org/10.1080/01436597.2020.1791070>.
- Şahin-Mencütek, Z. 2021. 'Governing Practices and Strategic Narratives for the Syrian Refugee Returns', *Journal of Refugee Studies* feaa121, <https://doi.org/10.1093/jrs/feaa121>.

- Şimşek, D. 2018. 'Integration Processes of Syrian Refugees in Turkey: "Class-based integration"', *Journal of Refugee Studies*, <https://doi: 10.1093/jrs/fey057>.
- UNHCR. 2011. 'The Fundamentals of Protection'. Available at <http://www.unhcr.org/47949ec92.pdf>.
- UNHCR. 2020. 'Turkey Fact Sheet', Available at <https://reporting.unhcr.org/sites/default/files/UNHCR%20Turkey%20Fact%20Sheet%20-%20September%202020.pdf>.

# 11 ‘No Children, No Value’: Descriptions of Legal Status and Health Among Refugees in Sweden in Light of Immigration Policy Changes

*Karin Borevi and Önver A. Çetrez*

---

## Introduction

In response to the large inflow of asylum seekers during the so-called ‘2015 refugee crisis’, governments across Europe have made several immigration policy changes. Many of these reforms may be described as following a kind of race-to-the-bottom strategy or ‘negative competition’. To avoid appearing as the more favourable destination country—that is, to not attract migrants perceived as unwanted—states introduce increasingly restrictive immigration regulations (Hernes 2018; cf. Brekke 2004). Sweden is no exception. Before 2015, in many respects, Sweden diverged from other European states by pursuing a more open policy. For instance, different from many other countries, Sweden applied the principle that asylum seekers who were granted protection also immediately achieved permanent residency status (Borevi 2014). As a direct consequence of the significant increase in asylum migration during 2014 and 2015, there was a shift to the opposite principle—persons awarded asylum in Sweden were only granted temporary residence. Policy developments since November 2015 may generally be characterized as guided by a goal to reduce Swedish regulations vis-à-vis asylum seekers to the ‘EU minimum level’ in order not to stand out as more open or generous than other EU member states (Parliament of Sweden 2016; Borevi 2018).

This chapter analyses migrants’ integration and psychological health and well-being in light of macro-level conditions and the post-2015 policy changes. We explore asylum seekers’ experiences and reported psychological health and well-being using qualitative data collected as part of the RESPOND project. In particular, we are interested in exploring how participants with different legal statuses, which has been one of the most salient post-2015 policy changes in the Swedish context, describe their health and well-being. Additionally, we also explore if and how other risks and protective factors play a role in migrants’ psychological well-being.

The remainder of the chapter proceeds as follows. First, we briefly present the post-2015 policy changes, focusing on the shift from granting permanent residency to people in need of protection to only allowing temporary residency. Thereafter, we present relevant previous research and the theoretical framework on refugees' health and well-being, followed by a section detailing the gathered data, methods, and ethical considerations. This continues with the empirical analysis, where we explore the possible impact of the achieved status of residency (namely, whether it is temporary or permanent) on migrants' health and integration. The chapter ends with a final discussion and policy recommendations.

## Post-2015 policy changes

In 2015, more than 163,000 asylum seekers arrived in Sweden. Most of them (114,000 persons) lodged their applications during the autumn (September–December). This outnumbered the previous record immigration of refugees to Sweden (from the ex-Yugoslavia in the 1990s) and was the highest per capita compared to other EU member states in 2015 (Commissioner for Human Rights 2018: 6).<sup>1</sup> In September 2015, Prime Minister Stefan Löfven, a member of the Social Democrats (SD), expressed the hopeful and supportive words ‘my Europe does not build walls’ (*‘mitt Europa bygger inte murar’*) during a public manifestation in support of asylum seekers (Borevi and Petrogiannis 2020).

A sense of crisis, however, rapidly grew in the political debate. In October, all parliamentary parties—except the SD (which was not invited) and the Left Party (which declined the invitation)—made a joint agreement to introduce several temporary policy restrictions, including the decision only to grant temporary residency to persons with approved security needs. Unaccompanied minors, persons in families with minor children, and quota refugees were, however, to be exempted from this restriction (Government of Sweden 2015a). A month later, in a press conference on 24 November 2015, the government went one step further, announcing its intention to present a temporary law proposal to adjust the Swedish asylum laws to ‘the minimum level under EU law and international conventions’ (Government of Sweden 2015b). The initiative meant a dramatic change of the principles that had guided both Swedish immigration policies and their approach to immigrant integration (Borevi 2018; Hagelund 2020; Hernes 2018). With the sole exception of resettled quota refugees (who would continue to be granted permanent residence), persons granted asylum in Sweden would now (during

---

<sup>1</sup> According to the OECD (2016) in 2014–2015, Sweden saw the largest per capita inflow of asylum-seekers ever recorded in an OECD country.

the three-year period the new law was planned to run) receive only temporary residency. The length of the temporary residency was three years for Geneva Convention refugees and 13 months for persons with subsidiary protection. The proposal also contained other restrictions, including significantly decreased possibilities for family reunification for persons granted protection in Sweden (Parliament of Sweden 2016). The date of the government's announcement of the intended law change (24 November 2015) was crucial since it decided whether an asylum application was to be decided with reference to the 'old' or the 'new' law. All applications lodged after this date were evaluated in accordance with the new temporary law (cf Borevi and Shakra 2019).

During the spring of 2016, the government speedily produced a bill for temporary restrictions on immigration to curb asylum immigration to Sweden, which was finally adopted by parliament in June 2016 (Parliament of Sweden 2016). The government deplored the negative consequences but justified it by referring to the emergency situation and the need to create 'a breather' (*andrum*) to cope with the extraordinary challenges. The maintenance of both the asylum seekers' reception system and of the welfare state institutions were said to be at risk (Borevi 2018).

In 2019, it was decided to prolong the temporary law by another two years. A committee (with representatives from all parliamentary parties) was appointed to examine Sweden's future immigration policy options. The committee report was presented in September 2020 (Government of Sweden 2020). The committee majority proposed that the rule to only grant temporary residency on initial arrival should become the main principle of the reformed Swedish immigration legislation. After an immigrant had resided in Sweden for three years, it would be possible to apply for a permanent residence permit. In a follow-up report in January 2021, it was proposed that access to permanent residency would be conditioned on four requirements: 1) a good conduct requirement (no record of criminal offence), 2) a support requirement, 3) a language requirement, and; 4) a civic skills requirement (Government of Sweden 2021). Whereas the first two requirements had been part of the temporary law since 2016, the latter two were novel proposals. These changes, together with other reforms, were included in the government bill that was submitted to the parliament in April 2021 (Parliament of Sweden 2021a) and discussed and passed by the parliament majority on 22 June 2021 (Parliament of Sweden 2021b; Parliament of Sweden 2021c; Parliament of Sweden 2021d). Sweden's new immigration legislation was set to come into force from 21 July 2021, which is the expiry date of the temporary law.

Immigration control arguments—namely, that Sweden must not have more beneficial regulations than other states—and the idea that stricter requirements may promote integration were invoked to justify the restrictive chang-

es. In contrast, those critical to restrictions highlighted that new arrivals' access to safe abode was essential for promoting integration. Considerations about *health* were further highlighted, particularly by those critical to the proposed restrictions. In the Commission report, the Green Party representatives, for instance, entered a reservation against the proposal to make temporary residency the new guiding principle, arguing (among other things) that it was 'likely to lead to immense human suffering, increased mental health problems and deteriorated integration' (Government of Sweden 2020: 500). Likewise, the Left Party held that the proposal would have a detrimental impact on migrants' health as an expected consequence of the proposals (Government of Sweden 2020: 533).

## Previous research

Previous studies have shown that migrants' health and vulnerability are often related to their legal status, length of stay in the new country, social class, and policies on migration in the host society (et al. 2018). Studies have, for instance, found an association between long waiting periods for asylum decisions with high scores of PTSD and other mental disorders (Laban et al. 2004). Other studies have associated temporary residence permits with decreased mental health among newcomers, given the uncertainty about the future and limited possibility for family reunification they create (cf. Johannesson and Westerling 2019). Two Australian studies focused on the relationship between legal status and mental health. One showed a pattern of increased mental distress, ongoing resettlement difficulties, and social isolation in the acculturation process amongst refugees subjected to restrictive immigration policies compared to those with supportive immigration policies (Steel et al. 2011). The other indicated that a conversion from temporary protection visas to permanent residency status was associated with significant improvement in PTSD and depression symptoms (Nickerson et al. 2011). A study in Sweden (Johannesson and Westerling 2019) showed worse mental health among newcomers with temporary residency (45 per cent) than among those with permanent residency (31 per cent). Through a logistic regression analysis controlling for gender, age, education, and the length of having residency, the same study showed an increased risk for decreased mental health among those with temporary residence (twice the risk of those with permanent residence).

A new study drawing on RESPOND Swedish survey data (n=639) based on a convenience sampling of Syrians in Sweden<sup>2</sup> analyses the relationship between permanent residency, temporary residency, health, and integration

---

<sup>2</sup> The overall survey results are also presented in Çetrez et al. (2021).

outcomes. The study shows that those with temporary residency (8.8 per cent) were almost double those with permanent residency (4.5 per cent) when responding that their psychological health was very poor. The negative outcome for those with temporary residency was also evident in higher PTSD (temporary residency 20 per cent; permanent residency 15 per cent), and finding less coping support within family and friends, but surprisingly, still indicating a similar resiliency level as those with permanent residency. Those with temporary residency also showed negative results regarding integration outcomes, where the level of and motivation to learn the Swedish language was lower than those with permanent residence. Furthermore, they were less likely to have attended professional training, to have had a paid job, and to believe it was possible to acquire Swedish citizenship.

A qualitative study by the Swedish Red Cross (Beskow 2018) showed that temporary residence regulations result in increased worry and deteriorated mental health. The same study showed that temporary residence worsens the chances one will seek care and pursue continuous trauma treatment. The Swedish Red Cross study also showed a connection between temporary permits, anxiety and problematic integration. Migrant individuals are unsure whether they should invest in higher education and report difficulties in finding work or accept worse working conditions to increase their possibilities to stay or reunite with their families. Similar findings were also reported in the RESPOND country report on reception in Sweden (Barthoma et al. 2020), which showed that mental pressure starts early, during the reception period, due to uncertainty with the lengthy waiting periods for processing asylum applications. The same report also pointed out that the restrictive policy measures introduced in 2015–2016 increased feelings of uncertainty and fear of being deported and undermined mental health.

## Theoretical framework

The Adaptation and Development after Persecution and Trauma (ADAPT) model developed by psychiatrist Derrick Silove (2013) is a theoretical framework connecting personal health and well-being with societal macro-structures among people who have faced conflicts and later resettled in a new environment. The model consists of five psychosocial pillars (Silove 2013: 237–244) as follows:

1. **Safety/Security:** The first pillar refers to the threat individuals may be exposed to under ongoing conflict, affecting their perception of security, stability, and control. This highlights the importance of the setting that the individual finds her/himself within in post-conflict, especially if conditions of threat, uncertainty about the future, lack of control, and absence of social support are still prevalent. Thus, earlier extreme circum-

stances, together with the precarious conditions in the new society, have importance for the sense of insecurity.

2. **Bonds/Networks:** The second pillar refers to personal losses resulting from conflict. Displacement, separation and fatalities result in grieving for lost bonds and interpersonal connections, and in the extreme case to mental health issues. Family reunification has been shown to significantly boost recovery from emotional disorders, a consideration that requires attention by authorities. In addition, cultural mourning rituals can help those involved to cope, and psychosocial programmes can support recovery.
3. **Justice:** The third pillar concerns how unresolved injustices in the past, such as persecution or human rights violations, can have mental health consequences. An example is anger, which under normal conditions can be a normative response to injustice. However, under new conditions triggered by minor events, anger can develop to an extreme response, such as explosive anger, with grave social consequences for the individual and her/his surrounding. Therefore, restoring an ethos of justice through acknowledgement, dignity, respect and empowerment, is of utmost importance for any responsible government and program providers.
4. **Roles and Identities:** The fourth pillar describes the impact of conflicts, displacement, uncertainty, and adversity on personal roles, interpersonal relations, and one's sense of identity, which in the long run may be harmed. This sense of identity threat can increase under post-migration conditions, in camps, hot spots, or in any unwelcoming environment towards newcomers. New experiences of unemployment and perceived discrimination threaten the sense of identity and self-respect and result in identity confusion. This threatens the family cohesion as well as social acceptance and risk resulting in feelings of isolation. In post-migration settings, it can be of benefit to promote community structures, cohesive patterns within the family, and adopting new roles.
5. **Existential Meaning:** The last pillar concerns the broader narrative the individual is part of, such as his or her worldview or belief system. Given that these systems are influenced by culture, conflicts and displacement, as well as confrontation with divergent belief systems can disrupt the earlier balance that was established. This is increased by fear of restrictions in cultural and religious practices in the new society. Being caught between different belief systems can cause complications for the individual when trying to settle and may lead to existential struggle. In this respect, a sensitive and helpful approach by the receiving society is important. However, Silove does not develop the level of existential meaning in terms of psychological functioning. Therefore, we may add that the existential meaning is the level that links a person's different domains of life together so that they work together in a functional way (similar to the symbolic level in Kleinman's cultural dimensions). Such meaning-making is context-specific and changes over time as the struc-



tures change and one's ability to deal with these structures develop (Çetrez 2005).

The ADAPT model is a conceptual framework that can be applied to different populations in different post-conflict situations for mapping and understanding the impact of policies and psychosocial interventions on participants. The five pillars are interdependent, meaning that a negative effect on one of the pillars has consequences on the others. Thus, there is no prioritizing order in the model. However, in applying the model, we treat *existential meaning* as a product or reflection of the other four pillars. We also use the five pillars not only in light of pre-migration conditions but also in light of post-migration structures and conditions.

Measurement of ill-health or psychological symptoms is culture-specific, as Campion and colleagues (2012) point out. Illness expresses complex social constructs influenced by social norms, social interactions, and socio-political conditions. Therefore, 'mental disorder and mental health are distinct although related dimensions, so that absence of either mental health or mental disorder does not imply the presence of the other' (Campion et al. 2012: 68). Therefore, as the ADAPT model implies, the macro-level factors are needed to understand personal conditions of health or ill-health.

In the empirical analysis, with the modifications mentioned, we will employ the ADAPT model to analyse interview material with asylum seekers arriving in Sweden from 2011 to 2019 on issues relating to the five pillars.

### *Data and methods*

The empirical material is taken from the Swedish interviews (n=61), which followed the sampling in line with the overall project. The themes covered were journey and border-crossing experiences, reception, integration and belonging, including psychological health. Briefly, respondents were from three countries of origin, Syria (n=44), Afghanistan (n=15), and Iraq (n=2). Overall the gender division was balanced (48 per cent women). The participants were mainly middle-aged, 18–26 (n=10), 27–50 (n=45), and 51+ (n=6), and the majority were married (n=31), single (n=17), divorced (n=8), and a few engaged and widowed. Ethnic origin was mainly Arab (n=26), Hazari (n=11), Assyrian (n=4), thus the majority with a Muslim background (n=45). Furthermore, the majority had a higher secondary or tertiary education (n=41), and a few were illiterate (n=5). A majority were living with family (n=35) or living alone (n=17). The data contains responses from persons who arrived before 2015 (n=15), and after (n=40) (6 missing), and in terms of legal status, the majority had permanent residence status (n=32), followed by temporary residence status (n=11), asylum seekers (n=9), asylum seekers at deportation stage (n=6), and a limited number with family

reunification (n=3). Up to 14 individuals had received rejection at first instance.

The analysis is based on a coding framework for the overall project, first conducting a broad coding along the themes of the interviews (described above), followed by a second level of coding, identifying categories and sub-categories, again on a general level (Braun and Clarke 2006). For this chapter, we conducted a third and more specific level of coding, highlighting quotes relevant to the pillars in the ADAPT model. The ADAPT pillars help us analyse the empirical material to be presented in the next section.

## Analysis utilizing the ADAPT model: Health and legal status

This section will analyse the interview material using the ADAPT model, not in any order of the five pillars presented earlier, but in an interconnected mode, as this better reflects the complex reality seen among newcomers. Additionally, the interview content does not strictly fit only one pillar but can be linked to several, which is a good example of how the pillars are interconnected.

Overall, the qualitative interview material shows a picture in which uncertainty, delays, waiting, and unjust treatment are linked to anxiety, fear, and, in the long run, ill-health (see also Çetrez et al. 2021). From the interviews, we can see that the majority have negative experiences of different sorts, sea rescue (n=11), violence at the border (n=19), or reception administrators not being supportive (n=17), all of which may be linked to the pillar of *safety/security* from the ADAPT model.<sup>3</sup> The following quote by a young Afghan man with temporary residence clearly expresses problems regarding feelings of *safety/security* concerning the uncertainty regarding settlement in Sweden:

I faced many psychological [problems], mostly because I don't know what will happen to me in the future. Either I will get the permit or not. If I get deported from here, where can I go? I can't go back to my home country, and I am away from my family, and I don't have any support from them. I don't have anyone to share my pain with, and I also don't know how I would support my family. These problems and difficulties cause pressure and illness. (Afghan man, Age group 18–26, No.47, Temporary residence permit under the Upper Secondary Education Act)

---

<sup>3</sup> This quantification of qualitative data is based on our database including a systematic overview of all RESPOND interview data. See Çetrez and Barthoma (2020).

In the quote above, the young Afghan man also talks of *bonds/networks*, not being together with his family, not being able to share his pain, and neither having support from nor giving support to his family. This, we conclude, is closely linked to his status of temporary residency. In principle, the post-2015 policy changes mentioned above mean that there is no possibility for family reunification (Parliament of Sweden 2016; Borevi 2018).

The interviews show that rejection puts individuals under intense stress and fear, which is clearly linked to the pillar of *safety/security*, and as a consequence results in worry about the family, linked to the pillar of *bonds/networks*, as expressed by this Afghan woman:

Yes, for three years. I was on medication, but then they cut it, so now I'm not getting help. I'm scared that since I'm not feeling good, they'll take my children from me. They [counsellors] don't do much; all they do is listen. (Afghan woman, Age group 27–50, No.58, Asylum seeker)

Temporary residency has negative consequences on many levels within the pillar of *safety/security*, as expressed in the first part of the quote below by a Syrian woman, where she expresses the feeling that she cannot settle or trust that she will be able to stay. It also has effects in the pillar of *justice*, as expressed in the second part, where she states that decisions from the Migration Agency that are vital for the individual can be changed without prior notice:

It's terrible. I can't settle down because one day, the parliament might make decisions against us. Our life is connected to decisions. [...] I have an application number, and the decision is not humanitarian. They should have told us that from the beginning. The temporary [protection] is not good. [...] It's like they stopped our life. There's no settlement. One decision by the parliament can destroy our life. Like they can decide the death penalty. (Syrian woman, Age group 27–50, No.10, Temporary residence permit)

The waiting time itself is stressful, linked to the pillar of *justice*, or more concretely, feelings of unjust treatment, as the first part of the below quote by a Syrian man demonstrates. This also results in negative consequences for the family left behind, linked to the pillar of *bonds/networks*, as well as the pillar of *security/safety* of one's children in the country of origin, as expressed by the second part of the quote:

The asylum application was not difficult but disappointing because of the proceedings [...]. I did not feel justice in the way interviews were distributed. Some people were waiting for a month, and others were waiting for three or four months to get a date for the interview. This waiting time caused me stress because my family was in danger, and the age of my children was close to the mandatory conscription age. Young people of these ages were vulnerable to recruitment, kidnapping and many other risks. (Syrian man, Age group 27–50, No.9, Permanent residence permit)

A Syrian woman describes her situation once moving to Sweden, starting with strong motivation, but ending with disappointment. The idea of permanent residency gave her an expectation of being part of society, which may be related to the pillar of *bonds/networks*, as well as the pillar of *safety/security*, which is important for the motivation to integrate into the new society. Contrary to the idea that stricter requirements may promote integration, the quote demonstrates that, for this Syrian woman, temporary residency has weakened the motivation to integrate and plan for the future:

When I arrived, I had the motivation to start a new life, but we were shocked about the waiting. We had ambition and motivation, and they asked us, ‘Why the hurry? You have food and stipends’. But I’m not here to take money. I came here to establish a life, and without permanent residency, I’m nothing. We were destroyed because of the bureaucracy. They [refugees] are given only temporary residency, and they live from the social [benefits] and might not be able to study. As for me personally, I try to keep going, but a lot of people assume that they’re staying here temporarily and live in the moment. They should give permanent residencies to families; otherwise, it’s destructive. (Syrian woman, Age group 27–50, No.10, Temporary residence permit)

Among those with temporary residence, the fear of deportation results in depression, weaker self-esteem, or failure, draining their energy and taking away their hope for the future. This dynamic may be linked to the pillar of *roles/identity*, as expressed in the first part of the following quote by a Syrian man with temporary residency. The fear he expresses is also based on the consequences a return may bring to those who have been politically active, which may be linked to the pillar of *safety/security*:

[A]fter a year in Sweden, I did not accomplish anything, and the situation did not help me, and I always feel weak in myself. [...] There are many rumours and statements from party officials, and there are those who visited Syria and are working to bring the refugees back there. I am from a resistance village, and if I return to Syria, I will be killed immediately. (Syrian man, Age group 27–50, No.7, Temporary residence permit)

The experiences based on the first four pillars of the ADAPT model, when linked together, give a holistic picture, which is more than its parts; it forms the content in the pillar of *existential meaning*. The experience of life conditions being decided by an authority outside oneself, without an ability to impact the situation, as expressed by the Syrian woman above—an issue of life and death—may undoubtedly be understood as a difficulty of creating meaning in a complicated situation one finds oneself in.

The four first pillars in the ADAPT model mainly express structural levels, though roles and identities also are linked to individual self-perception. These structural levels need to be present in a functional way, and even more, need to be perceived by the individual as functioning in order for the person

to be able to create meaning in her/his life situation. This does not imply that policies and other legal conditions need always to be to the advantage of the individual. However, the individual needs to have at least sufficient information, be able to understand, make connections, and even be able to control the situation, for these structural conditions, restrictive or not, to make sense. This is a dimension of agency, which is presented in greater detail in chapter 16 of the present volume.

Existential meaning is about making sense of the past, one's situation today and how one hopes to find and form the future, given the structural conditions one lives in. When one's search for existential meaning comes into conflict with the way one's rights and roles are understood in the surrounding context—as well as one's established values and practices—serious worldview collisions result. The description in the quote below from a woman from Afghanistan, as she interprets her possibilities and encounters with migration officers, is one such worldview collision. In this respect, the descriptions that this Afghani woman gives of how others (both in Afghanistan and in Sweden) see her and how they value or act towards her can be interpreted in light of her experiences and worldview through the same summary notion—if you *do not have any children*, then you *do not have any value*. The following quote links to all five pillars in the ADAPT model, but especially to *existential meaning*:

I have been married to my husband for 14 years, but we don't have children. My mother-in-law and her family were always telling me that I had to leave, as I couldn't get pregnant, that I was not a healthy woman, that I was not useful. They were pushing my husband to remarry. But my husband never did that. He likes me. They destroyed me and made me feel horrible during these 14 years. [...] In Afghanistan, [...] it's a man's world; the man decides. They are not nice to women; women are not allowed to live a regular life. I am not allowed to talk about myself, and I am not allowed to do anything. In Afghanistan, I couldn't live. Over here, I can live. I don't know what to do. As a woman, I feel very, very bad. As a woman, I want to have the benefits that men have, like here [in Sweden]. It is a democracy here; it is an open-minded country. But, please listen to me, don't let me go back to jail, because over there, it is a jail for me. Let me live openly and freely. The migration office is pushing me down and saying that since I don't have any children, I have to go back. It is the same thing as they would tell me in Afghanistan [no children, no value], but in a different way. (Afghani woman, Age group 27–50, No.3, at third rejection state)

## Conclusions

Our interview material showed how participants clearly linked uncertainty in legal status with adverse ill-health conditions and difficulties in integration. The qualitative data shows an overrepresentation of ill-health among those with temporary residency, which is probably not by chance. Still, a qualita-

tive study has its limitations of generalization due to sampling and methods of analysis. Therefore, the analysis of the interview material presented here should not be seen as representative or giving a systematic overview of the content. The conditions found among participants may result from many other factors, not solely due to legal status. A person's experiences of events and their outcomes are not static but rather continuous and cumulative, where the consequences of earlier difficult experiences do not cease simply because one has acquired a new legal status (or do so only for a short period). Individuals who have faced serious problems pre-migration, during the journey, and when holding temporary residency—or who may have endured a long and complex run of rejections before receiving residency of some sort—still live with and can be affected by the negative consequences much later. Most refugees come from conditions that have lacked security, safety, and justice; they have lost bonds and networks. As they confront novel and serious obstacles in the new society (even as adverse macro-level conditions continue in their countries of origin), the overall effect can be recurrent trauma (Mawani 2014). However, the existence of positive conditions among refugees should also be highlighted. As seen in our earlier publications, many or most refugees exhibit significant resilience (Çetrez et al. 2021).

Earlier research (mainly studies using statistical data), while valuable, has been limited to establishing baseline correlations between forms of legal status and health. In contrast, the qualitative interview data analysed in this chapter allows us to shed much-needed light on the affective mechanisms and processes—including experiences and feelings of uncertainty, worry, fear, and injustice—that produce poor mental health outcomes. While legal status as a socio-political condition may not by itself reveal the presence or absence of illness, it can, together with social determinants, be decisive for health outcomes. Different methods used together are the best way to reveal these complex relations.

Much of the current political debates on immigration in Sweden revolve around restrictions to asylum seekers' access to rights as a purportedly necessary tool to curb and control immigration. Comparatively little focus has been devoted to what consequences these restrictions have for immigrants' integration, understood, for example, in terms of participation in the labour market, a sense of belonging to society, but also general health and well-being. As shown in this chapter, the so-called 2015 'refugee crisis' has had a significant impact on Swedish immigration policies. Important changes associated with the 2015 event can also be identified in other states.

However, given that Sweden was previously seen as bucking the restrictive European immigrant integration policy trend, the post-2015 changes have

arguably been much more striking than in other countries.<sup>4</sup> Until recently, a ‘rights-based’ approach to immigrant integration dominated Swedish political debates (Borevi 2014), exemplified by the idea that a secure right of abode was a basic condition for an individual’s successful integration and good health. The 2015 events constituted a kind of catalyst that fundamentally changed party political dynamics and dramatically increased politicization of the immigration issue, and mainly revolved around efforts at keeping out or deterring migrants from coming. One general insight that may be formulated from the analysis presented in this chapter is that it is essential to carefully study and monitor the consequences of policy changes to avoid that people’s integration and well-being become the victims of political power play.

The material presented here, as well as earlier research, shows that macro-level conditions, including policies, have importance for newcomers’ health and well-being. Therefore, we recommend policy-makers and key persons in the reception and integration phase to establish stability and predictability in the asylum-seeking and integration procedures. Keeping newcomers, who have already been exposed to severe trauma and vulnerability, in limbo and uncertainty is at the risk of resulting in feelings of injustice and increased levels of stress and ill-health. Instead, paying attention to the health consequences when setting legal status policies would arguably benefit all the individuals involved and society at large. Furthermore, we know from previous research that injustice, if left untreated or if cumulated, results in psychological symptoms and attendant emotional responses, such as anger, frustration, and disappointment. Thus, policies around legal status should be approached with sensitiveness to the high levels of PTSD, mental ill-health, worry, fear, lack of safety, the experience of discrimination, among many other determinants, expressed by the RESPOND interviewees. Research in post-conflict settings (Silove 2013) has demonstrated that two political conditions of governance have a tremendous effect on mental health—namely, feelings of safety or security and feelings of justice. Safety/security in a post-conflict context, in our case in a new society, is fundamentally important in recovery and hindering post-traumatic stress.

---

<sup>4</sup> Neighbouring Denmark, for instance, also introduced restrictions due to the 2015 increase in asylum seekers. Danish policies were, however, congruent with decades of strict immigration policy developments, whereas corresponding policy moves in Sweden constituted a paradigmatic change compared to previous approaches (cf Borevi 2018).

## References

- Abubakar I., et al. 2018. 'The UCL–Lancet Commission on Migration and Health: The Health of a World on the Move', *The Lancet* 392(10,164): 2606–2654, doi: 10.1016/S0140-6736(18)32114-7.
- Barthoma, S., et al. 2020. 'Reception Policies, Practices, and Responses: Sweden Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/39, February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1395511/FULLTEXT01.pdf>.
- Beskow, L. 2018. *Humanitära konsekvenser av den tillfälliga utlänningslagen* [The Humanitarian consequences of the temporary migrant law]. Svenska Röda Korset, Billes Tryckeri AB.
- Borevi, K. 2014. 'Multiculturalism and Welfare State Integration: Swedish Model Path Dependency', *Identities* 21(6): 708–723, <https://doi.org/10.1080/1070289X.2013.868351>.
- . 2018. *Familj, medborgarskap, migration. Sveriges politik för anhöriginvandring i ett jämförande perspektiv*. Stockholm: Delmi.
- , and M. Shakra. 2019. 'Border Management and Migration Controls: Sweden – Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2019/23, August 2019*. Available at <http://www.diva-portal.org/smash/get/diva2:1343561/FULLTEXT01.pdf>.
- Borevi, K., and V. Petrogiannis. 2020. 'Conflicting Conceptualisations of Europeanisation: Sweden Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/73, November 2020*. Available at <http://doi.org/10.5281/zenodo.4288811>.
- Braun, V., and V. Clarke. 2006. 'Using Thematic Analysis in Psychology', *Qualitative Research in Psychology* 3(2): 77–101, <https://dx.doi.org/10.1191/1478088706qp063oa>.
- Brekke, J. P. 2004. *The Struggle for Control: The Impact of National Control Policies on the Arrival of Asylum Seekers to Scandinavia 1999–2004*. Oslo: Institutt for Samfunnsforskning.
- Campion, J., K. Bhui, and D. Bhugra. 2012. 'European Psychiatric Association (EPA) Guidance on Prevention of Mental Disorders' *European Psychiatry* 27(2): 68–80, <https://doi.org/10.1016/j.eurpsy.2011.10.004>.
- Çetrez Ö. 2005. 'Meaning-Making Variations in Acculturation and Ritualization: A Multi-generational Study of Suroyo Migrants in Sweden'. *Ph.D. diss.* Uppsala Sweden: Uppsala University.
- . (Forthcoming). Psychosocial Health and Social Determinants among Syrians in Sweden – A Survey Study.
- , A. Maluk, and M.A. Rajon. 2021. 'Syrian Migrants in Sweden: A Survey on Experiences of Migration and Integration'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2021/84, March 2021*. Available at <http://doi.org/10.5281/zenodo.4662405>.
- , F. Atchulo, I. Garosi, A. Hack, and M.A. Rajon. 2021. 'Integration and Determinants of Psychosocial Health: Thematic Report'. *RESPOND Working*



- Papers, Global Migration: Consequences and Responses, Paper 2021/81, March 2021.* Available at <http://doi.org/10.5281/zenodo.4647688>.
- , and S. Barthoma. 2020. RESPOND dataset reports, Work packages 2, 3, 4, and 5. Datafiles from the project RESPOND, available both in Excel and SPSS formats. Available: [www.respondmigration.com](http://www.respondmigration.com).
- Council of Europe. 2018. *Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following His Visit to Sweden from 2 to 6 October 2017.* CommDH(2018)4, Strasbourg, 16 February.
- Davidson, J.R.T. 2018. ‘Connor-Davidson Resilience Scale (CD-RISC) Manual. Unpublished. 08-19-2018’. Retrieved 21 October 2021 from [www.cd-risc.com](http://www.cd-risc.com).
- Government of Sweden. 2015a ‘Insatser med anledning av flyktingkrisen’. Retrieved 21 September 2021 from <https://www.regeringen.se/informationsmaterial/2015/10/insatser-med-anledning-av-flyktingkrisen/>.
- 2015b. ‘Regeringen föreslår åtgärder för att skapa andrum för svenskt flyktingmottagande’. Retrieved 21 September 2021 from <https://www.regeringen.se/artiklar/2015/11/regeringen-foreslar-atgarder-for-att-skapa-andrum-for-svenskt-flyktingmottagande/>.
- 2020. ‘En långsiktigt hållbar migrationspolitik (SOU. 2020:54)’. *Betänkande av Kommittén om den framtida svenska migrationspolitiken (Migrationskommittén)*. Retrieved 1 September 2021 from <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2020/09/sou-202054/>.
- 2021. ‘Krav på kunskaper i svenska och samhällskunskap för svenskt medborgarskap SOU. 2021:2’. *Delbetänkande av Utredningen om språk- och samhällskunskapskrav för svenskt medborgarskap och andra frågor om medborgarskap (USSMA)*. Retrieved 1 September 2021 from <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2021/01/sou-20212/>.
- Hagelund, A. 2020. ‘After the Refugee Crisis: Public Discourse and Policy Change in Denmark, Norway and Sweden’. *Comparative Migration Studies* 8(13): 1–17, <https://doi.org/10.1186/s40878-019-0169-8>.
- Hernes, V. 2018. ‘Cross-national Convergence in Times of Crisis? Integration Policies Before, during and after the refugee crisis’, *West European Politics* 41(6): 1305–1329, <https://doi.org/10.1080/01402382.2018.1429748>
- Johannesson, L., and R. Westerling. 2019. ‘Hur mår nyanlända flyktingar med tillfälligt uppehållstillstånd? [How are newly arrived refugees feeling with temporary residence permit?]’, *Socialmedicinsk tidskrif* 96(1): 13–21.
- Kleinman, A.J. 1980. *Patients and Healers in the Context of Culture*. Berkeley, CA: University of California Press.
- Laban, C.J., et al. 2004. ‘Impact of a Long Asylum Procedure on The Prevalence of Psychiatric Disorders in Iraqi Asylum Seekers in The Netherlands’, *Journal of Nervous and Mental Disease* 192(12): 843–851.
- Mawani, F. N. 2014. ‘Social Determinants of Refugee Mental Health’ in L. Simich, and L. Andermann (eds), *Refuge and Resilience: Promoting Resilience and*

*Mental Health among Resettled Refugees and Forced Migrants*. Dordrecht: Springer Netherlands, pp. 27–50.

- Shakra, M., and J. Szałańska. 2020. 'Refugee Protection: Sweden Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/32, January 2020*. Available at <https://doi.org/10.5281/zenodo.3613763>.
- Nickerson, A., et al. 2011. 'Change in Visa Status Amongst Mandaean Refugees: Relationship to Psychological Symptoms and Living Difficulties' *Psychiatry Res.* 187(1–2): 267–74, <https://doi.10.1016/j.psychres.2010.12.015>.
- Parliament of Sweden. 2016. 'Tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige. Proposition 2015/16:174'. Retrieved 11 October 2021 from <https://data.riksdagen.se/fil/00A12406-C88D-49BD-9CFD-681EE19327E0>.
- 2021a. 'Ändrade regler i utlänningslagen Prop. 2020/21:191'. Retrieved 1 September 2021 from <https://www.regeringen.se/4994e4/contentassets/f3c5d42a0d4f4684b21dc8885dceb589/andrade-regler-i-utlanningslagen-prop.-202021191>.
- 2021b. 'Socialförsäkringsutskottets betänkande 2020/21: SfU28. Ändrade regler i utlänningslagen'. Retrieved 11 October 2021 from <https://data.riksdagen.se/fil/15C03423-0BAD-4EA9-A3E5-89AEB5DB28BF>.
- 2021c. 'Protokoll 2020/21:146 Tisdagen den 22 juni'. Retrieved 11 October 2021 from <https://data.riksdagen.se/fil/2DA9AE56-FBEA-4F25-A042-454C0C620A8C>.
- 2021d. 'Riksdagsskrivelse 2020/21:412'. Retrieved 11 October 2021 from <https://data.riksdagen.se/fil/7B140D28-3001-459D-82C2-5B2DC3CC4521>.
- Prins A., et al. 2003. 'The Primary Care PTSD Screen (PC-PTSD): Development and Operating Characteristics', *Primary Care Psychiatry* 9: 9–14.
- Silove, D. 2013. 'The ADAPT Model: A Conceptual Framework for Mental Health and Psychosocial Programming in Post Conflict Settings', *Intervention* 11(3): 237–248.
- Steel, Z., et al. 2011. 'Two Year Psychosocial and Mental Health Outcomes for Refugees Subjected to Restrictive or Supportive Immigration Policies', *Social Science and Medicine* 72: 1149–1156, doi:10.1016/j.soescimed.2011.02.007.

## PART III

### Reception & Integration



# 12 Reception Policies, Practices and Responses

*Ayhan Kaya and Alexander-Kenneth Nagel*

---

## Introduction

The ‘2015 refugee crisis’ has triggered substantial policy change in many countries along the Eastern Mediterranean route. Reception—the liminal period covering the initial phase in a new (host) country starting from arrival and application for asylum to the final decision about this application — is one area where policies and practices have considerably changed. Reception is a hybrid policy field with a strong attachment to social policy. Reception policies, practices and humanitarian responses to the mass migration of refugees in contemporary Europe and beyond are of great concern for state and non-state actors, institutions, private individuals and refugees. Despite efforts to achieve harmonization at the EU level, many differences exist in this field in the countries that are the focus of this chapter. Based on the findings of qualitative research conducted in Austria, Germany, Greece, Italy, Hungary, Iraq, Lebanon, Poland, Sweden, Turkey and the UK, this chapter reveals how the period of reception has gradually become extended in a way that has created limbo situations in the lives of refugees and asylum seekers. While the European Union member states were selected as they have been subject to heated public discussions on the so-called refugee crisis since 2015, Turkey, Lebanon, and Iraq were selected on the grounds that they host the largest numbers of Syrian refugees. Most of the cases lay bare the expansion of deterrence politics in European nation-states even as the ‘welcome culture’ discourse of the region attenuates significantly. Neoliberal forms of governance, the emerging emphasis on the so-called ‘resilience’ of refugees, problems of multilevel migration governance, and the externalization of migration policies and reception are other contested areas that the country reports have covered extensively.

This chapter is based on an extensive literature review and interviews conducted with stakeholders active in the field of reception as well as individual asylum seekers and refugees. In total, more than 200 stakeholder interviews and more than 540 interviews with asylum seekers and refugees were conducted during the period 2018–2019. The data derived from the interviews were analysed by country research teams using a common coding scheme. The interview material from each country was triangulated with secondary

sources and a careful investigation of relevant legal and policy documents. This chapter synthesizes the main results of these country reports and provides a comparative reflection on several recurring themes.<sup>1</sup>

In order to better focus on reception policies, practices and responses in the states under scrutiny in this chapter, we try to map the policies and practices of reception and humanitarian responses of the aforementioned countries and migrants' perceptions, actions and reactions to policies and practices. In so doing, our objective is to assess similarities and differences among different cases by bringing the recurring themes to the fore. The chapter starts with a summary of the reception policies and practices in the countries covered by the RESPOND research in order to uncover different aspects of multilevel governance. The rest of the chapter goes on to discuss the similarities and differences of the cases.

## Multilevel governance in reception policies and practices

Multilevel governance was originally defined by Hooghe and Marks (2001) as the dispersion of authority away from central government—upwards to the supranational level, downwards to subnational jurisdictions, and sideways to public–private networks. As seen in the formation of protection and integration policies in the field of migration and asylum, there is also a similar trend in the making of reception policies—namely, a shift from state-centric level to both supranational and local, public–private level. In this chapter, the latter will be depicted more in the sense that the neoliberal forms of governance of nation-states have paved the way to the local turn in the making of reception policies and practices (Scholten and Penninx 2016). However, the local turn—which has both empowered and delegated the responsibilities of nation-states to municipal authorities as well as to NGOs, Faith-Based Organizations (FBOs) and private individuals—is not only a result of neoliberal forms of governance but also in line with the Sustainable Development Goals defined by the United Nations in 2016.

While we observe different examples of a restrictive turn and decentralization in all EU member states, the restrictive approach has also been externalized through bilateral deals, such as the EU–Turkey Statement, which came into force in March 2016.<sup>2</sup> The deal with Turkey was built on the back of the failing Dublin III Regulation and the 2015 EU Agenda on Migration, which sought to establish a relocation system to distribute asylum seekers among

---

<sup>1</sup> An earlier version of this chapter has been presented as a report in RESPOND Working Paper series: <https://doi.org/10.5281/zenodo.3783744>

<sup>2</sup> For more detail, see European Commission (2018): [http://europa.eu/rapid/press-release\\_IP-18-1723\\_en.htm](http://europa.eu/rapid/press-release_IP-18-1723_en.htm)

member states while welcoming additional migrants. While most member states do not share a unified approach to immigration policy, the so-called ‘refugee crisis’ posed a particular threat to the solidarity of the EU (Geddes and Scholten 2016). The deal itself reflected a general lack of solidarity among European member states.

The Justice and Home Affairs Council meeting on 14 September 2015 saw tension and conflict over a relocation proposal, which was eventually adopted by a qualified majority, establishing a two-year plan to relocate 160,000 Syrian refugees from Greece, Italy, and Hungary to other member states (Gyollai and Korkut 2020). Objections were voiced by leaders supporting more rigid policies of deterrence. For instance, Slovakia fought refugee quotas by taking legal action with the European Court of Justice, while other member states suspended Schengen regulations and closed their borders. At the end of January 2016, when less than 500 refugees were resettled from Greece and Italy, it became apparent that reluctance on the part of member states would prevent any significant impact (Benvenuti 2017; Terlizzi 2020). The EU–Turkey deal is the turning point for the stabilization of ‘migration flows’, which allowed EU member states to introduce more restrictive measures domestically, including reception policies. This indicates the steady ‘decline’ in ‘welcome culture’ in Europe over time.

The Directive of the European Parliament and of the Council of 26 June 2013 lays down standards for the reception of applicants for international protection (European Parliament and European Council 2013). It specifies that standards for the reception of applicants that suffice to ensure applicants for international protection a dignified standard of living and comparable living conditions in all member states should be laid down (*ibid.*) The Directive leaves a remarkable degree of discretion to define what constitutes a dignified standard of living and how it should be achieved (Peek and Tsourdi 2016). Though the Directive tries to harmonize the reception regimes of the member states, national reception systems differ greatly in terms of the setup and modalities of provisioning. The European Agenda on Migration has also underlined the importance of a clear system for the reception of applicants for international protection as part of a strong common European asylum policy (European Commission 2015). It refers to the need for further guidance to improve the standards on reception conditions across EU member states.

## Descriptive overview of country cases

In this section, we provide a brief description of our country cases. Since it has been a particular strength of the RESPOND project to analyse mass migration from a broad perspective, we will first elaborate on the EU member states in our sample and then turn to the three third countries (Iraq, Lebanon

and Turkey). In the framework of our chapter, this section is meant to offer some basic contextual information in order to back up the more comparative discussions in the subsequent sections. In-depth insights can be obtained from the various country reports (see reference in each paragraph).

**Austria:** During the so-called ‘refugee crisis’ of 2015, the shortage of reception facilities led to a series of conflicts between different levels of government involved in the regulation of asylum seekers’ distribution and housing. Following the introduction of a federal constitutional law stipulating an obligatory admission quota for all municipalities, the number of accommodations increased. However, the distribution across all provinces has remained uneven, with Vienna admitting the largest share. The number of new arrivals decreased after the EU–Turkey Statement came into force in March 2016, and newly created small-scale facilities were closed down. One of the pressing issues of asylum seekers in Austria remains their exclusion from the labour market. On the other hand, language and education courses provided at the provincial and municipal levels have proved to be an important part of everyday life in reception, creating a routine and a sense of social normality. While civil society, NGOs, and some local government actors helped overcome the reception crisis, their involvement has received little acknowledgement at the federal level (Josipovic and Reeger 2020).

**Germany:** Between 2011 and 2017, there was a major change in the position of asylum seekers within the reception regime in Germany. The panic-driven climax of overcrowding numbers and emergency discourses in 2015–16 was replaced by what many of the reception stakeholders in Germany perceived as a process of ‘normalization’. This ‘normalization’ was not only driven by domestic policy innovations. Rather, the EU–Turkey statement proved quite effective in limiting the overall numbers of asylum applicants in Germany, thus relieving the pressure on the reception system. ‘Normalization’ has also become a policy doctrine in itself and is closely associated with a paradigm of ‘integrated refugee management’, which seeks to regain control based on spatial concentration and punitive measures. Furthermore, Germany’s strong federal structure fosters incoherence in migration policies and practices within and across national, regional and municipal levels of migration governance. While border management and protection are national responsibilities, reception and integration remain the responsibilities of the federal states (*Bundesländer*) and the municipalities (Chemin and Nagel 2020).

**Greece:** Greece continues to suffer from a lack of capacity in handling the demands of irregular migrants in the islands. Difficulties in asylum-seeker accommodation on the northeastern Aegean islands continue to be a big problem. The imposition of the ‘geographical restriction’ on the islands since the launch of the EU–Turkey Statement has led to significant overcrowding in the reception facilities. Prevailing reception conditions, particularly in the so-called ‘hotspots’, have reached a devastating level as the basic needs and



human rights of asylum seekers are threatened and violated on an everyday basis. The camps in mainland Greece were established in remote areas without adequate transportation, resulting in the spatial segregation of asylum seekers. These camps are not suitable for long-term accommodation.

The reception system in Greece also suffers from serious shortcomings regarding ready access to education and the labour market. Despite the limited progress made in the last few years, rates of school attendance among immigrant children remain low. Asylum seekers—especially those who do not speak Greek—have limited access to the formal labour market. Additionally, they face a wide range of administrative obstacles to obtaining the necessary documents for legal employment. Limited access to health care and psychosocial support remains to be another impediment for irregular migrants in the hotspots on the northeastern Aegean islands as well as in camps on the mainland (Papatzani et al. 2020).

**Hungary:** The Hungarian reception system reflects the country's centralized, top-down model of asylum and immigration policy. The Hungarian government established transit zones along the Hungarian–Serbian border fence, which have become the only reception facilities in the country over the past couple of years. There are no effective accountability measures in place concerning the Hungarian government's migration management and reception policies. Migration policy has become so subject to government discourse that any opposition is branded as treasonous, threatening both the Hungarian nation and Christianity. Gyollai and Korkut (2020) indicate that the Hungarian government has become more authoritarian since being elected to office in 2010, with checks and balances being steadily whittled away. The trend began when the government clipped the wings of the independent judiciary and continued with attacks on civil society groups. Such political and administrative changes have made asylum seekers and refugees even more vulnerable since the so-called 2015 refugee crisis (ibid.).

**Italy:** There is a discrepancy between the legal-political framework and the actual functioning of the reception system in Italy. What is formally guaranteed to asylum seekers by law is not fully implemented in practice. Although formal responsibility is vested at the regional level, in practice, this level of government is bypassed. While civil society associations play a crucial role in the provision of reception services, there is insufficient collaboration between state and non-state actors. The 'hotspot approach' suffers from many deficiencies as far as first aid and assistance are concerned. The activities taking place in hotspots lack a clear and solid legal basis. Hotspots are not regulated by any EU directive or regulation nor by primary Italian legislation. The Italian reception system is also not equipped to effectively classify migrants as asylum seekers or economic migrants, depending on a summary assessment. Poor living conditions and severe violations of fundamental rights in hotspots and pre-removal facilities continue (Terlizzi 2020).

Finally, there are also problems resulting from the approval of Decree-Law No. 113/2018 (the so-called ‘Salvini Decree’), which revoked the right of asylum seekers to be hosted in the SPRAR facilities.<sup>3</sup> This situation resulted in thousands of people being thrown into the street in a matter of days, which reinforced problems linked to the accommodation business and the black market. This results in increasing insecurity for asylum seekers (Terlizzi 2020). In return, asylum seekers and refugees who drop out of the reception system often end up being exploited by criminal networks.

**Poland:** Reception in legal and institutional terms in Poland means assistance for foreigners in applying for international protection. Its basic scope is governed by the national provisions of the Act on Granting International Protection to Foreigners and two regulations regarding the amount of financial assistance for asylum seekers and rules of stay in the centres for foreigners. The most important public body responsible for the reception policy is the Office for Foreigners, supervised by the Ministry of Interior and Administration, and in particular its Department for Social Assistance. Medical service providers for asylum seekers also play an important role – since 2015, medical services have been covered by a private entity called PetraMedica. Key actors in the area of public education for children include the Ministry of National Education, local public schools, and local self-government authorities in the vicinity of the centres for foreigners. To this end, NGOs also provide various forms of support to foreigners both in and outside the centres (Pachocka et al. 2020).

**Sweden:** Officially, Sweden has a unified, centralized organization of reception. However, considering the varying capacity and infrastructure among municipalities, reception experiences for asylum seekers are highly differentiated. The capacity of the reception system as a whole was pushed to its limits in late 2015, resulting in extended backlogs and challenges in the reception system. The key outcome was extremely long waiting times—two years or more—in the processing of asylum claims. This protracted reception situation created both practical and psychological problems, including a lack of access to proper language classes and labour opportunities and uncertainty about applicants’ legal status.

---

<sup>3</sup> **The SPRAR (Protection System for Refugees and Asylum Seekers) project** is financed by the Ministry for the Interior through the National Fund for Asylum Policy and Services. It aims to support and protect asylum seekers, refugees and immigrants who fall under other forms of humanitarian protection. In 2018, SPRAR was renamed SIPROIMI—Protection System for Beneficiaries of International Protection and for Unaccompanied Foreign Minors (Decree-Law No. 113 of 4 October 2018, enacted as Law No. 132 of 1 December 2018). See for further information, see <https://www.sprar.it/english>.

Housing/accommodation is one of the main problems faced during the reception period. Housing is deeply connected with the idea of creating a 'new home' and, thus, feeling safe. Being placed in shared accommodation facilities disregarding gender, age, health conditions and traumatic experiences (vulnerable groups) makes them feel unsafe and inhumanely treated. The isolated location of some facilities is associated with the problems and challenges related to the lack of infrastructure, obstacles in accessing health care services, poor representation of civil society organizations, and the feeling of being segregated as they are surrounded mainly by other asylum seekers. This creates a feeling of disconnection from the broader society. Notably, municipal facilities are called 'camps' by the majority of the asylum seekers interviewed, regardless of their location (Barthoma et al. 2020).

**United Kingdom:** As far as reception conditions and services in the UK are concerned, there is a clear distinction between 'recognized refugees' who come via a resettlement programme and the so-called 'normal' asylum seekers. Those coming to the UK via a resettlement programme are received at the airport by an official as a welcoming gesture. However, those applying for asylum in the UK via 'irregular' routes arrive and live in relatively difficult conditions. However, some entitlements differ depending on whether they have received refugee leave to remain after July 2017 or humanitarian protection before July 2017. The British reception system fails to safeguard and realize the human rights of asylum seekers. This perspective is shared by both asylum seekers and third-sector stakeholders, as witnessed during the field research. This seems to be a planned failure, as the aim of the British reception policy is exclusion and deterrence. It also operates as an internal migration control system that pushes people towards destitution so they will leave the UK 'voluntarily' (Karamanidou and Folley 2020).

**Iraq:** Iraq hosted around 247,000 Syrian refugees as of early 2020 (See UNHCR 2020a). In practice, Iraq has faced major challenges in realizing adequate reception infrastructure, which has forced refugees to seek shelter in provisional housing arrangements, such as government school buildings. Many of these facilities lack the most basic necessities of life and exhibit lousy hygiene conditions. Likewise, Iraq has faced severe challenges in providing for the basic health of Syrian refugees on its territory. Many of them have suffered from various digestive diseases or skin allergies and report complications and a lack of public assistance in finding proper treatment. While many Syrians have not received the formal right to work (since they were not recognized as refugees), the authorities have turned a blind eye to those working out of sympathy for their situation (Warda et al. 2020).

**Lebanon:** At the end of 2020, there were 879,529 Syrian refugees registered in Lebanon (see UNHCR 2020b). Reception policies and practices in Lebanon are decentralized. Although Lebanon is a party to various international conventions guaranteeing the basic rights of asylum seekers, these have not

really been implemented via national legislation. The various state and non-state actors involved in multidimensional reception have failed to unify their efforts across the different levels of governance of asylum-seeker matters. Indeed, in the absence of formalized national reception legislation, local municipalities and non-state actors have become important players in the reception of refugees and asylum seekers. Like in Turkey and Iraq, Syrian refugees were received in Lebanon within the discursive framework of ‘neighbourly hospitality’ with religious connotations. Syrian asylum seekers face a variety of hurdles and formalities affecting their everyday lives, such as difficulties in accessing the border, gender-related obstacles in regularizing their legal status, and restrictions in accessing income-generating opportunities, education, housing, services and allowances. The persistent use of ad hoc exclusionary policies and practices at both the local and national levels has the aim of deterring Syrian asylum seekers from staying and further pushing them to perceive resettlement or repatriation as their only viable long-term options. The data gathered from the interviews in the field reveal that Syrian asylum seekers are dissatisfied with the overall process of reception (Rahme 2020).

**Turkey:** As of the end of 2020, there were 3,632,442 Syrian refugees registered in Turkey. In the first years of the migratory movement, the discourse of ‘Turkish hospitality’, ‘welcoming guests’, and the so-called ‘Ansar spirit’ (*Ansar* being Arabic for ‘helpers’, referring to the Medinans who helped the Prophet Muhammad and his entourage when they were in flight from Mecca)—not to mention the rhetoric of Islamism, neo-Ottomanism and populism—eased the reception of Syrians, who were offered all the basic provisions such as housing, education, health services, accommodation and allowances in the border cities (such as Şanlıurfa, Kilis, Hatay, Gaziantep) as well as in the temporary accommodation centres. In later years, Syrians moved to the big cities such as Istanbul, Izmir, and Bursa to resettle in search of better education, accommodation, health and employment conditions.

The Turkish case demonstrates that there are significant regional variations in refugees’ labour market access. Refugees find it easier to access the labour market in the agricultural sectors outside the big cities compared to industrial cities like Istanbul and Izmir. Cultural and religious intimacy also held Syrians back from seeking options to move out of the big cities and on to Europe. Nevertheless, Syrians under temporary protection face difficulties regarding their access to the labour market, education, health services, social services, allowances, food and hygiene, substance, and domestic mobility. Many of the interlocutors interviewed in Turkey are unwilling to apply for official work permits or Turkish citizenship as they would lose all the financial and in-kind assistance they receive, such as from the EU’s Emergency Social Safety Net (ESSN) Program. Hence, the precariousness Syrians have known since arriving in Turkey has tended to persist for many (Kaya 2020).

## Recurring themes

As far as protection and reception regimes are concerned, a variety of policies and practices can be observed across the EU member states, as well as Turkey, Lebanon, and Iraq. National differences in welfare standards (and Brochmann 2015; Şahin-Mencütek 2018) and access to accommodation, work, health services and education (Zaun 2016) for asylum seekers persist. The time taken to process asylum seekers' claims differs greatly from one member state to the other. The average duration of the asylum procedure ranges from 2.5 months (Belgium) to 10.5 months (Luxembourg) (Angeloni and Maria Spano 2018).

There is also dissimilarity among EU member states about allowing asylum seekers to work while their application is pending (Constant and Zimmermann 2016). For instance, applicants awaiting a decision on their asylum applications have immediate access to the labour market in Greece and Sweden. In other countries, however, they must wait for a period of between two months (Italy), three months (Austria), six months (Spain), or nine months (Hungary). At the same time, Austria, Germany, and Hungary impose further labour market restrictions (Wagner et al. 2016). In contrast, in the UK, those who arrive as refugees via one of the resettlement programmes face a substantially different policy environment across all dimensions of integration. Refugees have free access to secondary healthcare and can access student finance and free ESOL (language) classes straight away. Furthermore, they face no formal restrictions on employment, are allocated a caseworker to assist them in linking up with services and can access mainstream benefits on the same basis as UK citizens (Karamanidou and Folley 2020).

Moreover, the characteristics of reception arrangements for asylum seekers vary considerably across EU countries (Nagel and Kaya 2020), ranging from open reception centres to detention facilities (Mouzourakis and Taylor 2016). Conditions in many of these accommodation facilities present serious concerns and are not suitable for residential occupation. Non-EU states such as Turkey, Iraq and Lebanon have even more diverse policies and practices vis-à-vis reception of refugees, such as the introduction of the Temporary Protection Regulation in Turkey (Şahin-Mencütek 2018; Rahme 2020; Warda et al. 2020).

A comparative analysis of the field research findings conducted in Austria, Germany, Greece, Italy, Hungary, Iraq, Lebanon, Poland, Sweden, Turkey and the UK reveals several recurring themes. These include the liminal and often protracted experience of reception, strategies and mechanisms of agency, the rapid attenuation in the initial 'welcome culture', politics of deterrence as well as more general trends of renationalization and neo-liberalization of governance, and the pervasive delegation of state responsibilities to civil society actors (Pachocka et al. 2020).

## *Stuck in reception*

In the process of migration, ‘reception’ is the liminal period covering the initial phase in a new (host) country starting from arrival and application for asylum to the final decision about this application. However, the experiences of refugees themselves show that reception can be extended for many years in a way that blurs the sociological and political distinctions of *reception* and *integration*. A comparative glance at the micro-level interviews in RESPOND shows that many refugees report intense feelings of uncertainty and concern as a result of being in a ‘legal limbo’ and the protracted asylum procedures they must endure, which give rise to a sense of being ‘stuck in reception’. The absence of a clear legal status, along with the lack of information about rights in terms of access to public services, heighten risks of a serious deterioration in physical and psychosocial health and endanger future integration. The legal limbo is experienced by all kinds of asylum seekers and refugees irrespective of age, gender and ethnicity. For instance, an administrator of the Spånga-Tensta district in Stockholm, Sweden, highlighted the scope of the problem as well as the severe consequences it may entail:

If we take unaccompanied minors, for example, these children [...find themselves in limbo]. There have been those who have not been granted a residence permit and [...] told [they will be] expelled [... But] they have not had access to any public accommodation, actually, because they have not known if they [will] be sent home or not. So, many times, many of them have ended up in such places, where either the Migration Board or NGOs—for example, Stadsmissionen in Stockholm—supported many of them with temporary hotel accommodation (adapted from Barthoma et al., 2020: 72).

However, the challenge in many European and non-European countries goes beyond what could be judged as situations of legal limbo. There is also a widespread sense that national and municipal actors often treat refugees as *objects* or *cases* rather than as *individuals*. When asked about how he felt during his interactions with officials during his reception period, a Syrian man living in Berlin replied:

It makes me angry. It makes me really angry because I can see that they don’t care about it. They are [...] like, just trying to use us for their benefits, you know? All of them, to be honest. And that makes me feel like: ‘come on, I am not an object; I am a person’. You know? So, there is nothing in life that gives you the right to decide something for me. Even if I am a refugee, I am still a human being (adapted from Chemin and Nagel, 2020: 35).

The asylum application is an integral part of the reception process. In this regard, refugees navigate a variety of bureaucratic stages formed of long waiting times, paperwork, courts, interviews, translators, lawyers, police, immigration officers and other public officials and institutions. Their interactions with the respective national reception system offer important insights

into the mechanisms of the reception regime. Tensions between human rights ideals and European legislation, on the one hand, and national and regional particularisms, on the other, are evident throughout all European cases. Such tensions are visible in different spheres of an asylum seeker's life, ranging from initial application to housing and education to health care and freedom of movement. The divergence between national reception policies and European regulations is mirrored by the infringement procedures brought by the EU Commission against some EU member states such as Hungary.

As the reception period is extended, asylum seekers and refugees try to find ways to access different spheres of everyday life. A refugee living in European countries for a few years may not yet have achieved any significant legal status as her case (or appeal) is still pending. As such, she may well be living a normal, 'integrated' life and be but a step away from deportation.

A comparative study of the reception policies, practices and responses of European states discussed in this chapter shows the following tendencies:

1. Increased efficiency in reducing the waiting time for asylum applications, such as through 'integrated refugee management' (Germany).<sup>3</sup> This technically means that 'reception time' is limited in order to enable a fast-track decision on the application so that applicants are entitled to subsequent integration measures – or they are deported.
2. Limiting asylum seekers' rights to the degree that everything is postponed until the outcome of the final legal decision. This is deliberately designed to prevent asylum seekers' settlement in the host country (for example, the UK).
3. Turning reception into a 'meaningful time' with 'meaningful activities' linked with further integration measures. These are technically called 'early measures' (for example, in Sweden), assuming that the majority of 'newcomers' will stay in the host country.

These policy pathways underscore the tension between economic efficiency and moral choices. The narrative that seeks to turn reception into 'time well spent' (rather than 'time wasted') implies asylum seekers will be granted more rights, even during their reception time (for example, labour market, education, health services). In contrast, the efficiency narrative is dominant and presupposes a trivial logic of costs and benefits in reception policy-making.

---

<sup>3</sup> Integrated refugee management was later proposed by the European Commission in its proposal for a New Pact on Migration and Asylum (See EC, 2020).

## *The politics of hospitality and deterrence*

As Ross Langmead (2016: 171) has fittingly put it,

hospitality is a strong concept which includes justice-seeking, political action, inclusion around our tables, intercultural friendship, pursuing a hospitable multicultural approach to [religious] life, practical assistance, long-term commitment, learning from those who are different, sensitivity to the power dynamics of ‘welcome’, a willingness to ‘let go’ as well as ‘embrace’, inter-faith dialogue and discovering the intertwining of the guest and host roles which is embedded in [...] theological understandings of God’s activity amongst us.

The discourse of hospitality and ‘welcome culture’ has been visible in many countries studied in this chapter.

In both EU and non-EU countries, religious understandings of ‘neighbourly hospitality’ played an important role among the host communities (Saunders et al. 2016). The role of faith-based and ethnic-based solidarity in welcoming refugees was extensively discussed in the case studies of Iraq, Lebanon and Turkey. It was both a political and practical move by many EU citizens who saw the need to protect vulnerable people in immediate need. Likewise, many EU citizens, as well as the churches, opened their arms to asylum seekers (Chemin and Nagel 2020). It was even possible to detect that many supporters of right-wing populist parties in Europe felt the same urge to help refugees and asylum seekers in need of assistance (Kaya 2019). ‘Welcome culture’ was not only visible in Turkey, Lebanon, Jordan and Iraq, but also in many European countries such as Germany, Sweden and Austria after the heart-breaking images of baby Ailan Kurdi shook the West in the summer of 2015 (Smith 2015). ‘Welcome culture’ was generally civic in nature, mainly organized around the collective action of civil society organizations.

At a policy level, one could talk about German Chancellor Angela Merkel’s decision to open borders. This also reflects certain public attitudes towards refugees. However, this ‘welcome culture’ soon began to attenuate in EU countries. In its place, refugees have encountered several problems in everyday life due to the burgeoning of inhumane conditions in reception centres, long periods of assessing asylum applications, difficulties in the labour market, education and housing facilities, and paternalistic treatment. All these difficulties, which are further aggravated by the prolongation of the reception period, seem to be symbolic and political instruments within a general *politics of deterrence*.

At the beginning of the so-called 2015 ‘refugee crisis’, a considerable part of the European public responded spontaneously with empathy towards the newcomers passing through their countries and often engaged in practices of solidarity such as donating goods or money or even inviting newcomers into their homes to stay for a while. However, this initial wave of solidarity



quickly receded, also giving space to xenophobic and racist discourses. Civil society organizations played an important role in forming solidarity networks with refugees and asylum seekers. In 2015, civil society organizations' early efforts were largely independent of national governments and filled important gaps in the reception system in European and non-European countries alike. These efforts, motivated by humanitarianism and international solidarity, made a political statement in favour of the reception of asylum seekers (Hansen 2018).

A wide range of solidarity initiatives has targeted newcomers, who—having undergone forced migration—are mostly in a position of extreme vulnerability and precariousness. These local humanitarian initiatives have tended to fill in the gaps of reception and integration institutions resulting from modern states' expanded neoliberal forms of governance, such that responsibilities are delegated to non-governmental organizations and individuals. The individual country cases discussed in this chapter demonstrate that non-state initiatives of reception emerge as humanitarian forms of collective action that provide different kinds of support, including accommodation, help for food, health or administrative issues. The engagement of citizens (and immigrants themselves) within such initiatives poses various questions regarding the connection between civic initiatives and politics.

According to the RESPOND research, a common theme encountered by the European research teams was the locating of most accommodation centres in remote rural areas. In some cases, the site setting allows scant interaction between refugees and the local community. Some are old buildings located in forest areas with weak transport links in the outskirts of towns or in between small villages. For instance, in Germany, a refugee from Libya in his early thirties described some of the problems he encountered as a resident in such a place and expressed his anxiety about living there:

The village where I stayed, in Brandenburg [is] basically in the middle of nowhere, in the forest. The last bus to pass through the place is at 17:00, so you are stuck there. You can't go out, and if you want to leave the place—if you want to go out—you can only visit [your] families [or] people like that. They allow you three days, and if you don't come back after three days, they don't pay you [your allowance] for many weeks. [...So] the rules make the place quite like a prison. You know what I mean? (adapted from Chemin and Nagel, 2020: 43).

Such restrictive, isolationist policies may lead asylum seekers to become dependent on the resources provided by states, provinces and municipalities rather than being able to rely on their own initiative to become self-sufficient in a new country. There is no evidence to suggest that restricting asylum seekers to one geographical location and imposing a heavily controlled regime on their existence improves their chances of adaptation and integration into the wider society. In everyday practices in the centres, control and assistance are closely intertwined and produce an oppressive environment that

engenders asylum seekers' dependency. Indeed, there is counter-evidence showing *better adaptation in private housing and living among co-ethnics* (Szczepanikova 2013). As these harsh reception models do not offer any actual benefit for anyone, the primary rationale must be *symbolic and political*—namely, to promote a *policy of deterrence* (de Genova 2019).

While the politics of deterrence apply to most of the European countries studied, the situation is rather different in the non-European ones. Traditionally known as emigration countries, Turkey, Lebanon, and Iraq have also become settlement and transit spaces for forced migrants over the last decade (Pérouse 2013). The Turkish, Lebanese and Iraqi states have considered the Syrian refugees as 'guests'. From the very beginning of the refugee plight, Syrians have been presented as if they are 'welcome' by the host states and societies based on some deep-rooted values such as 'Turkish hospitality', 'Muslim fraternity', 'Arab hospitality' and traditions of 'welcoming guests' (Chatty 2013; El Abed 2014, 2015; Erdoğan 2015; and Baban et al. 2017). However, all these values address the temporary character of refugees as guests.

Against this backdrop, the 'Ansar spirit' metaphor has been deployed more recently to justify and legitimize the role that the Turkish state and pious Muslim-Turks should play for Syrians in Turkey. The *Ansar* were the people of Medina who supported the Prophet Mohammad and the accompanying Muslims (*muhajirun*, or migrants) who migrated there from Mecca, which was under the control of the pagans. The 'Ansar' metaphor points to the temporary settlement in Medina of the Muslims, who later returned to Mecca after their forces recaptured the city from the pagans (Korkut et al. 2015). Hence, the Turkish government has used a kind of Islamic symbolism to legitimize its conduct and policies to resolve the Syrian refugee crisis. Government leaders have consistently compared Turkey's role in assisting the Syrian refugees to that of the Ansar, referring to the Medinans who helped Muhammad and his entourage. Framing the Syrian refugees within the 'Ansar' and 'Muhajirun' discourses has elevated public and private efforts to accommodate Syrian refugees from a humanitarian responsibility to a religious and charitable duty (Erdemir 2016). The 'Ansar' spirit was also visible in Iraq and Lebanon in the first years of the mass migration of Syrians. However, the 'Ansar spirit' is now replaced with return discourse in each country to deter newcomers (Şahin-Mencütek 2018).

While neighbouring countries welcomed the Syrian refugees in 2011, EU member states were rather reluctant to do so, at least initially. In some EU states, opposition eased slightly after the images of Ailan Kurdi shook the conscience of European citizens in the summer of 2015 (Smith 2015). In confronting the immense refugee inflows in 2015, member states adopted different approaches. Initially, some countries—such as Germany and Sweden—revised their migration legislation, adopted administrative reorganiza-

tion, and scaled up their public spending to welcome refugees and process asylum applications faster. However, as mentioned, this so-called ‘welcome culture’ soon evaporated in the EU. Some countries are imposing numerical limits on the entry of foreign persons to address the increasing pressures that characterize more globalized asylum flows (Angeloni and Spano 2018). As the authors note, individual countries have lately altered their migration and asylum policies to deter asylum claims in various ways. These include restricting potential asylum seekers’ access to the country’s borders on political and electoral grounds or reforming the procedures under which applications are processed. Other countries can deter claims by denying asylum seekers permission to work while cases are pending (ibid.).

After the EU–Turkey Refugee Statement came into force in March 2016, the deal seemed to be working for the Western and Central European countries, as the numbers of asylum seekers declined significantly. However, it has resulted in significant overcrowding in the reception facilities in Greece. Prevailing reception conditions, particularly in the hotspots, have become inhumane as asylum seekers’ basic needs and human rights are threatened and violated on an everyday basis (such as in the Moria camp on the island of Lesbos). Similarly, growing domestic political, societal and economic fragility in Turkey, Iraq and Lebanon—as well as the ongoing ambiguity in their temporary legal status—has seen Syrian refugees in these countries worry increasingly about their prospects. As mentioned, labour market access is highly differentiated, and urban refugees continue to face difficulties in finding work. This environment has seen more and more Syrians flee toward the Greek islands. With public attention in Europe and the Middle East diverted elsewhere, the number of illegal passages from Turkey to the Greek islands continues to increase, reaching levels seen before the so-called refugee crisis that erupted in the summer of 2015.

Scholten and Penninx (2016) have already drawn attention to the fact that immigration and integration policies have not concentrated at one level. Instead, what we see is a complexity of policies in both areas being formulated at various levels of government, including the EU and national levels, as well as the local—and in some cases also the regional—level. There is a substantial fragmentation in these policies, imposing the risk of ‘layering’ in a way that leads to the development of policies at different government layers without structural connections. The authors also note that where such ‘layering’ occurs, there is a decoupling of policies, resulting in potential policy contradictions and even conflicts between different levels (Scholten and Penninx 2016).

## *Right-wing populism*

As right-wing populism has become a rising challenge, reception policies have become part of a larger discourse of national self-assurance in many countries.<sup>4</sup> In 2015, most Europeans welcomed the waves of refugees. The media covered the refugees' exodus as well as their arrival. Many volunteers began to assist, and local governments, state actors, European institutions and international organizations stepped in to offer various forms of assistance. Despite fears of terrorism and financial and economic problems, there was a strong consensus about accepting refugees in need. This consensus continues, even if there is a growing stream of resistance against refugees from right-wing populist circles. The empirical evidence demonstrates that there is a differentiation in the reaction of right-wing populist groups against refugees. Such groups differentiate between those who 'really' need protection and the others (the largest group) labelled as 'economic migrants'. Economic migrants are mostly stigmatized by such right-wing groups, who show more compassion for refugees in need (Kaya 2019).

At the same time, right-wing populist parties—such as the Party for Freedom (PVV) in the Netherlands, the *Front National* in France, Golden Dawn in Greece, and the Alternative für Deutschland (AfD) in Germany—have played into and exacerbated growing fears of mass arrivals in Europe. This fear is partly based on several jihadist attacks in different European cities and the atrocities committed by Al-Qaeda, the Islamic State (ISIS), and Boko Haram in the Middle East, Africa and elsewhere, and partly on other factors such as societal-political polarization, relative socio-economic deprivation, nostalgic deprivation and spatial deprivation (Rodrigues-Pose 2018; Kaya 2019). In many of the countries in our sample, these concerns have translated into an Islamophobic sentiment that is eagerly catered for by far-right political parties.

Hence, these populist outbreaks contribute to the securitization and stigmatization of migration in general and Islam in particular. In the meantime, they deflect attention from constructive solutions and policies widely thought to promote integration, including language learning and increased labour market access, which are already suffering due to austerity measures across EU member states. Islamophobic discourse has recently become the mainstream in the West (Kaya 2015). It seems that social groups belonging to the majority nation in each territory are more inclined to express their distress resulting from insecurity and social-economic deprivation through the language of Islamophobia, even in those cases which are not related to the actual threat of Islam. An Afghan refugee in Austria explained the worsening situation of

---

<sup>4</sup> For a review of the debates on right-wing populism in Europe, see Kalb (2011), Wodak (2015), Mudde (2016), Müller (2016), and Kaya (2019).

refugees in the European countries and explicitly referred to the right-wing populist parties that have become stronger after the so-called 2015 ‘refugee crisis’:

At first [...] a lot of people were nice. If there is a [welcoming] government [in power], everyone is nice [...]. So at first, everything was ok, but the black-blue parties [conservatives and right-wing populists], [their] policy [is to] always talk about refugees, refugees, refugees [...]. When [an Austrian-born person] does something, the newspapers *Heute* and *Österreich* [Austrian tabloids] write [dispassionately and objectively]. But when [a migrant does] something, they write [sensationalized stories] for a week: refugees from Afghanistan or Iraq have done [something bad]. I think [they make it too] personal. If someone does something, then not [his or her whole group] is guilty (adapted from Josipovic and Reeger, 2020: 44).

The impact of the 2015 ‘migration crisis’ on the European public and politics has been more remarkable in the following years. The anti-immigrant parties increased their electoral support in the meantime. The most significant impact is to be seen in the internalization of right-wing, anti-migrant, Islamophobic and anti-Semitic rhetoric in political discourses and widespread anxiety about the future of refugees as well as of the other migrant-origin populations that have been already an important element of the European public space.

The hostile environment created by right-wing populism has seriously impacted reception policies, practices, and experiences. RESPOND research revealed that right-wing populist parties and aspirations have brought about a limitation of rights and entitlements during the reception period (for example, housing conditions such as placing people in caravans or remote areas), an increase in discriminatory practices, and widespread use of politics of deterrence in the EU member states. The hostile environment has created classifications among refugees as ‘wanted’ and ‘unwanted’.

### *‘Resilience’, gallows humour and neoliberal governance*

The structure of the current reception system in many countries in Europe is rooted in political and policy developments in the 1990s. Successive governments responded to the increase of people seeking asylum in the EU and perceived threats to social cohesion rooted in the migrant-phobic legacies of the member states by attempting to restrict entry to the EU (Mayblin and James 2019). The restructuring of the welfare state in the EU under the flows of globalization, engendering greater labour mobility, and neoliberal governance, privileging the market as the primary mechanism for providing services, have also affected migrant-origin people, asylum seekers and refugees’ access to welfare (Darling 2016; Yuval-Davis et al. 2019). Welfare provision was privatized in many countries, while entitlement was increas-

ingly associated with narratives of individual responsibility, agency and fulfilling social obligations, excluding both citizens and non-citizens who were deemed as not contributing to the welfare state (Bloch et al. 2013). In public debates, citizenship and belonging were constructed as the crucial criteria for being entitled to welfare (Mayblin 2016). While welfare entitlement was extended to certain categories of migrants such as those with settled status and EU citizens, asylum seekers, refugees and people with no legal status were designated as ‘undeserving’, anti-citizens constructed as a ‘burden’, maintaining and reinforcing the highly stratified access to social and welfare rights (Inda 2006).

The reception regimes in many European and non-European countries can only be understood against the backdrop of this neoliberal turn. Specifically, NGOs have increasingly borne responsibility, while states have tended to delegate their responsibilities to other stakeholders, including refugees. In times of crisis such as war, an epidemic, or a natural disaster, the weakened ‘centre’ (namely, the EU or nation-state) is likely to ‘escape responsibility’ by delegating to local actors or civil society in the periphery (Panizzon and Riemsdijk 2019: 1233). This was explicitly stated in many RESPOND country reports on reception in the RESPOND project. One could see this trend in the increasing popularity of the very term ‘resilience’ in everyday life as well as in scholarly debates. In this regard, it is often encountered in the field that refugees generate various mechanisms of ‘resilience’ ranging from creative and subversive behaviour (refusing to stay in the assigned accommodation centre, cooking in one’s room, letting people stay without permission) to constant use of irony and playfulness in describing one’s disadvantaged situation.

However, the term ‘resilience’ is also criticized by different scholars for its relevance to a postmodern form of governance (Chandler 2014). The promotion of the term in contemporary scholarship is criticized by David Chandler (2014) from a Foucauldian perspective, according to which the current forms of neoliberal governance seek to govern the complexity of everyday life ‘from below’. Various scholars have also explored how resilience has become a defining feature of a neoliberal governmental regime that is progressively shifting from equilibrium to adaptation. Mitchell Dean (2014) argues that this shift is a product of a qualitative transformation of neoliberalism. Based on a constant pattern of crises, poor economic growth and growing injustice and inequality, neoliberalism seeks to fashion ways to make individuals, communities, migrants, refugees, systems and organizations fit for rigidities of ‘the catastrophe yet to come’ (Dean 2014: 161). The notion of resilience thus entails an ultimate acceptance of the view that the world can neither be changed nor mastered; hence, the only rational strategy for survival is to adapt to externally imposed changes (Mavelli 2017; Joseph 2013; Walker and Cooper 2011).

Since the terminology of resilience has been criticized for promoting a neoliberal understanding of making the individual responsible for all sorts of structural failure (Chandler 2014), we propose to focus more on sociological notions of ‘reflexive individual agency’ (Giddens 1991) or ‘tactics’ (de Certeau 1984).<sup>5</sup> Drawing on Giddens, we argue that immigrant individuals are no different from locals and do not simply react to external circumstances but become more reflexive and creative in coming to terms with everyday life. On the other hand, Michel de Certeau (1984: 37) reminds us that tactics are the *art of the weak* employed to cope with the destabilizing effects of strategies and ideologies of institutions (state, traditions, customs) and the difficulties of everyday life. The more a power grows, the less it can allow itself to mobilize part of its means in the service of deception. Power is bound by its very visibility (de Certeau 1984).

Migrants and refugees are not really that different from individuals born locally in terms of coming to terms with the difficulties of everyday life. Migrants and refugees learn that all migration regimes contain numerous loopholes. Being dependent on the legal decision about their asylum application does not necessarily limit their ability or potential to manoeuvre within or at the edges of any system. In this regard, migrants and refugees tend to draw on their ‘networks’ to build their lives. This is the terrain of ‘informality’ that breaks the chain of dependency. The sociologists Michel de Certeau (1984), James C. Scott (1985) and Alf Lüdtke (1989) have all generated different conceptions to underline such gestures and behaviours generated by individuals living under difficult conditions. Developing a sense of humour and relying on jokes allows such individuals on occasion to play-act that they are not bothered by such difficulties, which actually cause feelings of alienation, exclusion and humiliation. By pretending that they do not care about such acts and joking about their difficulties, they try to deal with their situation.

For instance, in the southeastern parts of Turkey, Syrian refugees often encounter some stereotypical expressions and statements coming from local citizens: ‘Syrians seem to be having a lot of fun’, ‘Syrian women are very much embellished’, ‘Syrian women consume far too many make-up products, as if they never came from a war’, ‘Syrians just enjoy themselves, while we, the locals, constantly feel the burdens of this world’, ‘While our youngsters are fighting for the Syrians in Afrin, they are [here] having fun’ (Kaya, 2020: 26).

---

<sup>5</sup> The authors of this work are aware of the fact that the criticism on resilience may not apply to health studies. Resilience literature in the area of health explains the coping mechanisms of individuals and collectives. For further discussion on this, see Simich and Andermann (2014).

Syrians tend to overcome such statements and stereotypes by communicating with each other through jokes, gossip, humour and metaphorical speech acts. Lüdtke (1989), Scott (1985) and de Certeau (1984) perceive such acts of humour as tactical behaviours and methods used to survive and cope with past traumas. Therefore, one could also interpret such types of behaviours, which may disturb the host society from time to time, as survival tactics and acts of agency developed by people to cope with the trauma they have experienced.

Likewise, as research from Germany shows very well, asylum seekers living in accommodation centres try to make jokes to overcome the hardships of everyday life, such as the low quality of food provided to them. In one case, one refugee deployed a characteristic joke to express his reaction to the food served in his centre in Brandenburg:

They give you food there, and the dinner is always the same; breakfast is always the same—bread with a slice of cheese; it’s always the same, [it] doesn’t change. [...The] lunch is ok sometimes; you cannot eat it at all at other times. What they put [out] for breakfast is the same as what they put for dinner—bread with cheese. Tea and coffee are fine when you drink coffee, and you don’t feel hungry afterwards. [...My friends] always make jokes about [the] dinner; they say that maybe they think we are rats because we only eat cheese; you know, many jokes are made out of this (adapted from Chemin and Nagel, 2020: 49).

The comparison with ‘rats’ can be seen as one way this asylum seeker has expressed the dehumanization he has experienced—namely, being treated as unworthy of dignified treatment. The quotation from the field also points to the use of humour as a creative mechanism of agency (Chemin and Nagel 2020).

### *Reception and cultural intimacy in Turkey, Iraq and Lebanon*

Because of their geographical proximity, neighbouring Middle Eastern countries have been the first countries of destination for the Syrian refugees seeking refuge since the first days of the Syrian civil war. Geographical proximity is, of course, not the only reason that countries like Turkey, Iraq and Lebanon have received so many Syrian refugees. Reception practices and responses in the non-European countries are also highly linked with *cultural and religious intimacy* that refugees tend to leverage to feel more welcome in their countries of reception. In other words, as will be explained in more detail, Syrian refugees are more likely to generate a discourse of cultural and religious intimacy that helps them overcome the challenges and hardships they face in building their lives in neighbouring countries. For Syrians—who have been exposed to their peers’ testimonies and stories of the deadly exodus to EU countries as well as to the growing Islamophobia, right-wing pop-



ulism and nativism in Europe—the feeling that it is comforting to live in a country where the majority of the population are of Muslim origin has become more prevalent.<sup>6</sup>

Such forms of cultural intimacy were also practised and expressed by the members of receiving societies in the neighbouring countries, especially in Turkey (Kaya 2020) and Northern Iraq (Warda et al. 2020), in the early years of the mass migration of Syrian refugees (Şahin-Mencütek 2018; Rottmann and Kaya 2021). In Lebanon, since the early days of the mass migration of Syrians, there was societal and political discontent against the Syrian refugees, which became even more prevalent with time (Rahme 2020). However, over time, high numbers of refugees hosted by these three countries coupled with growing societal, political and economic cleavages and tensions have caused growing discontent among the citizens of the receiving states.

Refugees with Sunni Muslim background residing in Turkey, Lebanon and Iraq expressed being content because they feel culturally similar to the local citizens of these countries. In the second edition of his path-breaking ethnographic study, *Cultural Intimacy: Social Poetics in the Nation-State*, Michael Herzfeld (2005) defines cultural intimacy as ‘the recognition of those aspects of a cultural identity that [...] provide insiders with their assurance of common sociality’ (Herzfeld 2005: 3). However, in a later edition, he draws our attention to the fact that the term ‘cultural intimacy’ has often been perceived in the literature as the simple idea of *acquaintance with a culture* (Herzfeld 2013: 91). Arabic-speaking Sunni Syrians have already created comfort zones in various cities of Turkey, Lebanon and Iraq, based on a cultural intimacy with local communities regarding religious, moral, architectural, urban, and sometimes linguistic similarities originating from a common Ottoman past.

Herzfeld’s notion of cultural intimacy does not only refer to ‘the sharing of known and recognizable traits’ with the ones inside, but it also refers to those traits ‘disapproved by powerful outsiders’ (Herzfeld 2005: 94; Byrne 2011: 148). It could be argued that this second component of cultural intimacy comes into play when Syrian refugees residing in diasporic spaces, which they have currently constructed in the neighbouring countries, were asked by the country team in Turkey to express their opinion about migrating further away to the European Union countries. For instance, the Syrian refugees interviewed expressed their willingness to stay in Turkey and unwillingness to go to Europe. Their hesitation in going to Europe seems to be deriving partly from their firm belief that they are disapproved of by the Europeans and partly from the life-threatening nature of the journey, which has already

---

<sup>6</sup> For more empirical evidence, see Kaya (2020) and Kaya and Kırac (2016).

led to the death of thousands of people *en route*. During the fieldwork, the interlocutors often put forward that the tragedies that their fellow Syrians had been forced to endure through their exodus from Syria to Greece had left extremely negative marks on them (Rottmann and Kaya 2021). When asked why they had come to Istanbul a year before and why they did not want to continue the journey to Europe, where her husband had been waiting for them for the last three years after he was smuggled to Germany, a 28-year-old mother with two children from Damascus residing in Istanbul expressed her fear of death with the following words:

We first stayed in something like a studio. It was my brother's wife and me; she also has a girl [interviewee is crying]. We stayed for a period [thinking] we could continue [on] our way to Greece [by using smugglers]. [The smugglers] scared us too much about the journey. [...W]e kept hearing stuff [about the risks of death] a lot [...whenever] we went to see a smuggler [to discuss the journey]. I [didn't] feel comfortable [Smothered crying]. We got scared [so we] cancelled the idea. [...We decided to stay] here and wait until family reunification happens (adapted from Kaya, 2020: 31).

Such testimonies were not recorded in Northern Iraq and Lebanon. On the contrary, in Lebanon, many Syrian interlocutors complained about the difficulties of everyday life, although they referred to the cultural similarities creating a kind of comfort zone (Rahme 2020).

Syrian refugees residing in the neighbouring countries at large are likely to construct bridges between themselves and the members of the majority society using visual, musical, religious, gastronomic, and even linguistic representations, which create a space of intimacy with the host communities. During the field research, the interlocutors were asked about their plans regarding their geographical mobility, such as their willingness to continue on to Europe, stay where they were being hosted, or return. The country teams have received various answers changing in accordance with the gender, age, economic status, education, and location of the interlocutors. For instance, when asked about the options of living in Turkey, Europe or somewhere else, a 34-year-old literature graduate and mother with one daughter from Damascus said the following to express her preference to stay in Istanbul:

From time to time [...] my husband says, 'let's try to go to Germany'. But for me, I always wanted to come to Turkey. Even before going to Egypt, when we were in Syria and packed our bags, we were thinking about going to Turkey. But then we heard that it is difficult to find a job here, and if you find one, the salary wouldn't be enough, and at the same time, my brothers-in-law were in Egypt, and they said the situation is good there, so we travelled to Egypt. After that, when we came to Turkey, I found it to be like my dreams. From the beginning of my marriage, I told my husband that I dreamt of travelling to Turkey. I love Turkey because it is an Islamic country, firstly, and a developed country. Secondly, although the language is a bit difficult, at least I am living in a place where I am not afraid for my daughter. Wherever we

go, we find a comfortable environment similar to [what we are used to]. So, I don't want to leave [...]. I hope to get citizenship and stay here. Also, I hope to complete my studies here, even if [the classes are in] Turkish, because it is better for work if you speak the language of this country (Kaya, 2020: 33).

The cultural and religious similarity is undoubtedly an essential element that creates comfort zones for some Syrians. One could find other reasons that make some other Syrians prefer to stay in Turkey rather than go to Europe. When asked the same question whether he considered continuing his journey to Europe, a 54-year-old man with two spouses and 11 children from Damascus said the following:

Actually, we were thinking of going to Europe in the beginning, but then we changed our minds; living there is hard. I wouldn't have control over my kids and wife there. There, the [rules are] on their side. I couldn't control them anymore. I [have] heard many stories about women who arrive [in Europe] and [then abandon their men] and [take off with] their children. Just 10 per cent are living there normally as a family. If a man wants to live [in Europe], he has to let [his wife] act like she wants (wearing a scarf or not, praying or not), but we aren't like that. We like to live the ancient Syrian life in which the man is in control of the house. Another thing is, I thought about leaving Turkey because of its restrictions, because of the [way] Turkish people [were treating us]. I thought seriously about going to Egypt, but unfortunately, the Arab countries closed their doors in our faces (Kaya, 2020: 33).

During the field research, several testimonies such as these were expressed by the interlocutors. It is undoubtedly a relief for them to stay somewhere near their homeland so that they could stay connected with it as well as with their remaining relatives whom they could visit at least from time to time during the religious Eid seasons twice a year.

Most of the remarks made in this section about the construction and articulation of cultural intimacy reflect the interviews conducted with Syrian refugees. Further scientific studies are needed to assess whether refugees with other nationalities such as Afghans, Senegalese, or Eritreans also go through similar processes in terms of constructing and expressing cultural and religious intimacy in such receiving countries. One could compare such refugee/migrant groups to further develop the concept of cultural intimacy and assess whether different groups are subject to various forms of intersectional discrimination because of their nationalities, skin colour, or ethnic and social class backgrounds. However, the cultural intimacy discourse that many Syrians in Turkey and elsewhere often use does not necessarily mean that they are all happy and fully accepted in their countries of settlement. On the contrary, that such a culturalist discourse has arisen implies that refugees have no other option but to look to culture and religion to survive under difficult socio-economic and political conditions. As the American anthropologist Renato Rosaldo (1989) stated earlier about Mexican immigrants in the US,

there is often a negative correlation between power and culture. Those who do not have material power, refugees in our case, do not have any other choice but to revitalize a culturalist discourse.

## Conclusion

RESPOND research has demonstrated that material conditions of reception, such as housing and services, were often difficult, sometimes inappropriate, and at any rate subject to huge internal variation. Apart from the material conditions, legal uncertainty and access to labour and self-sufficiency have turned out to be other significant challenges. Refugees and asylum seekers experience practical difficulties in everyday life because of extended waiting periods and the ‘legal limbo’ in which they find themselves, making it harder for them to hold onto their life aspirations and make plans for the future. During the reception phase, their restriction from the labour market, the absence of language skills and training opportunities, and the poverty they experience effectively restrict them from mainstream social life and severely impair early integration.

Migrants, refugees and asylum seekers are no different from local populations in the sense that they also generate agency and tactics in seeking a well-structured everyday life. Despite all the hurdles they encounter, they are eager to find tasks and experiences that allow the formation of a reliable daily routine. Language and education courses have shown to be an essential part of everyday life in reception, thus adding to a routine and a sense of social normality. Employment is another source of gaining a routine in everyday life. Refugees and asylum seekers interviewed throughout various countries recurrently referred to the need to work. One of the refugees interviewed in Berlin, Germany, expressed this need with the following words: ‘Life does not work without work’ (Chemin and Nagel 2020: 23).

To conclude, reception policies, practices and responses are subject to changing socio-economic, political, ecological and medical conditions. Since March 2020, the so-called ‘second refugee crisis’ and the COVID-19 pandemic have revealed once again how the refugees are vulnerable to rapid changes of external factors in different countries as well as in the world. In early March 2020, the Turkish authorities announced the borders had been opened, and refugees could head towards the EU via land and sea borders with Greece and land borders with Bulgaria. This sudden move created great tension and fear in the EU, leading member states to re-secure the refugee issue (Papatzani et al. 2020). The situation at the Greek–Turkish border led to the rise of a new awareness vis-à-vis refugees in the EU. In the wake of the ‘second refugee crisis’, the foreign ministers of the EU member states decided to meet to discuss the issue that had triggered the Turkish move—namely, the Idlib crisis. The Turkish government was attempting to leverage

the EU to its side in Syria against the Russian and Syrian regime forces (see Deutche Welle 2020; Erlanger 2020). The crisis was eventually resolved after the Turkish President again closed Turkey's European borders following a meeting in Brussels with the top EU actors on 17 March 2020 (Wintour and Smith 2020).

Another game-changer in refugee-reception-related debates in Europe and beyond was the fire in the Moria refugee camp on Lesbos, a Greek island in the Aegean Sea, on 9 September 2020 (BBC 2020). More recently still, the COVID-19 pandemic has had widespread adverse effects on refugee populations, arguably most visible in the Ritsona Refugee Camp near Athens, where scores of people tested positive in April 2020 (Nielsen 2020). The cramped nature of refugee accommodation facilities, along with inadequate hygiene standards and shortcomings in healthcare services, add up to a high-risk epidemiological scenario.

All these developments have made a remarkable impact on the preparation of the New Pact on Migration and Asylum published by the European Commission (2020), which is beyond the scope of the present chapter and deserves to be assessed separately in detail.

## References

- Angeloni, S. and F. M. Spano. 2018. 'Asylum Seekers in Europe: Issues and Solutions', *International Migration and Integration* 19: 473–495, <https://doi.org/10.1007/s12134-018-0556-2>.
- Baban, F., S. Ilcan, and K. Rygiel. 2017. 'Syrian Refugees in Turkey: Pathways to Precarity, Differential Inclusion, and Negotiated Citizenship Rights', *Journal of Ethnic and Migration Studies* 43(1): 41–57, <https://doi.org/10.1080/1369183X.2016.1192996>.
- Barthoma, S. et al. 2020. 'Reception Policies, Practices, and Responses: Sweden Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/39, February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1395511/FULLTEXT01.pdf>.
- BBC. 2020. 'Moria Migrants: Fire Destroys Greek Camp Leaving 13,000 Without Shelter', *BBC News*, 9 September, Retrieved 1 September 2021 from <https://www.bbc.com/news/world-europe-54082201>.
- Benvenuti, B. 2017. 'The Migration Paradox and EU-Turkey Relations', *Istituto Affari Internazionali Working Paper 17/05, January 2017*. Available at <http://www.iai.it/sites/default/files/iaiw1705.pdf>.
- Bloch, A., S. Neal, and J. Solomos. 2013. *Race, Multiculture and Social Policy*. Basingstoke: Palgrave Macmillan.
- Brekke, J., and G. Brochmann. 2015. 'Stuck in Transit: Secondary Migration of Asylum Seekers in Europe, National Differences, and the Dublin Regulation', *Journal of Refugee Studies*, 28(2): 145–162.

- Chandler, D. 2014. 'Beyond Neoliberalism: Resilience, The New Art of Governing Complexity', *Resilience* 2(1): 47–63, <https://doi.org/10.1080/21693293.2013.878544>.
- Chatty, D. 2013. 'Guests and Hosts: Arab Hospitality Underpins a Humane Approach to Asylum policy', *The Cairo Review of Global Affairs* 19. Retrieved 1 September 2021 from <http://www.aucegypt.edu/GAPP/CairoReview/Pages/articleDetails.aspx?aid=335>.
- Chemin, J. E., and A.K. Nagel. 2020a. 'Reception Policies, Practices and Responses: Germany Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/44, February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1414711/FULLTEXT01.pdf>.
- Constant, A. F., and K.F. Zimmermann. 2016. 'Towards a new European refugee policy that Works', *CESifo DICE Report* 14(4): 3–8.
- Darling, J. 2016. 'Privatising Asylum: Neoliberalisation, Depoliticisation and the Governance of Forced Migration', *Transactions of the Institute of British Geographers* 41(3): 230–243.
- Dean, M. 2014. 'Rethinking neoliberalism', *Journal of Sociology* 50(2): 150–163.
- de Certeau, M. 1984. *The Practices of Everyday Life*. Berkeley, CA: University of California Press.
- de Genova, N. 2019. 'Detention, Deportation, and Waiting: Toward a Theory of Migrant Detainability', *Gender a výzkum / Gender and Research* 20(1):92–104.
- Deutsche Welle. 2020. 'Turkey wants a new refugee deal before March summit', 10 March. Retrieved 1 September 2021 from <https://www.dw.com/en/turkey-wants-a-new-refugee-deal-before-march-summit/a-52703968>.
- El Abed, O. 2014. 'The Discourse of Guesthood: Forced Migrants in Jordan', in A. Fabos and R. Osotalo (eds), *Managing Muslim Mobilities*: London: Palgrave.
- Erdemir, A. 2016. 'The Syrian Refugee Crisis: Can Turkey be an Effective Partner?' *Foundation for Defence of Democracies*, 16 February 2016. Retrieved 1 September 2021 from <http://www.defenddemocracy.org/media-hit/dr-aykan-erdemir-the-syrian-refugee-crisis-can-turkey-be-an-effective-partner/> accessed on 3 February 2020.
- Erdoğan, M. 2015. *Türkiye'deki Suriyeliler* (Syrians in Turkey). Istanbul: Istanbul Bilgi University Press.
- Erlanger, S. 2020. 'A Balancing Act for Europe: Stop the Migrants, Support Greece, Assuage Turkey', *New York Times*, 4 March. Retrieved 1 September 2021 from <https://www.nytimes.com/2020/03/04/world/europe/europe-migrants-turkey-greece.html>.
- European Commission. 2015. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'A European Agenda On Migration'*. COM(2015) 240 final, Brussels, 13 May.
- . 2018. 'EU Facility for Refugees in Turkey: the Commission Proposes to Mobilise Additional Funds for Syrian Refugees'. *Press Release*. European Commission, Brussels, 14 March.

- . 2020. *Communication for the Commission on a New Pact on Migration and Asylum*. COM(2020) 609 final, Brussels, 23 September.
- European Parliament and European Council. 2013. *Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection*, OJ L 180.
- Geddes, A., and P. Scholten. 2016. *The Politics of Migration and Immigration in Europe*, 2<sup>nd</sup> edn. London: SAGE Publications Ltd.
- Giddens, A. 1991. *Modernity and Self-Identity: Self and Society in the Late Modern Age*. Cambridge, UK: Polity Press.
- Gyollai, D., and U. Korkut. 2020. ‘Hungary: Reception Policies, Practices and Responses’. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/43 February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1412845/FULLTEXT01.pdf>.
- Hansen, K. 2018. ‘Egalitarianism Under Siege? Swedish Refugee Reception and Social Trust, Egalitarianism in Scandinavia’, in S. Bendixsen, M. Bente Bringslid, and H. Vike (eds), *Approaches to Social Inequality and Difference: Historical Perspectives*. London: Palgrave Macmillan, pp. 269–289.
- Herzfeld, M. 2005. *Cultural Intimacy: Social Poetics in the Nation-State*. 2<sup>nd</sup> edn. New York: Routledge.
- . 2013. ‘The European Crisis and Cultural Intimacy’, *Studies in Ethnicity and Nationalism*, Vol. 13, No. 3: 491–497.
- . 2016. *Cultural Intimacy: Social Poetics and the Real Life of States, Societies and Institutions*. 3rd ed. New York: Routledge.
- Hooghe, L., and G. Marks. 2001. ‘Types of Multi-level Governance’, *European Integration Online Papers* 5(11).
- Inda, J. X. 2006. *Targeting Immigrants: Government, Technology and Ethics*. Oxford: Blackwell Publishing.
- Ingulfen, I. 2016. ‘Why aren’t European feminists arguing against the anti-immigrant right?’ *Open Democracy*, 18 February. Retrieved 1 September 2021 from <https://www.opendemocracy.net/5050/why-are-european-feminists-failing-to-strike-back-against-anti-immigrant-right>.
- Joseph, J. 2013. ‘Resilience as Embedded Neoliberalism: A Governmentality Approach’, *Resilience* 1(1): 38–52.
- Josipovic, I., and U. Reeger. 2020. ‘Reception Policies, Practices and Responses: Austria Country Report’. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/38, February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1393450/FULLTEXT01.pdf>.
- Kalb, D. 2011. ‘Headlines of Nation, Subtexts of Class: Working-Class Populism and the Return of the Repressed in Neoliberal Europe’, in D. Kalb and G. Halmai (eds), *Working Class Populism and the Return of the Repressed in Neoliberal Europe*. New York and Oxford: Berghahn, pp. 1–35.
- Karamanidou, L., and J. Folley. 2020. ‘Reception Policies, Practices and Responses: UK Country Report’. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/40, February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1396988/FULLTEXT01.pdf>.

- Kaya, A. 2015. 'Islamophobia as an Ideology in the West: Scapegoating Muslim-Origin Migrants', in A. Amelina, K. Horvath, and B. Meeus (eds), *International Handbook of Migration and Social Transformation in Europe*. Wiesbaden: Springer, pp. 281–294.
- Kaya, A. 2019. *Populism and Heritage in Europe: Lost in Diversity and Unity*. London and New York: Routledge.
- Kaya, A. 2020. 'Reception: Turkey Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/37, February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1392942/FULLTEXT01.pdf>.
- and A. Kıracı. 2016. 'Vulnerability Assessment of Syrian Refugees in Istanbul', Report for Support to Life, Istanbul, April 2016, <https://data2.unhcr.org/en/needs-assessment/1327>.
- Korkut, U., K. Mahendran, G. Bucken-Knapp, and R. H. Cox (eds). 2015. *Discursive Governance in Politics, Policy, and the Public Sphere*. New York: Palgrave Macmillan.
- Langmead, R. 2016. 'Refugees as Guests and Hosts Towards a Theology of Mission among Refugees and Asylum Seekers', in M. Frederiks and D. Nagy (eds), *Religion, Migration and Identity: Methodological and Theological Explorations*. Brill, pp. 171–188.
- Lüdtke, A. 1989. *Alltagsgeschichte. Zur Rekonstruktion historischer Erfahrungen und Lebensweisen*. Frankfurt and New York: Campus.
- Mavelli, L. 2017. 'Governing the Resilience of Neoliberalism through Biopolitics', *European Journal of International Relations* 23(3): 489–512.
- Mayblin, L. 2016. 'Complexity Reduction and Policy consensus: Asylum seekers, the right to work, and the 'pull factor' thesis in the UK context', *The British Journal of Politics and International Relations*, 18(4): 812–828.
- , and P. James. 2017. 'Asylum and Refugee Support: Civil Society Filling the Gaps?' *Report published for asylumwelfarework.com*. Available at <https://naccomm.org.uk/wp-content/uploads/2017/02/civil-society-filling-the-gaps-october-2017.pdf>.
- Mouzourakis, M., and A. Taylor. 2016. *Wrong Counts and Closing Doors: The Reception of Refugees and Asylum Seekers in Europe*. Brussels: ECRE.
- Mudde, C. 2016. *On Extremism and Democracy in Europe*. London: Routledge.
- Müller, J-W. 2016. *What Is Populism?* University of Pennsylvania Press.
- Nagel, A., and K. Kaya. 2020. 'Comparative Reception Policy Typology'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/52, June 2020*. Available at <http://doi.org/10.5281/zenodo.3880401>.
- Nielsen, N. 2020. 'EU: Athens Can Handle Covid Outbreak at Greek Camp', *EU Observer*, 3 April. Retrieved 1 September 2021 from <https://euobserver.com/coronavirus/147973>.
- Pachocka, M., K. Pędziwiatr, K. Sobczak-Szelc, and J. Szałańska. 2020. 'Reception Policies, Practices and Responses: Poland Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/45*,



*March 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1416924/FULLTEXT01.pdf>.

- Panizzon, M. and M. van Riemsdijk. 2019. 'Introduction to Special Issue: "Migration Governance in an Era of Large movements: A Multi-level Approach"', *Journal of Ethnic and Migration Studies* 45(8): 1225–1241, <https://doi.org/10.1080/1369183X.2018.1441600>.
- Papatzani, E., N. Leivaditi, A. Ilias, and E. Ptracou. 2020. 'Reception Policies, Practices and Responses: Greece Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/42, February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1410810/FULLTEXT01.pdf>.
- Peek, M. and L. Tsourdi. 2016. 'Asylum Reception Conditions Directive 2013/33/EU', in K. Hailbronner and D. Thym (eds), *EU Immigration and Asylum Law*. Baden-Baden: Nomos Verlagsgesellschaft, pp. 1382–1478.
- Pérouse, J-F. 2013. 'La Turquie Face Aux Soubresauts Migratoires Dans un Contexte de Crise', *Confluences Méditerranée* 4(87): 85–93.
- Rahme, K. 2020. 'Reception Policies, Practices and Responses: Lebanon Country Report', *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/48*, April 2020.
- Rodrigues-Pose, A. 2018. 'The Revenge of the Places that Don't Matter (And What To Do About It)', *Cambridge Journal of Regions, Economy and Society* 11(1): 189–209, <https://doi.org/10.1093/cjres/rsx024>.
- Rosaldo, R. 1989. *Culture and Truth: The Remaking of Social Analysis*. London: Routledge.
- Rottmann, S.B., and A. Kaya. 2021. "'We Can't Integrate in Europe. We Will Pay a High Price If We Go There": Culture, Time and Migration Aspirations for Syrian Refugees in Istanbul', *Journal of Refugee Studies* 34(1): 474–490.
- Şahin-Mencütek, Z. 2018. *Refugee Governance, State and Politics in the Middle East*. London: Routledge.
- Saunders, J. B., S. Snyder, and E. Fiddian-Qasmiyeh (eds). 2016. *Intersections of Religion and Migration*. London: Palgrave Macmillan
- Scholten, P., and R. Penninx. 2016. 'The Multilevel Governance of Migration and Integration', in B. Garcés-Mascreñas and R. Penninx (eds), *Integration Processes and Policies in Europe: Contexts, Levels and Actors*. Cham: Springer Open, pp. 91–108.
- Scott, J. C. 1985. *Weapons of the Weak. Everyday Forms of Resistance*. New Haven, CT: Yale University Press.
- Simich, L., and L. Andermann (eds). 2014. *Refuge and Resilience: Promoting Resilience and Mental Health among Resettled Refugees and Forced Migrants*. Dordrecht: Springer Netherlands.
- Smith, H. 2015. 'Shocking Images of Drowned Syrian Boy Show Tragic Plight of Refugees', *The Guardian*, 2 September. Retrieved 1 September 2021 from <https://www.theguardian.com/world/2015/sep/02/shocking-image-of-drowned-syrian-boy-shows-tragic-plight-of-refugees>.

- Szczepanikova, A. 2013. 'Between Control and Assistance: The Problem of European Accommodation Centres for Asylum Seekers', *International Migration* 51(4): 130–143.
- Terlizzi, A. 2020. 'Reception Policies, Practices and Responses: Italy Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/41, February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1410806/FULLTEXT01.pdf>.
- UNHCR. 2020a. 'Iraq Situation'. Retrieved 22 March 2021 from <https://data2.unhcr.org/en/situations/syria/location/5>.
- UNHCR. 2020b. 'Lebanon Situation'. Retrieved 22 March 2021 from <https://data2.unhcr.org/en/situations/syria/location/71>.
- Wagner, M., et al. 2016. 'The Implementation of the Common European Asylum System', *Study for the LIBE Committee*. Available at [https://www.europarl.europa.eu/RegData/etudes/STUD/2016/556953/IPOL\\_STU\(2016\)556953\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2016/556953/IPOL_STU(2016)556953_EN.pdf).
- Walker, J. and M. Cooper. 2011. 'Genealogies of Resilience from Systems Ecology to the Political Economy of Crisis Adaptation', *Security Dialogue* 42(2):143–160.
- Warda, W.K., H.S. Almajraji, and S.N. Khurshid. 2020. 'Reception Policies, Practices and Responses: Iraq Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/47, April 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1423041/FULLTEXT01.pdf>.
- Wintour, P., and H. Smith. 2020. 'Erdoğan in Talks with European Leaders Over Refugee Cash for Turkey', *The Guardian*, 17 March. Retrieved 1 September 2021 from <https://www.theguardian.com/world/2020/mar/17/erdogan-in-talks-with-european-leaders-over-refugee-cash-for-turkey>.
- Wodak, R. 2015. *The Politics of Fear: What Right-Wing Populist Discourses Mean*. London: Sage.
- Yuval-Davis, N., G. Wemyss, and C. Cassidy. 2019. *Bordering*. Cambridge: Polity.
- Zaun, N. 2016. 'Why EU Asylum Standards Exceed the Lowest Common Denominator: The Role of Regulatory Expertise in EU Decision-making', *Journal of European Public Policy*, 23(1): 136–154, <https://doi.org/10.1080/13501763.2015.1039565>.

# 13 A Fluid Transition? How Recognized Refugees Access the Housing Market in Germany and Austria

*Ursula Reeger, Alexander-Kenneth Nagel,  
and Ivan Josipovic*

---

## Introduction

The arrival of many refugees around the year 2015 in the European Union and subsequently in Austria and Germany was by no means a surprise, given the political instability in the Middle East and the dire conditions in refugee camps. However, neither Austria nor Germany was prepared for what then transpired in a relatively short period. Hundreds of thousands of refugees, mainly from Syria and Afghanistan, were on the move to Europe, fleeing war and persecution. In 2015 and 2016, more than 1.2 million persons filed asylum applications in Germany; around 130,000 did so in Austria. At the time, reception conditions in both countries were somewhat chaotic. This has changed in the meantime, due to a considerable decrease in new arrivals, on the one hand, and the development of a more elaborate reception system and routines, on the other.

However, for a long time, there were no coherent strategies of refugee reception or structural and social integration of those allowed to stay. Concerning the number of persons who received a temporary or final favourable decision on their application, both countries (together with Sweden) led the way in the European Union. According to the UNHCR, Austria has recognized 131,400 refugees during the past ten years. This corresponds to 1.47 per cent of Austria's total population. In Germany, 1,106,200 persons received a favourable decision (1.32 per cent of the total population).

Receiving a residence status represents a major juncture in the life of a refugee. After having lived in threat in the country of origin and having completed an often dreadful journey, many individuals have spent months or even years in legal limbo. While the decision on their asylum application is pending, asylum seekers in the EU are subject to reception systems that encompass state-provided housing and social benefits. The positive outcome in the asylum procedure and the possibility of staying at least for a more extended period (or even for good) changes circumstances completely. In receiving protection status, individuals are granted new rights but are also required to

make many important decisions over a short time and with limited financial resources. Challenges such as finding a job and proper housing or undergoing further language training need to be dealt with rapidly and are highly interdependent. A good and well-paid job increases chances in the housing market, and good language skills are crucial for navigating through the labour market and other sub-systems in the receiving country. This holds true for single persons but even more so for adults who are with their families and hence face even greater responsibility and pressure.

In this chapter, we wish to focus on one crucial aspect that beneficiaries of international protection must deal with directly after receiving a favourable decision: *finding a place to stay*. Our primary units of analysis are the experiences, perceptions, and practices of individuals enjoying international and subsidiary protection in choosing a place of residence and entering the housing market.

Two dimensions must be considered during the phase of transition from being an asylum seeker in reception to structurally integrating as a formal resident. First is the question of ‘where’ to live. Both Austria and Germany apply a dispersal policy that directs asylum seekers to federal provinces through a quota system, without leaving them much choice about where they want to stay during reception. Accommodation centres are often located in remote rural areas, whereas individuals strive to move to cities and urban regions. After receiving a title, refugees in Austria are free to live wherever they want, whereas, in Germany, they may be subject to a condition of fixed abode for as long as they remain dependent on social assistance. In either case, refugees sooner or later need to decide whether to stay or move elsewhere. Whether choosing to move away or remain in the area of initial reception, the question arises: what factors influence this decision?

The second dimension of the transition period concerns the question of ‘how’ to access accommodation and on what terms. No longer being in the asylum procedure also means having to leave the reception system, which forces individuals to move out of state-subsidized accommodations. While general social-aid schemes cover beneficiaries of protection, housing allowances may not be sufficient and may restrict opportunities in the housing market. Therefore, the question of ‘how’ includes the type and quality of housing and access to the housing market more generally. What are the obstacles that refugees must deal with in finding suitable accommodation, and how do they attempt to overcome these barriers?

## State of the art and theoretical approach

Recent studies on the housing situation of migrants have focused on the situation of refugees settling in Europe or other parts of the world (for example, Australia and Canada) in recent years (Fozdar and Hartley 2013; Adam et al.

2019, 2020; Aigner 2018; Kohlbacher 2020). As the numbers receiving asylum or international protection has grown, their access to housing has drawn increasing scholarly and political attention. Several studies have pointed to a pivotal link between *structural integration* (housing, labour market) and *social integration* (networks, neighbourhood cohesion) (Wessendorf and Phillimore 2018).

Analysing the difficulties refugees face when moving from a reception accommodation centre into the housing market in the German city of Cologne, Adam and colleagues (2019) point to several constraints. These include a lack of affordable housing, rejections of landlords due to limited language proficiency, legal status, or the status as a welfare recipient, all of which the authors consider in line with other international studies (for example, Flatau et al. 2015; Murdie 2008 cited in Adam et al. 2019: 15). Focusing on the housing access paths of recognized refugees from Afghanistan in Vienna, Kohlbacher (2020) also finds a ‘discriminatory mood’ towards this group among landlords based on origin, legal status, or being a welfare recipient (among others).

Other authors suggested that the most important factor in finding an apartment was social networks, including *strong ties* (such as family and friends) and *weak ties* (for example, with volunteers in welcome initiatives, counselors, or language teachers). Wessendorf and Phillimore (2018) argue that different types of social relations (with other migrants of the same or a different origin, as well as non-migrants) can be crucial for accessing the housing or labour market. In this sense, social integration is ‘instrumental regarding access to more structural aspects of integration’ (ibid.: 126).

When it comes to choosing the location (place of residence), there is ample empirical evidence of the tendency of immigrants to move to cities rather than rural areas (IOM 2015; Kohlbacher 2019). There are several reasons that migrants find cities more attractive. First, they assume their hope of landing a good job will be more likely in the urban economy (with its differentiated service sector) and anticipate suitable accommodation will be more readily available in the large urban housing market. Second, migrants are either informed by co-ethnic networks that moving to a large city is optimal or hope to find access to such networks by relocating to one. These co-ethnic support structures are vital to navigating the urban labour and housing market, at least in the first phase of the stay. Last but not least, lifestyle preferences like urban anonymity and less social control constitute another factor attracting migrants to urban areas.

Clapham (2005) and Aigner (2018) explored various stages of individual and household housing pathways over time. From the perspective of Clapham (2005), the transition in status from ‘asylum seeker’ to ‘refugee’ is a junction in the housing pathway, a key analytical focus for associated changes (Clapham 2005 cited in Netto 2010: 132). According to Aigner’s (2018: 20f) em-

empirical results for Vienna, there are four housing entry pathways for recognized refugees: 1) the migrant-assisted pathway with migrants as intermediaries, with low security and to some extent ‘selfish profit-driven assistance’ (the ‘bad’ informal rental submarket); 2) the locally assisted pathway with well-organized support networks of members of the majority population (the ‘good’ civil society rental submarket); 3) the non-assisted pathway via real estate agents, which requires employment, savings, and a good command of the language, and; 4) the welfare pathway, with the help of social workers who support the especially needy—for example, those with dependent children—directly into the social housing segment, which requires a good relationship with the caretaker.

In this chapter, we follow the work of Aigner (2018). The author has noted a gap in previous research, which has often adopted a constrained choices perspective, thus ‘ignoring the fact that apartment seekers are also creative agents who are able to develop strategies to overcome access barriers established by the dominant society’ (Aigner 2018: 3). In response, Aigner has adopted an actor-centred approach based on Bourdieu’s theory of practice. Here, choices are understood as the product of an interplay between characteristics of the individual (*habitus*) and the structure of the housing context (*field*).

Individual characteristics include 1) the financial resources of the individual or the household; 2) the system knowledge on the individual level; 3) support networks of the same or a different origin, and; 4) other forms of social capital (language knowledge and level of education) at a given point in time. The housing context consists of factors such as 1) the structure of the housing market; 2) regulations structuring access into different segments for different groups; 3) the state of the housing market in terms of availability of affordable flats; 4) the overall housing demand, and; 5) the existence of public policies to enhance access to housing for different groups.

According to Aigner (2018), we gain a better understanding of how refugees secure access to the housing market when we conceive of them as *agents in a network of actors*. The relevant network searching for decent, affordable housing may include friends and acquaintances, landlords, or social workers. All actors in the network have their own social position and different available resources that they can mobilize to help with flat hunting (Aigner 2018: 3).

This chapter focuses on one aspect of the transition from reception accommodation to self-organized housing—namely, how (in which ways) refugees gain access to such self-organized accommodation. Our sample allows us to widen Aigner’s valuable approach in two ways. First, we compare the strategies of choosing a place of residence and the opportunities for finding a flat in cities versus the rural areas *in each country* (namely, Germany and Austria). Second, we compare the respective approaches of recognized refugees *across the two countries*.

## Comparative perspective: Building the context and the empirical basis

On the surface, Germany and Austria appear to be remarkably similar concerning their regimes of refugee reception and structural integration in general (and housing integration in particular). In both countries, differences in legal status (asylum seekers versus beneficiaries of international protection) result in wide disparities in access to housing and its organization as well as in the spatial distribution across the country. Furthermore, both countries received similar numbers of refugees around 2015 relative to the overall population. The two countries are similar in their federal structure, conservative welfare regimes, corporatist patterns of governance, and the discourse on the welcome culture coupled with a reluctance to consider themselves as immigration countries. However, a closer look reveals distinctive features that make a comparison worthwhile, as they render different outcomes regarding access to housing.

In both countries, asylum seekers are distributed to federal provinces based on a given allocation quota (such as the ‘*Königsteiner Schlüssel*’ system in Germany) and the availability of free places in accommodation facilities at the beginning of their stay (Chemin and Nagel 2020: 18–19). In Austria, beneficiaries of international protection face no restrictions at all on their freedom of movement within the country. In Germany, they can be made subject to a condition of fixed abode (*Wohnsitzauflage*) for as long as they depend on social assistance, in which case they are required to stay within the borders of a given state (*Bundesland*) or municipality. Similarly, both countries have introduced residence restrictions for asylum seekers, who are obliged to stay in the federal province (Austria) or municipality (Germany), providing them with basic welfare support. Basic welfare support is provided through cash allowances or in-kind benefits and includes accommodation, organized mainly by NGOs or provincial/municipal authorities. Although there has been a tendency to concentrate asylum applicants in large accommodation centres, larger cities like Vienna have pursued the strategy of subsidizing rent in private accommodation.

Regarding the housing of beneficiaries of international protection, there are no specific public assistance measures on the federal level. In both countries, unemployed persons are entitled to the same social assistance schemes as ordinary citizens (Basic Unemployment Benefit and *Arbeitslosengeld II* or ALG II in Germany; formerly Needs-based Minimum Income, now *Sozialhilfe* in Austria). The rates differ considerably between and within the two countries.

In Austria, the reference rate across all provinces is €885 per month. Some federal provinces, such as Vienna, Vorarlberg, Tyrol, and Salzburg, also grant additional benefits from the housing subsidy (Josipovic and Reeger

2020). As the Needs-based Minimum Income varied across federal provinces and was comparably higher in Vienna than, for example, in Lower Austria, many recognized refugees decided to move to Vienna. Still, as the authors of a WIFO Study (Dellinger and Huber 2021) argue, it was not only the social benefits that brought refugees to the Austrian capital.

In Germany, ALG II is based on a modular system and consists of a fixed monetary allowance to cover all regular living expenses (*Regelbedarf*), which amounted to €432 in 2020. In addition, social assistance covers the actual costs for accommodation and heating based on fixed maximum rates, which differ from municipality to municipality. It also covers special demands (*Mehrbedarf*) covering, for instance, single parents, disabled persons, or in the event of pregnancy. When beneficiaries move into an apartment for the first time, they can apply for the coverage of initial equipment (*Erstausstattung*), such as furniture and domestic appliances. Since the municipal social assistance office directly pays both the rent and heating costs of an apartment, beneficiaries must clarify in advance whether the place they have found matches the formal requirements. As a result, municipal social assistance authorities are important players in the housing acquisition process.

In both countries, there are considerable differences between the urban and rural housing markets. In Austria, Vienna's urban housing market differs considerably from that in the country's rural areas. Dynamic population growth due to the noticeable international immigration of the past decades has resulted in a tight situation, with rising prices in the private rental and owner-occupied segments; such changes have affected the population as a whole but most notably newcomers (Josipovic and Reeger 2020). Furthermore, the Vienna housing market is a rental market with only 19 per cent of dwellings being owner-occupied (Statistics Austria 2019) and is furthermore dominated by social housing. Some 22 per cent of main residences belong to the social housing segment owned by the City of Vienna (Europe's largest property owner), 21 per cent to cooperative housing, and 33 per cent to the private rental segment.

Though the social and cooperative segments are large, there are pronounced access barriers. This implies, for example, a minimum length of residence at the same address in Vienna for two years in the case of social housing and economic constraints in the cooperative segment. Such conditions render both segments challenging to access for recognized refugees, at least immediately upon acquiring a title. The legal requirements in the social sector leave them with the private rental market as the only directly accessible segment of the housing market. Again, there are financial constraints such as fees for real estate agents and deposits amounting to the equivalent of several monthly rents.



In comparison, the housing market in rural areas (defined as municipalities with fewer than 10,000 inhabitants) largely consists of owner-occupied housing (65 per cent). Only 11 per cent of main dwellings belong to social or cooperative housing, and the private rental segment is comparatively small (10 per cent). Rents and the demand on the housing market are lower than in urban areas (Statistik Austria 2019).

In contrast to the clear-cut divide of a distinct urban centre and its rural periphery in Austria, the German housing market is more polycentric, which corresponds to an overall economic structure based on small and medium-sized enterprises. Nevertheless, there also are considerable differences between the urban and rural housing markets. For instance, in Berlin and Munich, only around 5 per cent of main residences belonged to the social housing segment in 2019. Since the profit limitation of earlier social housing projects is expiring, there is a conspicuous shortage of affordable housing (Government of Germany 2017: 74). Consequently, recognized refugees face fierce competition and must rely on formal and informal structures of brokerage or are forced to extend the scope of their search to the rural periphery of bigger cities (see the empirical section on choosing a place of residence). Like in Austria, the rental market is narrower in rural regions due to a higher proportion of owner-occupied housing. On average, the homeownership rate in cities was 30 per cent lower than in rural areas (Government of Germany 2017). At the same time, the rents were lower due to significantly lower demand. In 2016, the average monthly quoted rent in metropolitan centres was €9.7 per square metre compared to €6 and below in rural municipalities (Government of Germany 2017: 103).

As far as the spatial politics of reception are concerned, both countries employ a mechanism of regional dispersal (see above) but differ in their strategies of accommodation for asylum applicants. Within Austria, Vienna, and Upper Austria display different approaches to accommodating asylum seekers. In the capital city, the agency responsible for this aspect (the Vienna Social Fund or FSW) is keen to source private accommodation for tenants, which results in 73 per cent of basic welfare recipients (mainly asylum seekers) living in private arrangements and the rest in organized facilities. The main aim of this strategy has been to avoid segregation and enhance social integration from the very beginning (Josipovic and Reeger 2020). In Upper Austria, on the other hand, there is a clear preference for small-scale organized facilities with only a few housing units dispersed among several rural municipalities. This approach also aims at ensuring a smooth social integration from the very beginning, accompanied by measures bringing together locals and newcomers.

In Germany, asylum seekers are subject to a residential obligation (*Residenzpflicht*), which expires upon the approval of their asylum application or after six months. During that time, they are not allowed to leave the district

of the foreigners' registration authority (Ausländerbehörde) to which they were assigned. Although experts have repeatedly underlined the significance of 'decentral housing' for the early integration of refugees (Chemin and Nagel 2020: 27–28), central accommodation has been the rule rather than the exception. Since 2016, a restrictive paradigm of 'integrated refugee management' has become prevalent, which seeks to allocate asylum seekers to so-called arrival centres (*Ankunftszentren*), combining several steps of the asylum procedure. The remote and isolated location of many accommodation centres in Germany—alongside frequent changes of location—not only impedes access to education and employment but is also an obstacle to the formation of social networks that might facilitate access to the housing market (ibid.: 45–46).

The database underlying this chapter is comprised of interviews with refugees in different regions in Austria and Germany. Of the 29 respondents in the Austrian sample, 17 persons had received some form of protection, mostly international protection (14 persons), but three persons were recipients of subsidiary protection. Ten persons lived in Vienna and seven in rural areas, mostly in Upper Austria. Nine beneficiaries came from Syria, seven from Afghanistan, and one from Georgia. We see a clear gender imbalance in our sample. All recognized refugees from Afghanistan were female, whereas there were more males among the Syrian interview partners. Out of the 59 interviews in the German sample, 32 participants had received a status of protection, with a clear majority being Syrians (21) alongside others from Iran (5), Turkey (4), Algeria (1) and Cameroon (1). In line with the overall sociodemographic profile of refugees in Germany, there is a degree of male numerical predominance (19) without any systematic covariation between gender and country of origin.

The interviews were transcribed (and partly translated) into English and German. Subsequently, a qualitative content analysis was performed under MaxQDA (German data) and NVivo (Austrian data), based on a joint system of categories as part of the European project RESPOND.<sup>1</sup> Whereas the categories covered a wide variety of themes, including the journey to the receiving country, the asylum application procedure, reception, and integration, in this chapter, we concentrate on *categories related to structural integration* (for instance, those connected to the codes 'housing' and 'place of residence'). Interview partners were asked to describe their apartment, how they had found it, whether they received help with the rent, whether they felt at home there, or would prefer to move elsewhere. Additionally, we empha-

---

<sup>1</sup> For more detailed information on the Horizon 2020 project, RESPOND 'Multi-level Governance of Mass Migration in Europe and Beyond' (Agreement No. 770564), see the project website (<https://www.respondmigration.com/>).

sized the choice of location and the advantages and disadvantages it entails from the point of view of these recognized refugees.

We know that this qualitative dataset is not representative of Germany or Austria's situation under a strict understanding of statistic inference. Instead, we sought to explore how individual conditions of particular subgroups can be interconnected with structural barriers and opportunities. This enables the creation of new hypotheses to be tested in future research.

## Comparative findings

### *Choosing a place of residence*

We wanted to investigate whether recognized refugees remain at the location they were assigned during reception or whether they leave after receiving their status. Which factors do they consider during this decision-making process? What does 'place' mean to them, and how do they assess the advantages and disadvantages of different settings? Starting from the location during reception and that which is chosen after having become a recognized refugee, there are four possible combinations: 1) persons who remain in a rural area; 2) persons who remain in a city; 3) persons who move from the countryside to a large city; and conversely 4) those who move from a large city to the countryside.

In the case of the Austrian respondents, there were no instances of urban–rural internal migrants after the reception phase came to an end. All other groups are present in the Austrian sample. An example from Austria illustrates the first combination well. It comes from a beneficiary of international protection from Syria who chose to stay in the rural setting where he was accommodated during reception. The decision contradicted what some peers had told him and was contrary to the general inclination of migrants to move to a city. He was somewhat satisfied with his housing situation and did not report any difficulties regarding access to the housing market. He was living in a small village and – most importantly – already had a job and was enjoying the tranquillity of his home:

I was looking for an apartment when two or three months ago I got a notice of asylum, and everyone said 'Linz, Linz' (the capital of Upper Austria). But I didn't want to go to Linz; I wouldn't have a balcony in Linz, and what would I do? I love the small village; you can always go for a walk there. If something is exhausting, for example, then you can take a walk in the forest or to the river. You have peace and quiet. In Linz, where do you have peace and quiet? You work in an office all day, and then you return to your flat—what do you do? Watch TV or something, or go for a walk in the noise? I work hard all day, and when I come home, I need rest. That's me. (R19\_AT)

Among the respondents in Austria, we find ample evidence of much easier flat hunting in rural areas, which was also indicated by the fact that the respective respondents' answers were brief and seldom mentioned any trouble. Asked about his current housing situation, a beneficiary of international protection from Syria who had found a job at the local post office and who lives with his wife and three children explained:

Actually, I like it [the accommodation] a lot. I got the apartment from a friend, and it is spacious and well-heated and affordable for my family and me. And the surrounding area is quiet; there is no noise; you always have peace, and the neighbours are nice, too. We haven't met that many yet, but the people are very nice there. (R20\_AT)

We find a large variety of ideas and expectations among recognized refugees who still reside in the countryside when it comes to assessing what life in the city might be like. People are aware of the challenges in the urban housing market, as the following quote from a 53-year-old Afghan woman living in a small village confirms:

It [the small village] is all right. But I think it would be easier to live in a bigger city like Vienna, for example. Because it is the capital, everything is close there. There are many doctors and hospitals; the transport system is better. So, I think it would be better to live in Vienna. But it is difficult to find an apartment. And it's also very expensive in Vienna. So, I don't know. (R13\_AT)

Among the respondents who had already lived in Vienna during reception, there are no clearly defined ideas or attempts to move away and live elsewhere in Austria. The quality of life is portrayed as extremely high (public transport, health services, school system, green areas, etc.), and local family bonds play an important role in establishing social networks. The very high cost of housing is cited often but does not prompt serious plans to move elsewhere. Still, the chances on the labour market are overestimated, as explained in the following quote by a married man from Syria who still is jobless:

Why am I in Vienna and not another city? Maybe there is another city or village where it is cheaper or where you can earn more than here, but that is difficult. I am here in Austria with my four brothers and one sister, and many cousins. If I moved to another city, oh my God, then my child would have to visit my brother every day. In Syria, we all lived together in a house and here too. We lived together here for maybe a year, and so if I left, then my children would be obliged to visit my brother every day. And it is difficult to move to another city or find an apartment there. And there is another reason: Vienna is the capital. Chances for work are better here—not maybe, certainly. (R09\_AT)

Among those who came to Vienna from another part of Austria, the advantages of living in a large city like Vienna include the fact that looking and talking differently is normal in a diverse urban society. A married 29-year-old Syrian man who studies law in Vienna and moved there from Lower Austria after the reception phase elaborated:

In small towns, it is usually difficult. You are either the only or the second foreigner there, and then you are always looked at in a funny way. That was the case in Lower Austria. There are many people here [in Vienna] who look like me and talk like me, and so you don't feel one hundred per cent foreign. (R29\_AT)

As in the Austrian sample, refugees in Germany who had been located in an urban area sought, as a rule, to stay. There were various reasons for this. Apart from logistic matters, such as access to educational institutions or shops (see below for details), some interlocutors referred more generally to an urban way of life as the main reason for their decision. A married 34-year-old woman from Syria with two sons elaborated on her decision to stay living in a city in some detail:

My sister suggested we move to the rural parts near Munich. I did not accept. I couldn't even live in the rural parts of Syria. I am used to living in big cities. It is even harder to live in a rural area in exile. I told them [the wider family] the idea is impossible for me. I did not accept. Here it is much better. In the city, we meet other Syrians and Arabs, and the kids go to the mosque and learn the Qur'an and the Arabic language. All these are nice in the big city and are not available in the villages. (R31\_DE)

The quotation elucidates several mechanisms of the decision-making process. First, the question about where to live *is discussed within a family setting*. In fact, many of the interview partners were living with other family members at the time of the interview, mostly in constellations of what might be called the wider core family. Secondly, the *personal history of urban settlement* weighs heavily in the discussion, indicating a fundamental difference between urban and rural ways of life. Third, the respondent addresses the *specificities of the diaspora situation* ('exile')—namely, access to people with a similar cultural background ('Syrians and Arabs') and religious institutions, which can only be found in large, multicultural cities.

Like Austria, several of our interlocutors in the German sample who found themselves in a rural location during the reception phase reported their desire to move to a bigger city (mostly Berlin or Munich). While some succeeded, others were forced to remain in the countryside or smaller towns. The following account of a young man (aged 22) from Syria who lives with his parents in a small Bavarian town illustrates how he and his family have become accustomed to the more rustic way of life:

I live in a very calm apartment in a very calm city. I live with my parents in [name of town]. It is almost one-and-a-half hours from Munich. I tried but could not find a place in Munich. My parents and are no longer registered with the job centre. We all work, and I have a student loan, so we share the rent. The town is perfect. It has everything, including doctors and a hospital. The only problem is that it doesn't have a university. Lots of public transport is available, including fast trains. (R26\_DE)

While the interlocutor and his parents have an income, they did not manage to find an apartment in Munich and moved to this smaller town (with about 20,000 residents). Even though the interview partner is enrolled at the university in Munich, he and his family seem to have adapted well to the new environment, highlighting the fast train connection, the city's 'calm' atmosphere and the access to medical care.

Just as in the Austrian case, the German sample did not include an actual instance of urban–rural internal migration. However, some of the interlocutors who were staying in bigger cities at the time of the interview expressed their desire to move to a village. For instance, a 36-year-old Kurdish woman who fled her village in Turkey with her youngest daughter to escape domestic violence juxtaposed a romantic idea of German village life with her urban neighbourhood:

[I imagine] a smaller village. Quiet. Because they're all strangers in the neighbourhood we're in; the kid can't even go down and play. I'm scared, and I'm nervous when she goes down for even 5 minutes to ride her bike. I'm anxious. [...] Because Germany is not what it used to be, especially [name of district]—not at all. They're all foreigners and all sorts of people. (R49\_DE)

It is evident that her desire for rural living is mainly rooted in concerns for her daughter's security. In her eyes, a significant source of anxiety is 'strangers' or 'foreigners' in the neighbourhood. Other interviewees embrace the idea of moving to a village because they expect it to be more spacious, clean, and healthy.

### *Finding a flat*

For many respondents, social contacts established during reception were pivotal in finding accommodation. Some received help from the NGOs responsible for their reception; others seemed to be rather outgoing and established many new contacts themselves. As good as these connections might be, they do not outweigh all the barriers that recognized refugees have to face when entering the private rental housing market, particularly in Vienna.

## *Discrimination and exploitation*

In Vienna, landlords are often very reluctant to rent to refugees. The following example from a young man from Syria refers to experiences made by his friends:

Luckily, I had no trouble finding an apartment. And the thing that all my friends suffer from now is to find an apartment, because [...] as soon as they—well, not always one hundred per cent—but often as soon as they say ‘hello’ and that they are Syrian, then the owner no longer wants to rent the apartment to them. Often the landlords say: ‘I want an Austrian’. And other landlords don’t care—they just want someone who has a skilled job [...]. I was on the phone [to a landlord], and it was really very bad [...]. We didn’t say on the phone that we were from Syria, and then we made an appointment [to view the flat]. And he saw that we were two Syrians, two dark men. The friend had a very Arab face, and he [the landlord] sent us away. So we were not even allowed to view the apartment. (R01\_AT)

A family father from Syria, living in Vienna, argues that not having a job and being a recipient of money from public welfare keeps landlords from renting out to people from outside Europe:

Landlords only want Europeans. When we inform them ‘we are refugees’, then they simply say ‘no’. They only want people who work and those from Europe, and when they see ‘refugees’, then that is bad. That is difficult. Y [an Austrian friend] told me about this apartment six months ago. Y was looking, I was looking, and my brother was looking for an apartment for us, and we didn’t find anything. When we did find one, it was a lousy apartment—very old and expensive and everything broken. At that time, I was an asylum seeker. Yes, I looked at two apartments in the 10<sup>th</sup> district, and everything was okay, and I had money with me, and when this woman [the landlord] knew that we are entitled to asylum, she said ‘No, no, no, no’. And I said: ‘No? I came all this way [to view the flat]; why not?’ She said: ‘You are a refugee; this is welfare money. Maybe you will be unable to pay the rent’. I think they just don’t want to [rent to Syrians], so searching for a flat is extremely bad and extremely difficult. (R09\_AT)

In Germany, interlocutors reported similar incidents. Since rent payments are transferred directly from the social assistance office to the landlord, ‘welfare money’ is not a risk and hence often not at the core of discriminatory practices. One transgender person from Iran provided an account of the intersectional nature of discrimination:

Once I had found an apartment, I went there, and the person did not even check my papers, but directly said: ‘we only rent this flat to Germans’. [Then came the issue] of gender: I was asked twice why my ID says I am female. When I told them the truth, they could not deal with it. (R40\_DE)

The same person also referred to the lack of conversational German as a major obstacle. A common strategy he and others were using to get an appointment to view was to have a native speaker do the call and accompany them to the appointment.

The severe difficulties that refugees experience in trying to access the regular or social housing market foster opaque structures of informal brokerage, which may entail monetary, psychological, or physical forms of exploitation. For instance, a 36-year-old man from Syria reported his efforts to find a place for himself and his family in Berlin:

I met a guy, and he said that he could find me a house if I could give €8,500. So, I saved, and I paid the guy who said the money was going to an estate agent who would then give me and my family preference in the queue. After he took the money, he said that we were lucky to get the house. This is how it is now. Refugees now pay this kind of money to people they do not know in the hope of getting a place to live with their families. Around 8 or 9 months later, after I paid, we found this place. And the place is very good. We have four rooms and two bathrooms, and I am very happy with this place. But I paid €8,500 for this person to find me this place [...] and that money is gone. (R13\_DE)

It is not completely clear from this statement whether the considerable amount of money he had paid was a commission or a bribe. In his view, however, the payment allowed him to secure a 'very good' apartment, and he indicated that this sort of shadow brokerage is not uncommon among refugees. Similarly, a young woman from Iran mentioned that she had paid money to a broker whom she never met and managed to find an apartment. However, the landlord turned out to be intrusive towards female refugees:

He offered money to an Iranian woman in the house to take care of him in his home. He is a strange man, and you could see that he does not have good intentions. Even his wife left him a short time ago. When he made intimations towards me, I pretended I did not get it so that he would not turn naughtier (R16\_DE).

Even though such instances of exploitation were the exception rather than the rule in our sample, they illustrate the potential for abuse that arises from discriminatory practices as well as other specific disadvantages that refugees experience on the housing market. At the same time, they underline the significance of social networks and bridging social capital as a personal resource.



## *The role of social networks and agency*

Social networking is a crucial factor in obtaining access to many different sub-systems in the receiving country. Being extroverted and building ties (strong and weak) rapidly helps refugees navigate more easily through the new situation. A married 29-year-old Syrian man who studies law in Vienna serves as an example. Throughout the whole interview and regarding all stages of his journey and arrival in Austria (including reception and all aspects of integration), he would mention friends and acquaintances—most of all, civil society volunteers—with whom he became acquainted *en route* and to whom he could turn for help. His vast network comprises other refugees, Syrian friends, and many Austrians. He attained refugee status very quickly (approximately four weeks after arrival), which helped him build his generally positive attitude. Nevertheless, reunification with his spouse and daughter took two years, a challenging experience for him. Although the situation in the Vienna housing market is taxing, he managed to find an apartment via a Facebook contact.

In the case of Germany, several of the interlocutors referred to the relevance of social networks in securing a place to live. In this regard, we recorded several accounts that point to the significance of existing contacts with German residents, which function as bridging social capital. A 22-year-old woman from Syria who had fled with her parents and three siblings shared an instructive anecdote about their creative search for a house close to Munich:

So, we stayed at my uncle's place and started looking for a house. One of my dad's German friends, a writer, helped us by taking a picture of us in the Christmas market and writing an article about us in the newspaper. He kind of used the Christmas season and us needing a home to help us. At the end of the article, he wrote that we were looking for a house. The whole month afterwards was really funny since people would recognize us as the ones mentioned in the newspaper. And after a month we found a house. We signed the contract and within the month had already finished all the procedures. (R18\_DE)

Here, a German friend of the family uses his social and cultural capital to promote their case in a public appeal to the charitable spirit of Christmas.

In other cases, refugees profit from co-ethnic networks. For instance, a woman from Algeria who is staying in Berlin with her family explained how her husband had found a job as an electrician despite his lack of German-language skills since his employer and the majority of the customers were all Arab-speaking. When they were looking for a new place to live in, the employer organized an apartment for them through his family network. In another instance, a 31-year-old academic from Turkey described how she had

reached out to a member of the Berlin parliament through pro-Kurdish networks who supported her in her asylum case and in renting an apartment.

Apart from these co- or interethnic social ties, some interviewees (particularly in Munich) referred to an active role played by the municipal housing office (Wohnungsamt) in matching refugees with apartments. Through proactive acquisition (and special quotas), the offices curate a list of places for rent that match the social assistance criteria. This constellation reflects a systemic peculiarity in the German case. Whereas in Austria, refugees receive social assistance as a direct lump-sum payment that they must then use to pay for expenses, in Germany, the local welfare authorities directly cover the (eligible) costs for housing and heating.

## Conclusion

In this chapter, we have offered a comparative perspective on the question of how recognized refugees in Austria and Germany find access to the housing market. In both countries, the transition from the reception system to more general schemes of integration and social security marks a decisive change in terms of accommodation and housing. At the beginning of the reception procedure, asylum seekers are allocated to a given region and facility due to the politics of (internal) dispersal operating in both countries. Hence, they have no or little choice regarding their location and housing arrangements.

As soon as they have received a status of protection, they are compelled to move out of the reception centres and must enter the regular housing market. At the same time, they need to find a job, which turns out to be particularly difficult in Austria due to the *de facto* ban of asylum seekers from the labour market. These overlapping precarious conditions mean that refugee access to appropriate housing is anything but a fluid transition.

Despite many similarities, there is a significant structural difference between the two countries since recognized refugees receive a gross sum for their living expenses in Austria. In contrast, housing costs are covered separately in Germany. As a result, public authorities in Germany, such as the municipal housing office, play an active role in matching refugees with apartments, and there is no credit risk for the landlord since the rent is paid directly by the state agency.

Nevertheless, despite these structural differences, the basic dynamics of the search and the challenges experienced by refugees in accessing the housing market are rather similar in the two countries. As far as refugees depend on social security, they rely in Germany on the social housing market, which is either highly circumscribed (mainly due to privatization) or overregulated. In Austria, social housing is an option only after a certain period of residence, which forces refugees to enter a 'competition of the deprived' in which they

have to prevail against local low-income groups in the private rental market. In both countries, this constellation has fuelled right-wing populist mobilization.

Another result of the fierce competition for affordable housing is that refugees face high trade-offs between locality, price, and quality of housing. Many refugees in the sample emphasize the importance of reasonable access to schools, work opportunities, health care, and shops as an important criterion. Still, they are forced to accept long commuting distances (up to three hours per day) in exchange for a more spacious place to live or an acceptable neighbourhood. While some of the interlocutors embraced the idea of living in an environment with a high number of immigrants (since it is not only affordable but also seems to offer a cosmopolitan lifestyle or a chance of preserving the culture of origin), others were eager to live in a ‘German’ or ‘Austrian’ environment to facilitate their own social integration and the opportunities for their children.

Concerning the spatial patterns of internal migration, many beneficiaries of international protection in both countries strive to stay or move into one of the bigger cities, such as Berlin, Munich, or Vienna, which is in line with results of previous research on internal migration of recognized refugees (see, for example, Kohlbacher 2019). However, due to the profound lack of social housing in Germany and access barriers to this segment in Austria, many recognized refugees are forced to settle in smaller cities or rural areas, where it is easier to find affordable apartments. In many cases, this turns out to be an advantage for social and structural integration since the local community in general—and local NGOs and religious organizations in particular—mobilize much support, which correlates with Aigner’s argument (2018).

At the same time, there are some characteristic differences. Whereas in Austria recognized refugees enjoy unrestricted freedom of movement, in Germany, they can be made subject to a condition of fixed abode for as long as they depend on social assistance. Furthermore, while none of the interlocutors in Austria considered moving from an urban to a rural locality, a few of the interview partners in Germany thought about leaving the city for the sake of a ‘clean’ and ‘calm’ environment.

Regarding the modalities of finding a flat, the fierce competition on the housing market is reflected in numerous experiences of discrimination and exploitation. Our sample included incidents of discrimination based on ethnic origin, language skills, and sexual orientation. The competition can also entail opaque structures of informal brokerage, which may entail various forms of exploitation, such as high commissions or personal favours (sometimes bordering on sexual harassment). On the other hand, many interlocutors activated their social networks to search for housing. In doing so, they used different forms of social capital, such as co-ethnic relations and weak

ties with supporters from the majority society, including counsellors and volunteers.

These polarized experiences underline the outcomes of previous research, which emphasizes the role of social networks and the ability of refugees to act as creative agents and develop strategies to overcome access barriers to the field of housing, as put forward by Aigner (2018). We thus found examples of the ‘bad’ informal rental submarket with incidents of discrimination and exploitation on the one hand and experiences with the ‘good’ civil society rental submarket on the other.

In sum, social networks appear to be pivotal for accessing the housing market as part of structural integration. Nevertheless, they can neither completely counterbalance the lack of sufficient financial resources for finding decent housing in highly competitive urban areas nor help overcome legal hurdles to attaining public housing.

## References

- Adam, F., et al. 2019. “‘Lost in Transition’? Integration of Refugees into the Local Housing Market in Germany”, *Journal of Urban Affairs* 43(6): 831–850, DOI: 10.1080/07352166.2018.1562302.
- . 2020. ‘Municipal Housing Strategies for Refugees. Insights from Two Case Studies in Germany’, in B. Glorius and J. Doomernik (eds), *Geographies of Asylum in Europe and the Role of European Localities*. Springer.
- Aigner, A. 2018. ‘Housing Entry Pathways of Refugees in Vienna, a City of Social Housing’, *Housing Studies* 34(5): 779–803, doi: 10.1080/02673037.2018.1485882.
- Clapham, D. 2005. *The Meaning of Housing: A Pathways Approach*. Bristol: The Policy Press.
- Bourdieu, P. 1990. *The Logic of Practice*. Cambridge: Polity Press.
- Chemin, J. E., and A.K. Nagel. 2020a. ‘Reception Policies, Practices and Responses: Germany Country Report’. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/44*, February 2020.
- Dellinger, F., and P. Huber. 2021. ‘The Impact of Welfare Benefits on Location Choice of Refugees. Testing the Welfare Magnet Hypothesis’. *WIFO Working Papers* 626. Vienna.
- Flatau, P., et al. 2015. ‘The Housing and Homelessness Journeys of Refugees in Australia’, *AHURI Final Report No.256*. Australian Housing and Urban Research Institute Limited. Retrieved 1 September 2021 from <http://www.ahuri.edu.au/publications/projects/p82015>.
- Fozdar, F., and L. Hartley. 2014. ‘Housing and the Creation of a Home for Refugees in Western Australia’, *Housing, Theory and Society* 31(2): 148–173.
- Government of Germany. 2017. ‘Dritter Bericht der Bundesregierung über die Wohnungs- und Immobilienwirtschaft in Deutschland und Wohngeld- und

Mietenbericht 2016'. Bundesministeriums des Innern, für Bau und Heimat. Retrieved 01-09-2021: [https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/bauen/wohnen/mietenbericht-2017.pdf?\\_\\_blob=publicationFile&v=3](https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/bauen/wohnen/mietenbericht-2017.pdf?__blob=publicationFile&v=3).

- International Organization for Migration (ed.). 2015. *Migrants and Cities: New Partnerships to Manage Mobility*. Geneva: IOM.
- Josipovic, I., and U. Reeger. 2020. 'Integration Policies, Practices and Experiences: Austria Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/55, June 2020*. Available at <http://www.diva-portal.org/smash/get/diva2:1442707/FULLTEXT01.pdf>.
- Kohlbacher, J. 2019. 'Aber eine Wohnung zu finden ist so schwer!' Wohnintegration und "Vulnerability" geflüchteter Afghan/inn/en sowie die kompensatorische Rolle sozialer Netzwerke', in J. Kohlbacher and M. Six-Hohenbalken (eds), *Die lange Dauer der Flucht – Analysen aus Wissenschaft und Praxis*. Vienna: Verlag der ÖAW, pp. 143–169.
- . 2020. 'Frustrating Beginnings: How Social Ties Compensate Housing Integration Barriers for Afghan Refugees in Vienna', *Urban Planning* 5(3), <http://dx.doi.org/10.17645/up.v5i3.2872>.
- ., and U. Reeger. 2020. 'Globalization, Immigration and Ethnic Diversity: the Exceptional Case of Vienna', in S. Musterd (ed.), *Handbook of Urban Segregation*. Cheltenham: Edward Elgar, pp. 101–117.
- Murdie, R. A. 2008. 'Pathways to Housing: The Experiences of Sponsored Refugees and Refugee Claimants in Accessing Permanent Housing in Toronto', *International Migration and Integration* 9: 81–101, doi:10.1007/s12134-008-0045-0.
- Netto, G. 2010. 'Identity Negotiation, Pathways to Housing and "Place": The Experience of Refugees in Glasgow', *Housing, Theory and Society* 28(2): 123–143.
- Robinson, D., Reeve, K., and R. Casey. 2007. *The Housing Pathways of New Immigrants*. York: Joseph Rowntree Foundation.
- Statistik Austria. 2019. 'Wohnen 2018–Zahlen, Daten und Indikatoren der Wohnstatistik'. Available at [http://www.statistik.at/web\\_de/services/publikationen/7/index.html?includePage=detailedView&sectionName=Wohnen&pubId=572](http://www.statistik.at/web_de/services/publikationen/7/index.html?includePage=detailedView&sectionName=Wohnen&pubId=572).
- Wessendorf, S., and J. Phillimore. 2018. "'New Migrants", Social Integration, Embedding and Emplacement in Superdiverse Contexts', *Sociology* 53(1): 123–138.



# 14 Integration of Asylum Seekers and Refugees in Poland: Policies and Practices

*Karolina Sobczak-Szelc, Marta Pachocka,  
Konrad Pędziwiatr, and Justyna Szalańska*

---

## Introduction

The issue of integration—both as a process and as a field of public policy—is a central research topic in migration studies. Although the literature on the subject is rich, it does not provide a single commonly used definition of integration or integration policy. Integration, usually related to a population characterized as (im)migrants/foreigners/newcomers (regardless of how voluntary or not their migration movement is), covers different dimensions and involves various state and non-state actors in the receiving society. Concerning definitions of integration, among the most useful is to be found in the works of Rinus Penninx (Penninx 2005, 2007, 2013; Penninx and Garcés-Mascareñas 2016). Following his approach, integration can be defined as ‘the process of becoming an accepted part of society’. Specifically, this refers to three dimensions of society—namely, political-legal, socio-economic, and cultural-religious—which correspond, respectively, to the institutions (categories) of the state, the market, and the nation (Entzinger 2000; Penninx and Garcés-Mascareñas 2016: 14). Depending on a range of factors, these dimensions are complementary and interdependent (see Sobczak-Szelc et al. 2021).

The process of immigrant integration does not take place in a vacuum but is embedded in the space of interactions between the two parties involved (namely, immigrants and the receiving society) within the three areas discussed. The exchanges also take place on three different levels 1) the individual level (migrants and natives); 2) the collective level (organizations like NGOs and trade unions), and; 3) the institutional level (general public institutions and group-specific institutions). There is also, of course, the time factor to be considered (Penninx and Garcés-Mascareñas 2016: 16–19).

The group of newcomers deserving the most attention are forced migrants, including asylum seekers and beneficiaries of different forms of international protection in the host country (for example, persons granted refugee status or subsidiary protection). The integration of these groups has gained im-

portance in Europe, particularly after 2011, as migration generally—and the number of people applying for international protection in particular—has grown. It has also called into question the capacity of national systems and their preparedness to receive large numbers of forced migrants in a short time. Mass migration to European countries has seen growing integration challenges, with third-country nationals facing barriers in education, housing and the labour market (see Sobczak-Szelc et al. 2021).

Poland's integration policy is related to asylum and reception policies because under national law, the only legally defined state integration activities—implemented within Individual Integration Programs (IIPs) and other schemes—concern forced migrants with refugee status and subsidiary protection status. Thus, there is no overarching, coherent integration policy towards migrants residing in the country. It is instead a narrow and specialized policy targeting beneficiaries of international protection.

This chapter aims to explore and discuss selected integration challenges experienced by adult asylum seekers and refugees according to institutional stakeholders engaged in the integration process in three areas: education (concerning Polish language learning), access to the labour market, and access to housing. The chapter presents key findings and conclusions from research carried out in Poland by a team from the Centre of Migration Research at the University of Warsaw within the framework of the Horizon 2020 project RESPOND – ‘Multi-level governance of mass migration in Europe and beyond’ (2017–2021). In the following sections of this chapter, we present the methodology and sources of our research, discuss the framework of Poland's integration policy towards forced migrants, and provide an overview of the experience of state and non-state actors in the implementation of ‘integration policy’, based on extensive qualitative material from the fieldwork (47 interviews and three roundtable debates).

## Methodology and sources

This chapter is based on data obtained from mixed-methods research (Brannen 2005), with a prevailing qualitative approach. The initial desk research included analysis of the legal, institutional and policy framework in Poland in the field of integration. The second stage of our research activities was fieldwork carried out between July 2018 and November 2020. The fieldwork involved 1) 30 interviews with forced migrants having different legal statuses (referred to as ‘micro-level interviews’ through the rest of the chapter); 2) 17 expert interviews (‘meso-level interviews’) with those in public administration at the central and local levels, individuals with NGOs, and other practitioners dealing with immigration, asylum and integration-related issues, and; 3) material from three roundtable discussions of the RESPOND Migration Governance Network (MGN) in Poland. The goal of selecting



micro-and meso-level respondents as well as participants in the MGN roundtable discussions was to obtain opinions on the qualitative aspects of how integration policy and practices function and how asylum seekers and refugees perceive them.

The micro-level interviewees were selected, taking into account the gender, age and ethnic structure of the asylum seekers and beneficiaries of international protection arriving in Poland between 2011 and 2017.<sup>1</sup> We also considered such variables as migrants' year of arrival in Poland,<sup>2</sup> place of residence, and legal status. As a result, the interviews were carried with interviewees from Russia, specifically Chechnya<sup>3</sup> (15), Syria (5), Ukraine (4), Iraq (3), Georgia (1), Kazakhstan (1) and Yemen (1). Out of 30 respondents, 13 were under the asylum procedure, 15 had already received a positive decision, and 2 did not declare their legal status in Poland.

## Poland's integration policy towards forced migrants

Integration policy varies in shape and scope from country to country. It can be seen as part of (im)migration policy, a separate sectoral policy, or considered under overall social policies, not specifically dedicated to migrants. Until 1989, the Polish People's Republic was a communist state with very restrictive entry and exit rules (Okólski and Wach 2020: 147). As a country with a minimal inflow of immigrants (Pędziwiatr et al. 2021), Poland did not need an integration policy. Since the early 1990s, the systemic transformation of Poland has affected all dimensions of the state's functioning. The

---

<sup>1</sup> The encountered limitations, reflections on ethical awareness and principles stemming from the consortium's code of ethics, adjusted for the national context, are described in detail in three previous country research reports from the RESPOND project (Pachocka and Sobczak-Szelc 2020; Pachocka et al. 2020; Sobczak-Szelc et al. 2020).

<sup>2</sup> In other RESPOND projects, justification of this division is strictly linked to the so-called migration and refugee crisis that affected asylum statistics in many European countries in 2015. In Poland, this cut-off point was adjusted to relate to the refugee crisis, but much as possible we aimed to reflect the situation in Poland as well, which was influenced by the outbreak of the military conflict between Ukraine and Russia in 2014.

<sup>3</sup> According to the Encyclopaedia Britannica (2019) online, 'Chechnya is a republic in southwestern Russia, situated on the northern flank of the Greater Caucasus range. Chechnya is bordered by Russia proper on the north, Dagestan Republic on the east and southeast, the country of Georgia on the southwest, and Ingushetiya Republic on the west. In the early 21<sup>st</sup> century, more than a decade of bitter conflict had devastated the republic, forced the mass exodus of refugees, and brought the economy to a standstill'.

country opened to increased international migration and international cooperation and the process of formulating and implementing a modern migration policy began from scratch (see Strzelecki and Pachocka 2020: 254). This included what can be understood as an integration policy. Preparations for EU accession in 2004 and joining the Schengen Zone in 2007 played an important role in this regard, as has Poland's ongoing EU membership. Development of the integration policy after 1989 was largely conditioned by the availability of financial resources (mainly EU funds) conducive to integration-oriented activities and projects (Wach 2018; see also Molęda-Zdziech et al. 2021). The first integration activities, primarily focused on forced migrants, were implemented by NGOs and local authorities (Okólski and Wach 2020: 160).

As of today, Poland does not have a comprehensive national integration policy,<sup>4</sup> nor does it maintain a strategic document (legal or policy) in this area. However, 'the absence of a strategic document does not mean the absence of policies as such and is sometimes a policy statement of its own' (Duszczyk et al. 2020: 2). Integration activities targeting foreigners (migrants, newcomers) of different legal statuses (temporary residence, permanent residence, refugee status, subsidiary protection status, others) are fragmented and dispersed, and they fall under various public (social) policy areas (for example, the labour market, education, housing, healthcare, social security). One can only speak of a narrowly defined state integration policy concerning beneficiaries of international protection in Poland who are involved in the so-called IIPs. They are addressed to persons with refugee status and subsidiary protection and their family members. IIPs are financed from the central budget, but they are implemented by local authorities (social policy units—*poviat*<sup>5</sup> family support centres).

Article 89e of the Law of 13 June 2003 on Granting Protection to Foreigners within the Territory of the Republic of Poland (Law on Protection) establishes that: 'A foreigner who has refugee status or enjoys subsidiary protection is provided with assistance to support his/her integration process into the society in the manner and on the terms set out in the Law of 12 March 2004 on Social Assistance'. The assistance (support) resulting from the provisions of the Law on Social Assistance for beneficiaries of international protection is arguably the most important component of official state actions for the integration of refugees, the core of which are the IIPs. Social assistance is provided under state social policy to enable individuals and families (not only refugees) to tackle difficult life situations that they cannot overcome using their rights, resources and opportunities, and it is organized by central

---

<sup>4</sup> The same applies to the migration policy itself.

<sup>5</sup> Polish administrative regions (voivodeships) are divided into so-called counties (*poviats*), which in turn are comprised of smaller communes or municipalities.

and local government administration bodies. The state also cooperates in this area with social and non-governmental organizations, the Catholic Church, other churches, religious communities, and natural and legal persons (Law on Social Assistance, Art. 2).

Integration per se is not defined in the Law on Social Assistance; instead, it refers to ‘assistance for a foreigner’ to support his/her integration process (Art. 91). This aid is not granted automatically and is subject to numerous rules. To receive it, a beneficiary of international protection must submit a special application within 60 days from the day he/she obtained refugee or subsidiary protection status in Poland or a temporary residence permit (as a family member of a foreigner granted refugee status or subsidiary protection) to the competent authorities in the beneficiary’s region of residence. According to the legal stipulations, the integration assistance is granted for a period not longer than 12 months, and it is supposed to include the following components<sup>6</sup> (Article 92(1), Law on Social Assistance):

- Cash benefits (monthly) for living, in particular, to cover expenses for food, clothing, footwear, personal hygiene products and housing, and covering expenses related to learning the Polish language;<sup>7</sup>
- Paying health insurance as specified in the Law on Healthcare Benefits;
- Social work;
- Specialist counselling, including legal, psychological, and family counselling;
- Providing information and support in contacts with other institutions, in particular with labour market institutions, the local environment and non-governmental organizations, and;
- Other activities supporting the foreigner-integration process.

It is implemented based on the written agreement between a poviats family support centre and a foreigner (Article 93). The integration progress of a refugee under the IIP is monitored by a social worker attached to the competent family support centre (the ‘program implementer’), at least once every three months from the date of commencement of the IIP implementation (Paragraph 5, Regulation on Assistance to Foreigners).<sup>8</sup> It is assessed in three areas:

---

<sup>6</sup> One should remember that in fact these provisions are implemented to a different degree depending on the poviats.

<sup>7</sup> For further details see Sobczak-Szelc et al. (2020: 27–30).

<sup>8</sup> The Regulation of the Minister of Labour and Social Policy on the provision of assistance for foreigners of 7 April 2015, also known as the Regulation on Assistance to Foreigners.

- Language education, including the degree of acquisition of a basic Polish vocabulary enabling communication;
- Professional functioning as regards progress in seeking employment and other forms of professional activity enabling the foreigner to become economically independent, and;
- Social functioning, especially in terms of establishing contacts with the local environment and the degree of participation in social, cultural, and public life.

The list of actors involved in integration-related activities and projects in Poland is complex and diverse. These are:

- Intergovernmental organizations (the EU, OECD, UNHCR, IOM, and others);
- Central-level public administration (the Ministry of the Interior and Administration, Office for Foreigners, Ministry of the Family, Labour and Social Policy, Ministry of National Education, Ministry of Science and Higher Education, voivodeship offices, and others);
- Local-level public administration: poviats (mainly the largest cities with poviats status) and communes, poviats family support centres, social support centres (social welfare centres), poviats labour offices, primary and secondary schools, and;
- Non-state actors such as NGOs (mainly in large cities) and civil society organizations, those in the private sector (employers' unions, workers' unions, chambers of commerce, language schools), local communities, religious organizations, others (Sobczak-Szelc et al. 2020: 31–34).

Due to the post-1989 evolution in regulations—as well as more recent political developments in Poland—local actors (local governments, NGOs, local communities) are key stakeholders in the integration of refugees. This is especially true in the large cities where most foreigners settle, such as Warsaw, Gdańsk, Kraków, Lublin, Wrocław, and Poznań.

## The experiences of state and non-state actors in implementing ‘integration policy’

### *Challenges and opportunities around Polish language learning*

This section focuses on opportunities and challenges around Polish language learning for adult asylum seekers and refugees in Poland. It discusses the problem from the perspective of public institutions, NGOs, and schools involved in the practice of integration. According to numerous studies, knowledge of the local language is a crucial factor in migrants' ability to engage and participate in the host society's political, social, educational, and economic life (Chiswick and Miller 1992; Burns and Joyce 2007; Hanemann

2018). The role of language knowledge varies according to the specific needs of forced migrants. Immediately after arrival in the host country—when asylum seekers need orientation to organize their lives anew—language is essential for basic communication. Afterwards, language steadily becomes central to effective integration, as it not only facilitates social and political participation but also increases job opportunities (Hanemann 2018).

Asylum seekers and refugees confront two key challenges in learning Polish. First, they must surmount the kinds of barriers faced by migrants in general. These include the difficulty and high cost of language acquisition for speakers of languages linguistically distant from the host country language, limited exposure to the host country language (in the initial reception period, refugees typically live with compatriots in remote accommodation centres with little chance to mix with the host society), and, finally, their individual (de-)motivation and cognitive abilities (Isphording 2015).

Second, the Polish language educational offer for asylum seekers and refugees is quite limited. Asylum seekers are provided with Polish language classes organized by the Office for Foreigners. Due to the non-obligatory character of the classes and many other individual reasons—such as coping with PTSD, lack of childcare, the low quality of teaching of Polish as a foreign language and the way teachers engage in class, and failures to adapt teaching methods to the language group—attendance remains low, not exceeding 50 per cent of the residents of accommodation centres (Baczyński-Sielaczek 2016). Although by law, asylum seekers living in private accommodation (more than 50 per cent of all asylum seekers) are technically eligible to attend classes, they seldom do so due to the remote locations of accommodation centres (Pachocka et al. 2020: 40 and 78).

Our meso-level respondents were divided in terms of their opinions on the reasons behind the low attendance at language classes and the limited achievements of asylum seekers in learning the language. One practitioner expressed his/her opinion that the Polish language classes for asylum seekers should be mandatory, even if the classes themselves are unappealing:

They are provided with Polish language classes, but almost nobody attends them. The courses are unappealing, and they are not obliged to attend, but in my opinion, they should be. If someone applies for refugee status, wants to integrate, and wants to stay in Poland, he/she should be forced, however, during the procedure—especially since it is very long—to learn the Polish language. It shouldn't be that someone comes three times during the first two months and then abandons the classes completely. (PLMZP1)

Respondents from social organizations were much more considerate on the matter. They refrained from blaming the non-obligatory character of the classes for the lack of motivation among asylum seekers to learn Polish. Instead, they pointed towards the much more complex nature of the problem,

its background, the central government, and the general migration and integration policies:

They have no incentive to learn. Their future in Poland does not depend on whether they know the language or not unless this procedure lasts long enough such that we could call it far-sighted. For example, they might consider that in, say, four years when they are up for refugee status determination, they could point to their language skills and be able to say, ‘There are humanitarian reasons that I should stay—I have worked hard to master the Polish language and have integrated into society’. But people don’t consider this at the beginning. If they are not asked to learn, a system of learning incentives is not created, then they lose a year, two years. Learning the language is especially important in this regard. (PLMZSO3)

Published analysis of the situation of Polish language learning by beneficiaries of international protection proved that making classes obligatory does not correspond with higher attendance. Although Article 93(1) of the Law on Social Assistance obliges every beneficiary of the IIP to participate in a Polish language course ‘in case of need’, it turns out that ‘need’ can be interpreted broadly, and not only in relation to linguistic needs (Sobczak-Szelc et al. 2020: 82). According to a Supreme Audit Office survey, the average participation of beneficiaries of IIP in Polish classes was 35.6 per cent. However, it varied from 20 per cent in small towns (Pruszków and Łuków) to 50 per cent (Biała Podlaska) and even 70 per cent (Warsaw) in big cities (Najwyższa Izba Kontroli 2015: 40–42).

The main challenges of Polish language learning stem from obstacles to participation in classes. Our respondents listed the following problems: clashing course schedules and working hours, questions about the quality and effectiveness of the courses, a lack of availability of courses (or courses only available in distant locations), and not meeting the specific needs of a particular group (elderly people, people from different cultural backgrounds, mothers of young children) (Sobczak-Szelc et al. 2020: 82–86).

For both refugees participating in the IIP and the social workers who support them in completing the integration program, paid work was considered more important than the refugees’ need to learn the Polish language, and this was treated as a factor justifying non-attendance:

Of course, if someone takes up a job and works from 8am till 4pm, and it is not possible for him/her to attend a Polish language course, then we recognize that work is more important. They will also have some contact with Polish at work, so they will naturally learn and eventually become independent. And that’s okay. (PLMZP1)

Another significant challenge to Polish language learning is that the courses are not tailored to the needs of specific groups, like speakers of non-Slavic languages, elderly people, mothers of babies and toddlers, and people of

different cultural backgrounds. Regarding the last, one meso-level respondent gave the example of a conservative background as a factor hampering women's participation in a language course: 'There is no space for these cultural differences that can make some things difficult to accomplish. For example, learning Polish for a woman who comes from a very conservative Muslim environment [is difficult]. She can't attend Polish classes because her husband won't let her' (PLMZLG2). On the other hand, cultural background often precludes men of masculine cultures from participating in language classes since they tend to perceive this kind of activity as contradictory to their traditional gender roles. This is especially visible in the asylum seeker centres, where the group pressure is much higher given the limited degree of anonymity.

Despite the mentioned challenges, Polish language knowledge was considered by our respondents (on both levels, meso and micro) as an essential factor in integration. Even though there appears to be agreement among all actors (public administration, social organizations, and the refugees themselves) on this matter, no state funds are allocated to Polish language courses for refugees aside from small amounts from the budgets of local governments (Sobczak-Szelc et al. 2020: 82–86). In other words, although the government made it obligatory for participants in IIPs to attend courses (for up to 12 months), it does not provide a publicly funded system of teaching the Polish language.<sup>9</sup>

NGOs have stepped into the void to fulfil this duty of the state and provide courses for foreigners (including asylum seekers and refugees) with their own resources. However, since NGOs are dependent on funding from the state or EU program, there is always a risk that the funding will dry up or the objectives of the funding scheme will change. As much happened in 2015, when the Asylum, Migration, and Integration Fund (AMIF) funding was suspended. As one interviewee noted:

In order to provide free courses for foreigners, they must be financed from somewhere. As far as I know, all educational programs are free for foreigners. I remember that one NGO introduced payment for the courses because it had no funding, but it was more for migrants than for refugees. (PLMZSO1)

Concerning the effectiveness of the language courses provided for refugees, the host country's language teaching goals should be considered. As mentioned above, the goal is not only facilitation of communication but also—even predominantly—inclusion into the host society. Although the language

---

<sup>9</sup> A beneficiary of IIP covers Polish language tuition him or herself using the cash benefits received through the program (Law of 12 March 2004 on Social Assistance, Art. 92 (1)(b)).

level needed for integration is open to debate, various language teaching methodology experts and NGO representatives argue that a one-year course in Polish is insufficient to master the language. It is also impossible in one year to attain the B1-level<sup>10</sup> of Polish language needed to apply for Polish citizenship.<sup>11</sup> Therefore, adult refugees in Poland either look for further language learning opportunities after completing the IIP or face the risk of exclusion due to their insufficient knowledge of the Polish language.

## Challenges in access to the labour market

This section of the chapter examines the access of asylum seekers and refugees to the labour market in Poland from the moment they submit an application for international protection. Research undertaken by Peromingo (2014: 76–77) indicates that asylum seekers and beneficiaries of international protection find labour market integration much more challenging than voluntary migrants, even if their skills and education are comparable. Psychological distress and disabilities hamper their ability to integrate into the labour market, as do the challenges common to economic migrants, such as lack of language proficiency and access to social and professional networks.

The period of suspense and uncertainty about the future during the asylum procedure does not facilitate integration (OECD 2016). Therefore, it takes asylum seekers and beneficiaries of international protection up to six years to achieve a level of employment and income approaching that of other migrants. This difference occurs regardless of age group and knowledge of the host country's language (OECD 2016; Sobczak-Szelc 2016). However, early access to the labour market plays a crucial role in creating a sense of economic security. It is important for improving the mental health of asylum seekers and allows for better integration if the decision on their asylum application is favourable. As one interviewed expert stressed, 'foreigners are really looking for something to do and are looking for a job. Not everyone, of course, because some are not looking for work and probably never will. But there is also a group of people who really want to' (PLMZOF2).

According to the Law of 20 April 2004 on Employment Promotion and Labour Market Institutions (Law on Employment), foreigners can be hired only if they are legally staying in the territory of Poland. Those regulations, how-

---

<sup>10</sup> B1 is the third level (out of six) of language proficiency in the Common European Framework (CEF) for languages published by the Council of Europe. In ordinary speech, this would be labeled the 'intermediate' level of language proficiency.

<sup>11</sup> Therefore refugees, if they apply for citizenship, mostly choose the 'presidential procedure', which does not require a specific level of Polish language knowledge (Sobczak-Szelc et al. 2020: 112–113).



ever, do not apply to asylum seekers who cannot work for the first six months from the date of submission of an application. Suppose the decision of granting protection has not been issued within that period, and the reason for that was beyond the applicant's control. In that case, they may request a special certificate (statement) authorizing them to work (not to be confused with a work permit). This document, accompanied by the temporary certificate of identity of a foreigner, permits a person to work within the territory of Poland (Article 35(1), Law on Employment). The certificate is valid until the moment when the decision on granting international protection becomes final (AIDA 2020).

The situation changes significantly after receiving one of the protection statuses, as refugees and members of their families have rights similar to those of Polish citizens vis-à-vis the labour market. They have access to the labour market, the right to protection against unemployment, and the right to conduct business activity. They are also protected by legal regulations giving them the right to a minimum wage, safe and healthy conditions, and access to entrepreneurship hubs, apprenticeships, and traineeships. They may apply for jobs in the public sector, such as work in education or health services, unless there are specific regulations requiring Polish citizenship, for instance, in the so-called 'public sector core', which includes civil servants and police (Pawlak 2019; Sienkiewicz 2016; Sobczak-Szelc et al. 2020).

Despite formal regulations, asylum seekers and refugees face different barriers entering the labour market. The initial obstacles occur right at the start, as there are no regulations to link the placement of asylum seekers and refugees with employment opportunities. As well, they face problems with the validation of skills, recognition of qualifications and prior work experience. The procedure is perceived as complicated and very expensive, and it is hard to receive any help during this process. The poviats family support centre may help clients within the IIP program with the procedure, although there is no option for the centre to pay for it.

The problem is even more worrisome for those refugees who have graduated from a university in their country of origin. Our research revealed that due to the serious barriers in recognition of university diplomas, refugees are often considered as having no higher education, which not only precludes them from continuing their studies—such as pursuing a higher degree—but often condemns them to work far below their qualifications. As one of the interviewed experts mentioned, the procedure is very complicated, as each case is individual and conditioned by the administrative procedures at a given university and even faculty. Moreover, poviats labour offices deal only with vocational training, and the processing of documents is not among their competencies (PLMZP1). Another expert noted:

They are either a doctor or a lawyer, and the procedures for diploma recognition in such professions are complicated. You might have been a lawyer in Russia, but to be able to continue your career in Poland, you must study Polish law from the beginning. In their opinion, this is often degrading. They are educated in a given field, and here instead of working as, say, a doctor or a lawyer, they're working in a kitchen. (PLMZSO1)

As well, people who brought no documents when fleeing their homes are treated as not having a high school or college diploma. The absence of procedures for skill validation and recognition of qualifications causes a significant loss of potential valuable workers willing to integrate into the labour market, even if not entirely within their competencies, then at least within the sector pertaining to their education and qualifications.

Theoretically, refugees have access to a wide selection of training, especially those organized by the poviats labour offices, aiming to improve professional qualifications and vocational education. Those programs, however, are not tailored for migrants, and in general, labour offices are assessed quite negatively by those working with beneficiaries of IIP, as described by an NGO interviewee:

I do not remember there ever being actions targeted specifically at refugees at the labour office. I know a few refugees who took advantage of the opportunity to attend a Polish language course or vocational courses organized by the labour office. [...] In my experience, refugees treat the labour office only as a health insurer [...] and as an annoying institution that tries to shoehorn them into any old job. If they do not take the first, second, or third job offer, they bear the consequences. But these are often job offers where they have no chance of supporting themselves. (PLMZSO1)

Moreover, these training sessions are tailored neither to refugees nor to market needs. Although data regarding training and the effectiveness of IIPs concerning labour market inclusion were not collected systematically for a long time, those from 2014 show that the most popular training was for welding or obtaining a driving licence, and they did not correspond to the jobs taken by foreigners in any case. In that year, of those involved in IIPs, only 37 participants found jobs, usually in food service, as interpreters or labourers (MUW 2014).

However, 'the first and main problem [is] the language' (PLMICH14). This challenge is well-reflected when it comes to contacts with employees of labour market institutions and attempts to find a job. The first can be observed even at the poviats labour offices' portals or during vocational training, where the vast majority of the information is available only in Polish. The modest linguistic skills of the labour offices' employees do not improve this situation. However, even participating in training performed in the mother tongue will not change this situation as there are challenges on the second level—that of employment. As one practitioner explains: 'It is not so

bad when we take a course in Russian but in Arabic? Even if someone finishes such a course, they will not get a job anyway because they do not speak Polish' (PLMZP1).

Finally, potential employers find the legal regulations concerning the employment of foreigners to be very complex. As there is no training offered to employers, they are often confused and unaware of whether they can or cannot employ an asylum seeker or a refugee.

Despite all those challenges, refugees are not treated as a group requiring special treatment on the labour market, as long as they do not belong to the groups listed in the legal regulations, which interviewed experts highlighted:

As I was looking through it some time ago, I was struck by the fact that no refugees or migrants are there [among privileged groups]. This is a specific group that requires another type of interaction due to linguistic or cultural differences. And I don't think anything has changed in this area. (PLMZS01)

All these barriers push asylum seekers and refugees into a grey zone. Justification for this process was given by one meso-level respondent, who underlined that some employers discriminate against foreign employees. Some employers believe that foreigners can be employed informally and will, being desperate, work for less money. Additionally, the vast majority of refugees from the Caucasus and Chechnya are poorly educated and fall into simple, low paying jobs which do not pay enough to make ends meet even when working long hours: 'Therefore, they often prefer, even if they have other options, to work in the black market, because then they make more money, cash in hand, and it is easier for them to support themselves compared with legal employment' (PLMZS01).

Furthermore, work in the informal labour market is conditioned by the specificity of the sectors in which they are employed. During the asylum procedure, asylum seekers are accommodated quite remotely, and so a significant number work in agriculture (Pachocka et al. 2020). Even after a decision is made on their status, their situation does not change radically. They still work in sectors where jobs are often performed on an undocumented basis, such as construction, transportation, food service (simple jobs), domestic work, and car repair (Klaus 2007; Pawlak 2019; Sobczak-Szelc et al. 2020).

Polish NGOs play an invaluable role in helping migrants and refugees, and it is no different in the area of labour market integration. NGOs undertake a variety of actions dedicated to migrants. They assist with bureaucratic issues related to access to the labour market and offer individual consultation and support with experts who can help them understand Polish law, find a job in Poland, or set up a business. They also provide pro bono meetings with lawyers, vocational counsellors, and specialists in establishing and developing businesses. They work to develop a space for cooperation between employ-

ers and migrants. However, along with the change of Polish government policy in late 2015 and suspension of access to AMIF funds for NGOs, many of those who support asylum seekers and refugees have been forced to limit their activities in the last few years.

## Challenges in access to housing

Housing is another crucial area where forced migrants face numerous challenges, as confirmed by the results of our fieldwork. Some of the meso-level experts mentioned common problems such as a limited supply of affordable housing, high rental costs (especially in large cities), discriminatory practices in the housing market, a lack of specialized housing counselling for beneficiaries of international protection, and the risk of homelessness after the end of institutional support under the IIPs.

It is worth starting with the opinion of one of our meso-level interviewees, who made the pertinent point that adequate housing is crucial before migrants can integrate into other fields. Our respondent argued that:

The lack of automatic access to cheap housing is what I consider the biggest barrier in the integration process. It seems to me that this is the first human need—to ensure a sense of security with a roof over your head [...] Only then can you think about work, qualifications, retraining, and so on'. (PLMZSO1)

This member of the NGO sector involved in providing assistance to refugees argued persuasively that if this basic need is not provided, it is difficult for migrants to advance in other dimensions of integration.

The most frequently cited issue vis-à-vis asylum seekers and refugees' access to housing by actors from the non-government sector is *the scarcity of affordable rooms, flats, and houses*. Asylum seekers and refugees tend to settle in big cities. On the one hand, such areas provide a wider range of prospective employment, but on the other, they offer fewer opportunities for cheap and adequate housing. Some of our interviewees from the social organizations rightly pointed out that the difficulty persons with refugee status or other forms of international protection confront in finding adequate accommodation is *part of a general shortage of affordable housing*. According to experts, there is a shortage of approximately 2.1 million flats in Poland. This situation most frequently affects people of medium and low income. They have neither access to cheap mortgages nor the financial means to buy apartments. The social housing in the country, estimated at 150–200,000 premises, is well below what is needed to meet the population's needs (Chabasiński 2018).

Another interviewee argued that:

Housing is one of those things that doesn't work in Poland at all. Our experience often shows that when we talk about a problem that affects refugees, we are de facto talking about a problem that affects everyone. The refugees just have a harder time than the rest of society with the same problem'. (PLMZSO2)

This actor from the NGO sector describes the critical challenges in the following way:

There are too few cheap flats, too few social housing options, and these flats are poorly managed. There is also a lack of relevant legislation that could put more flats on the market. There are empty flats that the owners do not want to rent; they keep them for themselves as a form of capital investment. There are countries where there are legal solutions that prohibit these situations. (PLMZSO2)

As shown by Pachocka et al. (2020), most asylum seekers in Poland decide to move out of the refugee centres while their applications are still being processed. In this way, people often confront the shock of being forced to find suitable accommodation before they have been granted international protection. Persons whose applications for refugee status are assessed positively have the right to apply for social housing through the same channels as citizens of Poland. If they meet certain conditions—which often differ across localities—then they can have access to municipal or social housing, which is significantly cheaper than similar accommodation on the free market. They face the same barriers as Poles: a limited housing stock, a glut of persons requesting such housing, and long queues and waiting times. Sometimes, however, as one of our interviewees from the social sector noted, they also face discrimination as foreigners. 'If there are not enough houses for 'us', we should not provide them to 'aliens', as one popular refrain has it' (PLMZSO1).

Some other interviewees from the NGO sector also claimed that discriminatory practices in the housing market make it increasingly difficult for refugees to gain access to decent housing. One of them, for example, argued that: 'The problem with flats also forces refugees to leave Poland, because in Western Europe, it is easier to find a flat and there are fewer prejudices' (PLMZSO2). This interviewee also mentions that Polish is spoken with and without a foreign accent in the organization. If a person with an accent inquires about a given flat, she is much more likely to be told that the accommodation has already been taken. This interviewee also recalled a situation when a young Chechen couple was looking for an apartment:

A few times, they encountered landlords who agreed to rent them the apartment in advance but then retracted the offer once they learned that they were from Chechnya. More recently, this couple was going to sign a contract, but when the owners saw that the girl was in a hijab, they refused to sign it, although she spoke perfect Polish. (PLMZSO2)

The findings of various studies have shown significant anti-refugee and anti-Muslim prejudice in Poland. These prejudices were very effectively mobilized and exploited during the parliamentary elections of 2015, which overlapped with the peak of the so-called ‘migration crisis’ (Legut and Pędziwiatr 2018; Pędziwiatr 2017). In the aftermath of these elections, refugees were further negatively portrayed, securitized and used as a key element of the social and political mobilization by both the ruling coalition and the far-right and populist members of the opposition (for example, Kukiz15, a party which lobbied for a so-called ‘refugee referendum’, similar to that carried out in Hungary on 8 October 2016). As a result of these actions, the general perception of persons seeking international protection in Poland has transformed from relatively open and positive still at the beginning of 2015 to negative from the end of 2015 onwards (Legut and Pędziwiatr 2018).

The negative portrayal of refugees has further aggravated their difficult situation in the housing market. It has made affordable rental properties increasingly scarce. According to some members of social organizations, the scarcity of affordable housing is the key reason many people who claim asylum in Poland treat the country as a transit point. One social organization representative argued:

If someone depends only on a limited source of income, they may find it difficult to pay for the rent on their flat. And this may be the moment when they decide to leave Poland. If people wonder why Poland is still a transit country, it seems to me that the key issue has to do with access to affordable housing. (PLMZSO1)

Other studies on the situation of refugees in Poland reflect this observation.

The latest annual report of the Association of Legal Intervention points out that one of the major reasons persons with international protection leave Poland has to do with lack of ‘housing security’ (Chrzanowska et al. 2020). Housing insecurity is, according to some of our interviewees on the meso-level, also linked with a lack of specialized housing counselling for beneficiaries of international protection (for example, state agencies providing help in finding adequate housing), and the fact that refugees are not offered any housing provision after the end of the institutional support in the form of IIPs. For the reasons above, numerous NGO actors actively engage in actions to improve access to adequate housing for refugees. One of them pointed out that ‘we only exceptionally engage in searching for flats for refugees on the free market. However, for years we have been supporting refugees in

applying for social housing, and we have been quite successful in this regard' (PLMZSO1).

Other meso-level actors are in fruitful cooperation with the municipal authorities (PLMZSO3, PLMZSO1, PLMZSO4). One of them, for instance, pointed out how: 'At the city level there is definitely a lot more openness when it comes to refugees and migrants. Sometimes they come to us with ideas, and we can contact them at any time' (PLMZSO1). In the absence of an overarching state policy on migrant integration, many cities in Poland (for example, Gdańsk, Kraków, Poznań and Wrocław) have developed their own migrant integration programs (Pędziwiatr 2019).

## How to move forward: Some concluding remarks and recommendations

As the discussion through the chapter has shown, despite having legal rights similar to citizens of Poland, beneficiaries of international protection face numerous challenges in exercising their socio-economic rights in practice. The politicization of the category of refugee in the last five years or so has only aggravated their difficult situation. The loosely linked elements of the integration policy do not allow the numerous challenges faced by the beneficiaries of international protection in Poland to be addressed coherently and efficaciously. At the same time, our discussants pointed to several ways the situation of refugees in Poland could be improved, some of which are worth mentioning.

Concerning Polish language learning, our respondents, in general, shared the opinion that the Polish language courses available for asylum seekers and refugees (if available) are insufficient and ineffective. In the aftermath of the critical report of the Supreme Audit Office (2015) on this topic, there have been some attempts to improve the asylum seekers' participation in the language classes by increasing their motivation to attend. However, despite new incentives (such as prizes for the highest attendance or the best results in the group), attendance has remained low (below 50 per cent). Concerning refugees, there have not been any improvements in the field of Polish language education since 2015, when the mentioned report was published. Although beneficiaries of international protection participating in IIPs are required by law to attend Polish classes, there is no national steering and organization in this regard. Therefore, the obligation to provide refugees with Polish language education is almost exclusively carried out by NGOs.

A refugee from Syria told us his ideas for improving the Polish language learning system and linked it with cultural orientation education. He pointed out a crucial element of host country language education that should be treated as a starting point for improvement: 'Establishing proper schools for

immigrants or the refugees coming to this country, so they teach them the language. This would facilitate integration very much' (PLMISy24). We could not agree more on this, as an integrated, publicly funded system of host-language learning has been proven to be an effective measure in refugees' language acquisition (Sobczak-Szelc et al. 2021). Furthermore, it is recommended that Polish language courses be provided tuition-free to all beneficiaries of international protection (even after completing their IIP). The system should be designed to consider the schedules of people who work or are involved in childcare. Considering the course of the COVID-19 pandemic, online courses should be offered as well, as long as asylum seekers and refugees are provided with the necessary equipment and IT tools.

Pre-integration is also part of integration into the labour market, so during the asylum procedure, activities for asylum seekers should already include work skills training and recognition of qualifications. The six months before receiving a certificate that allows asylum applicants to work in Poland legally should be shortened to three months. This would not make a significant difference to the state, as the number of asylum seekers is low, but it would be pivotal to the pre-integration of asylum seekers (MGN2).

The state and NGOs should focus on activities aimed at facilitating the recognition of qualifications and acquiring new ones. One solution would be to treat refugees as a separate privileged group with access to tailored training organized by labour offices. Also, programs dedicated to refugees should merge the improvement of qualifications, the acquisition of new skills, and the learning of the Polish language. Refugees would also benefit from special integration programs, such as state-funded or subsidized internships or exemptions from contributions to the state during employment. One crucial aid to the integration of refugees from culturally different parts of the world—especially the women—would be to offer culturally sensitive employment.

Finally, the monitoring of labour market inclusion should be improved. The most important aspects of monitoring are: 1) how the work taken up by forced migrants corresponds to their skills and qualifications; 2) the results of the acquisition of work skills and recognition of qualifications dedicated to asylum seekers and refugees (which should also be evaluated and improved to meet the needs of specific groups arriving in Poland), and; 3) the process of integration of refugees in the same way as other foreigners applying for work in Poland.

Substandard housing results in the slow adaptation of foreigners to the new socio-cultural conditions of the host country, and it may have a negative impact on their physical and mental well-being. As argued above, housing is one of the major issues for persons who have already obtained some form of international protection. Their situation is, in fact, more difficult than those seeking asylum since they cannot rely on the support of the Office for For-



eigners in the form of accommodation in one of the refugee centres or a modest housing allowance. According to our fieldwork data, those foreigners who lived outside of the facilities run by the Office for Foreigners during the asylum procedure seemed to be better prepared for the numerous challenges of finding adequate housing for a reasonable price after their applications for protection were positively assessed.

We discussed above what institutional stakeholders engaged in the integration process perceive as the key issues with access to housing by refugees, as well as how important the role is they play in facilitating the access to housing for refugees and persons with subsidiary protection. We have also shown that sometimes difficulty in finding adequate and affordable housing is a key reason that some beneficiaries of international protection decide to leave Poland and search for better living conditions in the countries of Western Europe, where there might be a denser diaspora or other support networks.

Some of the changes that could improve the housing situation of those with international protection in Poland include making the transition from the refugee centres to housing easier, improving access to cheaper and more adequate housing, providing more support to the NGOs facilitating spatial integration of migrants, generally paying more attention to the spatial integration of persons with international protection, and, last but not least, providing easier access to social housing. In its report from 2015, the Supreme Audit Office recommended implementing solutions that would ease the access to flats to refugees, especially in places where they will have access to employment (Najwyższa Izba Kontroli 2015). For the moment, initiatives such as the one taken in Warsaw to set aside a quota of flats owned by the municipality for refugees are exemptions rather than a rule (see WCPR 2020).

To conclude, the integration of asylum seekers and refugees should be treated as a holistic process and not as an issue to be addressed by one institution or one programme. It is also necessary for the political will to implement a broader range of integration instruments that could eventually create a coherent integration policy. For the moment, we see no such political will in Poland.

## References

- AIDA. 2020. 'Access to the Labour Market: Poland'. Retrieved 12 April 2021 from <https://asylumineurope.org/reports/country/poland/reception-conditions/employment-and-education/access-labour-market/>.
- Brannen, J., 2005. 'Mixed Methods Research: A Discussion Paper'. *Working Paper No. NCRM/005*, *NCRM Methods Review Papers*. ESRC National Centre for Research Methods.
- Burns, A. and H. S. Joyce (eds). (2007) *Planning and Teaching Creatively Within a Required Curriculum for Adult Learners*. Virginia: Teachers of English to Speakers of Other Languages.
- Chabasiński, R., 2018. 'W Polsce brakuje mieszkań—aż 2,1 miliona. A będzie tylko gorzej', *bezprawnik.pl blog*. Retrieved 2 June 2021 from <https://bezprawnik.pl/w-polsce-brakuje-mieszkan/>.
- 'Chechnya', *Encyclopedia Britannica*, 13 February 2019. Retrieved 8 March 2021 from <https://www.britannica.com/place/Chechnya>.
- Chiswick, B., and P. Miller. 1992. 'Language in the Immigrant Labor Market', in B. Chiswick (ed.), *Immigration, Language and Ethnicity: Canada and the United States*. Washington, DC: American Enterprise Institute.
- Chrzanowska, A., et al. 2020. *SIP w działaniu: Prawa cudzoziemców w Polsce w 2019*. Warsaw: Stowarzyszenie Interwencji Prawnej.
- Duszczyk, M., Pachocka, M., Pszczółkowska, D., 2020. 'Introduction', in M. Pachocka, D. Pszczółkowska, and M. Duszczyk (eds), *Relations between Immigration and Integration Policies in Europe: Challenges, Opportunities and Perspectives in Selected EU Member States*. London and New York: Routledge, pp. 1–6.
- Entzinger, H. 2000. 'The Dynamics of Integration Policies: A Multidimensional Model', in R. Koopmans and P. Statham (eds), *Challenging Immigration and Ethnic Relations Politics: Comparative European Perspectives*. Oxford: Oxford University Press, pp. 97–118.
- Hanemann, U. 2018. 'Language and Literacy Programmes for Migrants and Refugees: Challenges and Ways Forward. ED/GEMR/MRT/2018/P1/26'. Retrieved 24 February 2021 from <https://unesdoc.unesco.org/ark:/48223/pf0000266077>.
- Isphording, I. 2015. 'What Drives the Language Proficiency of Immigrants?', *IZA World of Labor*. Retrieved 1 September 2021 from [https://econpapers.repec.org/article/izaizawol/journal\\_3ay\\_3a2015\\_3an\\_3a177.htm](https://econpapers.repec.org/article/izaizawol/journal_3ay_3a2015_3an_3a177.htm).
- Klaus, W., 2007. *Migranci na polskim rynku pracy Rzeczywistość, problemy, wyzwania*. Warsaw: SIP.
- Law of 13 June 2003 on Granting Protection to Foreigners within the Territory of the Republic of Poland (consolidated text, Journal of Laws 2019, item 1666 with amendments).
- Law of 12 March 2004 on Social Assistance (consolidated text, Journal of Laws 2019, item 1507 with amendments).

- Legut, A., and K. Pędziwiatr. 2018. 'Sekurytyzacja migracji w polityce polskiej a zmiana postaw Polaków wobec uchodźców', in R. Jończy (ed.), *Sami Swoi? Wielokulturowość We Współczesnej Europie*. Gliwice-Opole: Dom Współpracy Polsko-Niemieckiej, pp. 41–51.
- Mołęda-Zdziech M., M. Pachocka, and D. Wach. 2021. 'Immigration and Integration Policies in Poland: Institutional, Political and Social Perspectives', in J. Franzke and J. M. Ruano de la Fuente (eds), *Local Integration of Migrants Policy: European Experiences and Challenges*. London: Palgrave, pp. 160–199.
- MUW. 2014. 'Sprawozdanie z realizacji indywidualnych programów integracji (IPI) w 2013 roku, na terenie województwa mazowieckiego [Report on the implementation of individual integration programs (IIP) in 2013, in the Mazowieckie Voivodeship]'. Mazowiecki Urząd Wojewódzki Wydział Polityki Społecznej Oddział Programów i Analiz, Warszawa. Najwyższa Izba Kontroli. 2015. 'Pomoc społeczna dla uchodźców. Informacja o wynikach kontroli (No. KPS-4101-006-00/2014 Nr ewid. 159/2015/P/14/049/KPS)'. Departament Pracy, Spraw Społecznych i Rodziny, Warszawa.
- OECD. 2016. *Making Integration Work: Humanitarian Migrants*. Paris: OECD Publishing.
- Okólski, M., and D. Wach. 2020. 'Immigration and Integration Policies in the Absence of Immigrants: A Case Study of Poland', in M. Pachocka, D. Pszczołkowska, M. Duszczyk (eds), *Relations between Immigration and Integration Policies in Europe: Challenges, Opportunities and Perspectives in Selected EU Member States*. London and New York: Routledge, pp. 146–172.
- Pachocka, M., and K. Sobczak-Szelc. 2020. 'Refugee Protection: Poland Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/35, January 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1390461/FULLTEXT01.pdf>.
- Pachocka, M., K. Pędziwiatr, K. Sobczak-Szelc, and J. Szałańska. 2020. 'Reception Policies, Practices and Responses: Poland Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/45, March 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1416924/FULLTEXT01.pdf>.
- Pawlak, M., 2019. 'Zatrudnienie', in A. Górska, M. Koss-Goryszewska, and J. Kucharczyk (eds), *W stronę krajowego mechanizmu ewaluacji integracji. Diagnoza sytuacji beneficjentów ochrony międzynarodowej w Polsce*. Warsaw: Instytut Spraw Publicznych.
- Pędziwiatr, K. 2017. 'Islamophobia in Poland: National Report', in E. Bayraktar, and F. Hafez (eds), *European Islamophobia Report 2016*. Istanbul: SETA, pp. 411–443.
- . 2019. 'Migration Policy and Politics in Poland'. *RESPOND blog*, 20 August. Retrieved 7 March 2020 from <https://www.respondmigration.com/blog-1/migration-policy-politics-poland>.
- , J. Brzozowski, J. Mucha, and M. Stonawski. 2021. *Imigranci w Krakowie: od studentów do przedsiębiorców*. Kraków: Nomos.
- Penninx, R. 2005. 'Integration of Migrants: Economic, Social, Cultural and Political Dimensions', in M. Macura, A.L. MacDonald and W. Haug (eds), *The New*

- Demographic Regime Population Challenges and Policy Responses*. New York and Geneva: United Nations, pp. 137–152.
- . 2007. ‘Integration Processes of Migrants: Research Findings and Policy Challenges’, *Migracijske I Etničke Teme* 23(1–2): 7–32.
- . 2013. *Research on Migration and Integration in Europe: Achievements and Lessons*. Amsterdam: Amsterdam University Press.
- , and B. Garcés-Mascareñas. 2016. ‘The Concept of Integration as an Analytical Tool and as a Policy Concept’, in B. Garcés-Mascareñas and R. Penninx (eds), *Integration Processes and Policies in Europe: Contexts, Levels and Actors*. Cham: Springer Open, pp. 11–30.
- Peromingo, M., 2014. ‘Work and Refugee Integration in Sweden’, *Forced Migration Review* 48: 76–77.
- Regulation of the Minister of Labour and Social Policy on the provision of assistance for foreigners of 7 April 2015 (consolidated text, Journal of Laws 2019, item 1946).
- Sienkiewicz, Ł., 2016. *Labour Market Integration of Asylum Seekers and Refugees — Poland*. Brussels: European Commission.
- Sobczak-Szelc, K., 2016. ‘Integracja uchodźców z Afryki i Bliskiego Wschodu jako wyzwanie dla Unii i państw członkowskich’, in K. A. Wojtaszczyk, and J. Szymańska (eds), *Uchodźcy w Europie—Uwarunkowania, Istota, Następstwa*. Warsaw: ASPRA-JR.
- Sobczak-Szelc, K., M. Pachocka, K. Pędziwiatr, and J. Szałańska. 2020. ‘Integration Policies, Practices and Experiences: Poland Country Report’. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/63, August 2020*. Available at <https://doi.org/10.5281/zenodo.4008666>.
- Sobczak-Szelc, K., J. Szałańska, and M. Pachocka. 2021. ‘The Integration of Asylum Seekers and Refugees in the Field of Education and Labour Market: Comparative Thematic Report’. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2021/82, March 2021*. Available at <http://www.diva-portal.org/smash/get/diva2:1541188/FULLTEXT01.pdf>.
- Strzelecki, P., and M. Pachocka. 2020. ‘Migration Processes in the Countries of Central and Eastern Europe: Transformation from Net Emigration to Net Immigration Countries’, in H. Godlewska-Majkowska, P. Wachowiak, M. Strojny, and B. Majewski (eds), *Report of SGH Warsaw School of Economics and the Economic Forum*. Warsaw: SGH Publishing House, pp. 235–267.
- Wach, D. 2018. ‘Ewolucja polskiej polityki integracji cudzoziemców po 1989 roku’, in H. Chałupczak, M. Lesińska, E. Pogorzała, and T. Browarek (eds), *Polityka Migracyjna w Obliczu Współczesnych Wyzwań: Teoria i Praktyka*. Lublin: Wydawnictwo UMCS, pp. 347–367.
- WCPR. 2020. ‘Wsparcie mieszkaniowe’, *Warszawskie Centrum Pomocy Rodzinie*. Retrieved 3 May 2021 from <http://wcpr.pl/nasze-uslugi/cudzoziemcy/wspcie-mieszkaniowe>.

# 15 Refugee Integration in Austria: Understanding the Implications of the Integration Policy Environment for Individual Motivations and Resources

*Ivan Josipovic and Ursula Reeger*

---

## Introduction

In Austria, immigrant integration has been a fiercely debated topic since the 1990s. The country has since become known for its restrictive *ius sanguinis* citizenship regime and a strong far-right party (the Freedom Party of Austria or FPÖ) in parliament. The crisis of migration governance in 2015–2016 sparked new debates on the integration of refugees. As in previous decades, a political discourse evolved around the subject of immigration as *the* political problem to be solved, with one question being raised repeatedly: ‘Are we able to integrate these new immigrants into society?’ (Steiner and Koller 2015).

Among scholars and politicians, there is a broad consensus that if integration is to succeed, states need to intervene politically in one way or another. Yet, the precise way—and the extent to which—policy-makers should structure immigrant settlement, participation, and societal belonging are the subject of controversial discussions. For this reason, the conceptual ground in current political and academic debates has been structured by two grand theories. While multiculturalist approaches (for example, Kymlicka 1995) assume that states need to facilitate immigrants’ capabilities, assimilationist approaches (for example, Alba and Nee 1997) consider immigrant aspirations as the central driver of adopting desirable behaviour. Both integration paradigms operate within fundamentally different assumptions vis-à-vis the target subject and the process of goal attainment. While the former adopts a *policy logic of enabling*, the latter is driven by a *policy logic of conditionalization* (Lutz 2017).

In our contribution, we study the micro-level implications of the multifaceted integration policy environment in Austria. Acknowledging that the Austrian policy regime entails both elements—namely, the logics of enabling and conditionalization—we seek to understand which is more pronounced and how they influence the motivations and individual resources within groups targeted by policy. We do not confine our analysis to policies explic-

itly labelled as integration policies but consider the wider system of civic stratification combined with the domestic civic integration regime.

For the past 20 years, Austria has been pursuing civic integration policies, requiring that immigrants comply with formal requirements, such as passing language tests to obtain particular rights (Permoser 2012). The institutionalization of integration politics has been accompanied by narratives of individual performance (Gruber et al. 2016), echoing assumptions of the assimilation approaches to integration. The country has had a mixed record of policy intervention concerning immigrant integration in recent years. On the one hand, the federal government has increased investments in language and citizenship courses and (briefly) funded job integration programmes. On the other hand, it has further hollowed out the statuses of asylum seekers and beneficiaries of protection, for example, through limited residence permits, new hurdles to accessing the labour market and social welfare, as well as a consistent refusal to include asylum seekers in subsidized integration programmes. Furthermore, we have observed an increasing intermingling of integration goals with debates and measures targeting immigrants subscribing to the Muslim faith (Josipovic and Reeger 2018).

Our study adopts a qualitative research design, analysing the central themes in the narratives of 29 interview partners who arrived in Austria between 2011 and 2018. Legally speaking, these interlocutors were either beneficiaries of protection or asylum seekers with a pending decision. We interpret the most important themes in the light of the domestic policy environment and identify three social conditions for each group by systematically tracing how federal policies latch into particular stages of an individual's new life, creating specific resource-motivation configurations.

The chapter is structured as follows. In the following section, we discuss the conceptual underpinnings of assimilationist and multiculturalist elements of integration policy. We then provide a brief historical overview of Austria's integration policy. In section 4, we will elaborate on our methodological approach. In the fifth section, we present our findings and show how different social conditions of immigrants are related to certain policy elements before embedding our arguments theoretically in the concluding section.

## Theories of integration: Assimilation versus multiculturalism

Immigrant integration usually describes a process of increasing settlement, participation, and social belonging of immigrants vis-à-vis the receiving society. This roughly corresponds to the significant consensus in academia and among policy-makers. However, there have been two normatively opposed stances on exactly how this process works (or is supposed to work) in

both domains. Assimilationist approaches (for example, Alba and Nee 1997) assume that immigrants need to adapt themselves to the mainstream society of the receiving country. This adaptation is mainly considered in terms of an ethnocentric cultural adoption of customs, habits, and identity traits. On the other hand, multiculturalist approaches (for example, Kymlicka 1995) depart from a notion of multi-ethnicity and expect states to accommodate diversity and enable equal participation. It is important to highlight that these two stances have to be considered as diametrically opposed on a wide spectrum of normative and conceptual positions. Therefore, they may be regarded as ideal types, which serve as an analytical heuristic, emphasizing the contrast of features.

Regarding public policy, each of these two approaches holds specific assumptions concerning the nature of the integration problem and its supposed solutions. While multiculturalist approaches tend to sense a lack of opportunity—calling for reduced barriers and arguing for support in developing individual skills—assimilationist approaches consider a lack of motivation as the main problem and accordingly seek to create incentives for individual efforts (Lutz 2017). As a result, actors on both sides pursue distinct logics of policy intervention, albeit operating in both cases in a system of civic stratification—namely, a hierarchical system of immigrant categorization with stratified formal rights and duties depending on legal and residence status (Morris 2003).

Against this background, multiculturalist integration policy adopts a liberal stance, granting a wide range of rights and enabling participation by supporting skill development. It is based on a *policy logic of enabling* (Lutz 2017: 6). Here, status and rights are assumed instrumental to the flourishing of individual resources, which to some degree may be further engineered (that is, by programmes for the development of labour market skills). In contrast, assimilationist integration policy takes a restrictive stance, using rights and benefits as rewards or inducements. Such a *politics of conditionalization* (Atac and Rosenberger 2013; Lutz 2017) views socio-cultural or socio-economic qualities and their development by individuals as a vehicle to show deservingness of particular rights.

It has been argued that precisely this logic is part of the *civic integration paradigm*, which has become a mainstream policy approach in most West European countries (Joppke 2007). Civic integration encompasses policies and discourses that seek to socialize immigrants into citizens through language courses and other measures that shape knowledge, values, and attitudes and symbolic actions such as signing integration agreements. Austria, the country under investigation in this chapter, has been pursuing the civic integration paradigm for more than two decades.

## Austria's immigrant integration history

Austria's history of national integration policies is relatively short, starting in the mid-2000s when immigrant integration was gradually institutionalized as a policy field. Groups targeted by the first measures were primarily third-country nationals, mainly from Turkey and the former Yugoslavia, who had arrived in prior decades and were increasingly looking to become full citizens. At the same time, the asylum system became a major legal channel for immigration, with new ethnic groups, such as Afghans and Iraqis, settling in Austria (Bauböck and Perching 2006).

In 2003, Austria introduced the so-called Integration Agreement, stipulating that immigrants must acquire German-language skills at A2-level<sup>1</sup> to qualify for permanent settlement. In combination with the increased number of civic integration criteria for the acquisition of citizenship introduced in 1999, this marked the beginning of an approach that conditionalized particular rights and linked them to language skills and general knowledge of Austrian history and democracy. Following the creation of a State Secretariat for Integration in 2011, federal-level politicians fostered the narrative of 'integration through effort/performance' (Gruber et al. 2016). This approach was guided by the assumption that educational performance in passing language tests and tests on knowledge about the Austrian state and society would contribute to improved labour market outcomes and avoid future social welfare costs.

However, it is important to note that Austrian integration politics are *largely symbolic* (Permoser 2012). This means a considerable gap between *policy discourse*, driven by integrationist narratives, and *policy action*, characterized by a mix of practical support and logics of conditionalization. Therefore, it is also relevant to consider that integration policy has increasingly focused on beneficiaries of international protection—a group whose rights are primarily guaranteed by international and supranational institutions, creating constraints on national policy.

At the same time, Austria's federal system displays several regional integration regimes (Josipovic and Reeger 2020). Various provinces and municipalities offer or subsidize language courses, skills training, or social activities. Indeed, the local integration regime of the province of Vienna dates back to the 1970s, when thousands of labour migrants from Southern Europe settled permanently in Austria. In 1971, Vienna established the 'Migrant Fund' (*Zuwandererfonds*), and in 1992, the city created a 'Fund for Integration' (*Integrationsfonds*). Crucially, such local integration regimes—many of

---

<sup>1</sup> A2 is the second level (out of six) of language proficiency in the Common European Framework (CEF) for languages published by the Council of Europe. In ordinary speech, this would be labeled the 'basic' level of language proficiency.



which have been around for decades—often provide a more inclusionary setting for language and skill courses than national ones because they are accessible for a broader range of immigrants (Kohlbacher and Reeger 2020).

The increased number of asylum applications in 2015 and 2016 once more stirred debates on the integration of refugees, leading to a series of policy reforms (Josipovic and Reeger 2018). Together with a Council of Experts, Austria's federal government presented a 50-point plan to integrate recognized refugees and beneficiaries of subsidiary protection in late 2015. This led to increased investment in integration courses, for which an additional €25 million was set aside. Furthermore, the Public Employment Service (AMS) introduced 'competence checks', individually evaluating the skills of refugees before they could access the labour market. Simultaneously, federal and regional politicians from the conservative and right-wing spectrum began to call for restrictive measures regarding refugees' access to welfare and started to link the topic of integration to debates over symbols of the Muslim faith.

In the following sections, we will closely examine the implications of different elements of the Austrian integration policy regime for asylum seekers and beneficiaries of protection.

## Methodology

Within the Horizon 2020 project RESPOND, we sought to investigate how integration policies in Austria affect the micro-level lived realities of those at whom these policies are directed. Therefore, we departed from the methodological and conceptual foundations that have recently been elaborated by Philip Lutz (2017) and complemented them with an interpretive approach to policy analysis. Building on actor-centred institutionalism (Scharpf 1997), Lutz argues that we can think of *policies as institutions*. They establish relatively stable sets of state-induced practices concerning social phenomena that are considered governable.

Integration policy regimes thus seek to structure the aspirations and capabilities of immigrants. *Aspiration* can be operationalized in terms of motivations to invest in adaptive efforts, learn the language, find a job, and fit into a socio-cultural mainstream that is pre-defined to a greater or lesser extent. *Capabilities*, on the other hand, refer to individual resources and opportunities/hurdles to advancing one's position of power in terms of language and employment skills or of a stable legal status.

In our study, we specifically focused on the situation of asylum seekers and beneficiaries of protection in the aftermath of the so-called refugee crisis of 2015. We sought to understand how their motivations and resources are affected by the current policy environment. Therefore, we set up a qualitative

multi-level research design rooted in core assumptions of critical policy ethnography (Dubois 2015). Such an approach is first interested in providing qualitative accounts of how people subjected to particular policies experience the impact of those policies (Dubois 2015: 468). Secondly, policy ethnography juxtaposes these social realities with ‘those held to be true by people in power’ (Katz 2004: 287).

Thus, we drew on two major types of material. First, we analysed legal documents to provide an account of legal and other measures that have been configured in response to the problem of immigrant integration in Austria. Our focus was on three aspects: *legal status and residence provisions, employment and social-aid provisions, and civic integration measures.*

In the second step, we studied the experiences of policy recipients—namely, asylum seekers and beneficiaries of protection located in the Austrian provinces of Vienna and Upper Austria. Here we drew on 29 semi-structured interviews conducted in the second half of 2018. We used themes analysis (Froschauer and Lueger 2009) to identify central topics across all interviews. In so doing, we distinguish the experiences of persons who are *still asylum seekers* and those *already granted asylum or subsidiary protection*. For each group, we inductively coded broad text passages and clustered them to distinct themes, six of which we selected as salient to the present discussion:

- Dealing with vulnerabilities
- Displays of deservingness
- Local opportunities exhausted
- Making capabilities count
- Establishing social ties and gaining orientation
- Struggling despite a status

Those topics were interpreted in the light of the existing legal framework, based on which we constructed six ideal types of social conditions. Those conditions reflect how shared themes are bound together across individual stories through a shared experience of being affected by a particular policy environment. In the findings section, we will now discuss these social conditions and provide illustrative examples.

## The lived realities of asylum seekers and beneficiaries of protection

We conducted our fieldwork in the latter half of 2018, at a time when asylum and integration were highly politicized topics in Austria. This was most notably due to ongoing public debates on the consequences of the arrival of refugees in 2015 and 2016 and because a coalition between the conservative ÖVP (Austrian People’s Party) and the far-right FPÖ (Freedom Party of

Austria) had just entered office following snap elections in 2017. Both coalition partners had announced new restrictions for asylum seekers and cuts to social-aid services for beneficiaries of protection. However, our interview partners live in the federal provinces of Upper Austria and Vienna. Here, regional executives support more inclusive local integration regimes that were also open to asylum seekers.

### *Asylum seekers: Limited resources and a fragile motivation curve*

As mentioned earlier, we conducted conversations with people who had been asylum seekers in recent years or who were still trapped in this semi-status. In Austria, asylum seekers are generally permitted to legally reside in the country for the duration of their asylum procedure. Their lives are characterized by a challenging ‘legal limbo’ because a decision on their case has far-reaching implications for their legal residence status. However, this legal limbo can sometimes continue for years. In 2017, first-instance asylum procedures lasted for an average of 16.5 months. Even though this had vastly improved by 2018–2019, certain groups, such as male Afghan nationals, typically spent several years as asylum seekers until they had exhausted their possibilities for appeal. As a response, policy-makers repeatedly introduced new procedural hurdles, including, for example, shortened time limits for appeal procedures. Asylum seekers remain under particular scrutiny. They are typically accommodated in decentralized reception facilities and are obliged to reside in the province responsible for their reception and social-aid services.

Speaking to those individuals who were still waiting for a final decision on their status, we found that the most pressing issues were first being unable to work and living in poverty, and second not having a final decision on one’s status, which left many in a protracted state of dependency and uncertainty. Opportunities for integration were minimal and additional hurdles, such as the federal government’s ban on asylum seekers taking up apprenticeships in 2018, caused further frustration. Against this background, we identified three social conditions that might result from this structural situation: 1) the regenerative condition; 2) the expressive condition, and; 3) the resignation condition. In the following, we will describe each of them briefly.

### *The regenerative condition: Dealing with vulnerabilities*

Structural exclusion through the lack of a residence status generally suggests social conditions that are hostile to integration. While this certainly holds for asylum seekers, as we will discuss later, it seems necessary to question the normative assumption that integration is always a priority from an individual perspective. During the conversations with our interlocutors, we identified

what we call the *regenerative condition*, a period in which individuals were provided with nothing more than basic means of living but experienced this as a situation of stability compared with the chaos that they had experienced previously. Those were typically stories of the first weeks and months in Austria when people were relieved from the immediate physical and psychological strain of their flight and sought to reconstitute themselves in a reception facility.

Asked about his most urgent needs during the first weeks in Austria, Adnan, a young asylum seeker from Afghanistan, argues:

I can say one thing—being able to sleep at night without stress is a big deal. Safety—just sleeping without stress [knowing] nobody can do anything to you, for example, swear at you or fight you, or something. That’s difficult in our country [Afghanistan]; whenever you leave the house, you don’t know whether you will be able to return home because every second a bomb explodes or someone does something bad. Security is a big deal.

Like several other interlocutors, he describes a period in his life in which social participation did not matter as he began to process his own survival and started to reflect on how to reunite with friends and family abroad. Others held more positive accounts of this period. Mohammed and Hassan, two Syrian men in their thirties whom we met independently, describe their relatively short time as asylum seekers as some kind of social degradation and a throwback into childhood. Mohammed argues:

How am I supposed to describe that [time in a reception accommodation]? So, it was literally my second childhood. Look, as a child, you don’t have any big problems. I don’t know what you’re thinking about [as a child]; you just have to eat and get enough sleep and play. And that’s what we did [in the reception centre]—not intentionally, but unintentionally. We didn’t have any worries; we were fully aware we couldn’t do anything before we got the asylum [status], so we lived carefree for four months.

Mohammed and Hassan both described their condition during early reception as a life free from obligation and an opportunity to recover, both physically from a strenuous journey and mentally from war and violence. In this regard, structural exclusion implied a life of dependence on a minimum of social aid, which conversely created an opportunity for self-care rather than integration efforts. This example does not aim to justify structural exclusion or sufficiency policies. Instead, it seeks to point out the importance of mental and physical care services in an early phase of asylum. At the same time, conceptions of a throwback into childhood carry a highly problematic undertone in the face of protracted periods in legal limbo.

*The expressive condition: The display of deservingness*

As mentioned, asylum seekers would often spend more than just a few weeks or months waiting for a decision; they would wait for years in many cases. Evidently, this raises questions over whether and how individuals can establish a meaningful social and personal life. Two important factors for starting any form of meaningful social life are work and language acquisition, both of which are politically considered undesirable concerning persons without a stable status.

In Austria, asylum seekers are de facto excluded from labour market participation. Although European Union law stipulates that asylum seekers must receive effective access to the labour market within nine months after filing an application, Austria has remained restrictive in this regard. Following the ‘Bartenstein Decree’ of 2004, work permits could only be obtained for seasonal employment and a duration of six months. Between 2012 and 2018, young asylum seekers under the age of 26 were allowed to obtain apprenticeship permits, but this provision was annulled by the ÖVP–FPÖ government in 2018. Only in May 2020 did the High Administrative Court (VwGH) rule that there must be effective access to the labour market for those asylum seekers who have not received the first-instance decision on their asylum application.

Speaking to several individuals who still were asylum seekers at the time of the interview—often young men from Afghanistan who had spent more than one or two years in reception—we were confronted with stories testifying to a condition of high-level motivation in which an early eagerness to become part of society coincided with instrumental considerations. In several instances, the motivation to learn German, volunteer, or find employment was driven by the hope that integrative efforts would *prove deservingness* and make a difference with the Immigration Office or the court deciding on their asylum case. Thus, integration efforts are not only an end in themselves but can be used expressively to demonstrate deservingness of status. Farid, one of these men, explained how he tried to integrate in Austria early upon arrival:

I thought to myself: ok, if I want to integrate quickly, I should have some contact with both old and young people. They are completely different. Then, I thought maybe it would be better first to have contact with old people who understand and talk rather little, and then when my German is better, I can do other things. I sent an email to the old people’s home, and they invited us [to volunteer there].

Yet, as he later goes on, none of these things mattered at the Immigration Office:

In the first interview [at the Immigration Office, the BFA], I had 15 letters of recommendation from other people, saying: ‘Yes, we know this person. He is a good person, and we hope that he can stay here’. But with the BFA, it didn’t matter at all. Integration, ok; voluntary work; I already learned the language and had gotten to know so many people in Austria. Or school and so on [...]. But if all these things are not integration, what does integration mean?

Evidently, by the time we spoke with him, he was highly disillusioned and generally doubtful of the benefits of integration. Indeed, the degree of integration might only matter legally in the context of a deportation procedure, often at the end of an asylum procedure that has continued for years. For first-instance decisions, authorities exclusively investigate after instances of persecution or war conditions in the region of origin. Likewise, federal-level integration policies, as mentioned, instead seek to discourage integration efforts of asylum seekers.

In terms of the policy environment, it seems important to highlight two aspects. Firstly, public integration discourse circulates around more general notions of immigrants and refugees rather than legal categories. Despite the federal government’s reluctance to address asylum seekers’ integration, this target group is informed through more generalized accounts of an immigrant integration nexus conveyed in media, by civil society, or through refugee support organizations. Secondly, in Austria, we find provincial and municipal integration regimes that often provide opportunity structures through locally funded German courses, workshops, or NGO-based aid networks that help asylum seekers learn the language, adapt skills, or find minor jobs. These local political and civil organizations were particularly present during the first years following the so-called refugee crisis.

### *The resignation condition: Local opportunities exhausted*

Having engaged in several locally available language classes, made contacts with civil society during the heyday of the welcoming culture, and tried minor legal jobs since their arrival in Austria, many asylum seekers had grown frustrated by the time of our interview. Farid too, it seems, has entered such a phase of resignation, which is characterized by involuntary withdrawal:

What’s good? We have a place where we can sleep and a kitchen and food. But the bad thing is we have nothing to do. That’s the worst thing. If you are busy with something, you can talk to someone or [distract yourself to] not think about things anymore. If you have nothing to do, you don’t know what

to do; you always have to think. If I have to think, then I get stressed, and when I get stressed, I get anxious, and if I get anxious, that makes it bad.

As became evident, local integration regimes and civil society support initiatives may contribute to a tenuous normality in the lives of asylum seekers. Yet, at some point, local opportunities for advancing in life are exhausted. Even those interview partners who had enhanced their individual resources in terms of language skills, job experience, and a social network could not transform their potential into satisfactory living conditions due to the lack of a stable legal status. Consequently, they grew frustrated and reported spending their time with distractive activities.

### *Beneficiaries of protection: Skill adjustment, social networks, and marginalization*

Upon receiving a protection title in Austria—that is, asylum or subsidiary protection—the situation changes considerably for asylum seekers. Once asylum seekers are granted formal refugee status, they have full access to the labour market and enjoy equal rights with Austrian citizens in this regard. From that point on, the Public Employment Service (AMS) supports them in their job search and skill development. In response to the so-called refugee crisis of 2015, the federal government created a support programme, investing in the clearing of existing competencies and new qualification measures. However, the programme was discontinued in 2019. Among those who received asylum in 2015 and were registered job seekers, around 44 per cent were formally employed as of June 2019 (Szigetvari 2019).

Indeed, the most pressing issue for our interview partners was finding appropriate employment once they were granted status. Upon gaining protection status, recognized refugees enter the general social-aid scheme and move out of reception facilities within four months. Yet, many of our interlocutors were not satisfied with their housing situation, and improving material living conditions appeared to be the primary motivation for finding employment. At the same time, however, there was often the ambition to find not just any job but also one appropriate to their skills and attributes.

### *Re-adjustment condition: Making capabilities count*

Several interlocutors reported having been employed as warehouse workers or as service employees in fast-food chains while at the same time trying to improve their skills or to have their education certificates officially recognized.

A female beneficiary of asylum, who arrived in Austria via family reunification, benefitted from the so-called competence check of the Public Employ-

ment Service. One year after her arrival in Austria, she continued pursuing German courses while at the same time adapting her existing skills in physiotherapy during trial days at a spa:

There is the competence check at the AMS. It takes one month [...], and everybody asks: 'What is your plan here in Austria; what are you doing? What did you do before, and what do you do now if you want to work in Austria?' Then I said, 'I would like to work in my field here too', and I searched a lot. Then one day, I landed this job. And that was a good chance because here in Austria, I think this physiotherapy work [...] is very difficult for asylum [beneficiaries to get]. And I've been here for a year, and that's why I'm not finished with the language yet. But this was a very, very good chance for me to do this trial day.

On the other hand, her husband had worked at McDonald's while waiting for the official recognition of his certificates. Now he was finally able to continue his academic career in law, which he had started in Damascus. Looking back at his first two years in Austria, however, Ahmed points out how he lacked systemic knowledge of how higher education institutions work:

So it's all about the right questions. If you ask the right question, you get an appropriate answer, but if you don't know what to ask [...] then it's difficult. And mostly, when I came here two years ago, I didn't know the right questions. So I always asked the wrong questions, and I always had the wrong answers.

Disorientation in terms of a lack of systemic knowledge regarding the domestic labour market, the health system, or housing has been a recurring topic in our interviews. Evidently, integration courses have produced limited success in providing this type of knowledge. What we refer to as the re-adjustment condition typically reflects a period in which individuals need to address the gap between their newly won rights and freedoms on the one hand and attempts to translate existing skills formally and practically into a new context on the other hand. From an integration perspective, the danger exists of permanently falling into the precarious low-wage employment sector without exploiting the full skill potential, a process that requires time. Yet, some policy-makers are reluctant to grant time in the welfare system, as discussed further below.

### *The condition of subjective belonging: Establishing social ties and gaining orientation*

For some of our interview partners, a vital facilitation mechanism for bridging these obstacles was social relationships with refugee-supporting members of civil society and NGO workers. These ties could be professional, friendship-based, or even of a romantic kind. Abbas, a 34-year-old benefi-



ciary of asylum who had found a girlfriend in Upper Austria, discusses how he accepted any type of job from early on but also benefitted from the support of friends:

Now I have work. I do window installation, and, thank God, everything has worked out. I was looking for a full-time job for a long time. I used to work 10 or 20 hours a day. But always kept looking. I always walked, I asked, I asked Austrians, I took friends [to job requests] and asked if they could help, and then everything worked out; thank God, I have a job.

A condition of structural inclusion and a subjective sense of belonging were derived mainly from an adequate housing and employment situation. In those instances, it was primarily social ties established by protection beneficiaries during their time as asylum seekers that could help bridge the gap described earlier. In some instances, those ties were a source for orientation in a new society and a form of social capital that enabled access to better job opportunities.

While obligatory civic integration courses for protection beneficiaries are supposed to provide precisely this type of orientation, our interlocutors widely viewed them as something entirely different. Even though some interview partners reported having gotten practical information from these courses, the main aim was to improve language skills. However, there was a widespread notion that the quality of some courses was not adequate and that obligatory tests were just another administrative hurdle. Accordingly, a man from Syria who has been a teacher himself describes the situation as follows:

I am a teacher [by profession]. People are coming off the street [into the course]; they can't speak English, and they can't speak German. And, I have to sit next to such a person in the class, and he can't do anything, nothing at all, zero; and I am B1-level [in German]. Everything must be explained to him; I don't need that. There are many things I can already do, so it is stupid for me [to take the course]. For me, it takes three months; for this man, it takes six months just to learn the alphabet. That is why this test for language skills is a lie. That is not right; anyone can do this test; nobody controls it well, and it should be controlled well. [...] And also with the ages; I am 33 years old, and in the class, there is a person of maybe 55 years and another of 13 years. I can understand better than an old man, and a young man can understand better than me, I think. I think the age difference should not be more than 5 or 6 years. That is the problem with the German-language course.

### *The marginalized condition: Struggling upon receiving a status*

Those who had a weaker social network and had greater trouble adapting their skills remained within a condition of marginalization. Marginalization implies living in an enduring state of social disadvantage, not in terms of legal status but due to socio-economic and socio-cultural difficulties. Even

as the situation of legal limbo comes to an end, precarious socio-economic conditions and discrimination often make it difficult to establish solid expectations about the future and fully enjoy a wide range of rights upon receiving protection status.

Considering the policy environment for these individuals, we find, on the one hand, a relatively generous social welfare state. On the other, we find that skill support programmes (such as the competence checks at the Public Employment Service) have either been cut or lack quality, as is the case with some civic integration courses. Rather than focusing on enhancing individual resources, Austria has chosen a policy logic of conditionalization in recent years. First, it introduced a general restriction of the entitlement to asylum to three years, requiring a second review of the decision if there are possible grounds for withdrawal. In 2016 and following an increasing politicization of immigrant welfare, the province of Upper Austria, to give an example, cut social-aid benefits for asylum seekers with a limited stay from €921 to €560, of which €155 was tied to integration obligations. In 2018, however, the European Court of Justice overturned this provision, arguing that it violated the EU Qualification Directive, which, among other things, defines the rights of persons entitled to international protection.

Added to that is the issue of discrimination. As did several other interlocutors, Said, a Syrian refugee in his late twenties, reported discrimination in the context of housing:

I was on the phone [to a landlord], and it was really very bad [...]. We didn't say on the phone that we were from Syria, and then we made an appointment [to view the flat]. And he saw that we were two Syrians, two dark men. The friend had a very Arab face, and he [the landlord] sent us away. So we were not even allowed to view the apartment.

Discrimination is also particularly pronounced concerning Muslims. Mina, a young woman from Afghanistan who came to Austria in 2012 with her parents and who is still living with them, pursued the strategy of going to school and, at the same time, looking for an apprenticeship. By the time we spoke with her, she was working for a railway enterprise as a promoter. She found the job via the Public Employment Service (AMS), although she was rather dissatisfied. Mina argued:

I've been looking for an apprenticeship for two years, but I can't find one. I think it's because of my headscarf because I really always send applications, but I always get rejections. *Always!* For apprenticeships, I always get a refusal, but I think it's because of my headscarf.

Like many other interlocutors, she was highly aware of the harmful politicization of Islam through federal-level politics and felt that this atmosphere indeed transcended into everyday interactions.

## Discussion and conclusions

In this final section, we seek to explore what the ideal-typical social conditions described above reveal about the Austrian integration regime and its effects. First, it appears crucial to consider the sharp division of structural exclusion/inclusion between asylum seekers and beneficiaries of protection, which is characteristic of Austria's asylum system.

Asylum seekers belong to the most excluded groups in society. These individuals typically enter a national territory without an *a priori* status, and state administrations need to determine whether residence status can legitimately be granted on humanitarian grounds. This process usually takes years in Austria. Unlike Germany, for example, Austria does not permit a so-called 'track change'—namely, asylum seekers acquiring permanent residence through long-term employment (Josipovic and Reeger 2020). Quite to the contrary and counter to the EU Reception Directive, it prevents individuals from taking up almost any form of employment—including, after 2018, apprenticeships. One can thus neither find integration policy elements based on the logic of conditionalization, as in the case of Germany, nor efforts to increase the individual resources of asylum seekers. For the federal government, language acquisition and participation in integration courses are widely viewed as undesirable.

Nonetheless, the expressive condition has illustrated that civil support structures and local integration regimes may provide opportunities for asylum seekers to enhance their job and language skills. More than just being an end in itself, we have found that related activities may bear a performative element, signifying social deservingness. As a result, and notwithstanding a possible desirability bias, we have recorded the most pronounced accounts of high-level motivation to integrate among asylum seekers. Evidently, the assertion of integration is tied to a serious struggle for legal recognition. While this disciplinary constellation might have beneficial integrative effects for a few months, its vast administrative-legal disregard—combined with years of waiting—easily leads to the complete opposite effect: withdrawal. Clearly, for individuals who eventually end up receiving a status or remain non-deportable, this resignation condition is likely to have negative consequences, even if their residence is secured. It is, therefore, reasonable to argue that the policy process has not only seen valuable time for integration lost but that *disintegration* has, in fact, occurred. This means that policies have been introduced that have harmed or discouraged settlement processes and undermined equal social and economic participation (Collyer et al. 2020).

Being granted the status of asylum or subsidiary protection has far-reaching implications for asylum seekers. It legally legitimizes individuals' presence in the country and grants access to the labour market, comprehensive social-

aid schemes, and federal integration programmes. On the one hand, the status itself provides a wide range of rights. It thus constitutes a relatively inclusive policy environment, compared to, for example, EU citizens entering Austria, who are not included in federal integration programmes and who do not have immediate access to social aid.

On the other hand, formal rights such as the right to work are only meaningful because individuals have the social and cultural resources to exercise them effectively. While socio-economic precarity drives many beneficiaries of protection to take up any job they can find, several examples in our interview series illustrated that minimum social-aid services in combination with obligatory integration courses may provide a welcome opportunity structure to adapt relevant skills and resume former education or career paths. From a structural perspective, this condition might be considered desirable because even if transition periods require financial investments, it provides opportunities to fill shortage sectors in the long run, preventing an expansion of the low-wage sector and social dumping.

Yet, what we can observe in Austria is a gradual attempt at hollowing out the rights attached to the statuses of beneficiaries of protection rather than enabling individuals to enjoy them. Here, we find an increasingly dominant logic of conditionalization. Most notably, this became evident by creating the quasi-status of ‘temporary asylum’ and, based upon this, the legitimization of reduced social benefits. While this provision was judicially overthrown, policy-makers continued to conditionalize social benefits on the fulfilment of integration course obligations. These measures suggest a lack of motivation among immigrants; however, our interview series demonstrates that existing motivation often originates from socio-economic ambitions and a struggle for a sense of self-esteem, both of which rely on genuine support structures that enable progress.

Overall, this would imply the need for an earlier and more substantial provision of language courses, a return to labour market skill-adoption programmes, and a less exclusionary public discourse. As we have shown, Austria’s federal policymakers have certainly advanced the logics of conditionalization in the integration policy regime in recent years. It remains to be seen how this will translate into long-term social and structural consequences.

## References

- Alba, R., and V. Nee. 1997. ‘Rethinking Assimilation Theory for a New Era of Immigration’, *International Migration Review* 31(4), 826–874.
- Atac, I., and S. Rosenberger. 2013. *Inklusion/Exklusion: Ein relationales Konzept der Migrationsforschung*. Göttingen: VandR Press.
- Bauböck, R., and B. Perchinig. 2006. ‘Migrations- und Integrationspolitik’, in H. Dachs (ed.), *Politik in Österreich: Das Handbuch*. Vienna: Manz, pp. 726–742.

- Borevi, K., K. Kriegbaum-Jensen, and P. Mouritsen. 2017. 'The Civic Turn of Immigrant Integration Policies in the Scandinavian Welfare States', *Comparative Migration Studies*, 5(9): 2–14, <https://doi.org/10.1186/s40878-017-0052-4>.
- Collyer, M., S. Hinger, and R. Schweitzer. 2020. 'Politics of (Dis)Integration: An Introduction', in S. Hinger, and R. Schweitzer (eds), *Politics of (Dis)Integration*. Springer, pp. 1–18.
- Dubois, V. 2015. 'Critical Policy Ethnography', in F. Fischer, D. Torgerson, A. Durnová, and M. Orsini (eds), *Handbook of Critical Policy Studies*. Cheltenham: Elgar, pp. 462–480.
- Froschauer, U., and M. Lueger. 2009. *Interpretative Sozialforschung: Der Prozess*. Facultas WUV.
- Gruber, O., A. Mattes, and J. Stadlmair. 2016. 'Die meritokratische Neugestaltung der österreichischen Integrationspolitik zwischen Rhetorik und Policy' *Austrian Journal of Political Science* 45(1): 65–79.
- Joppke, C. 2007. 'Beyond National Models: Civic Integration Policies for Immigrants in Western Europe', *West European Politics* 30(1): 1–22.
- Josipovic, I., and U. Reeger. 2018. 'Austria – Country Report: Legal and Policy Framework of Migration Governance', *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/02, May 2018*. Available at <http://uu.diva-portal.org/smash/get/diva2:1248261/FULLTEXT01.pdf>.
- Josipovic, I., and U. Reeger. 2020. 'Integration Policies, Practices and Experiences: Austria Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/55, June 2020*. Available at <http://www.diva-portal.org/smash/get/diva2:1442707/FULLTEXT01.pdf>.
- Kohlbacher, J., and U. Reeger. 2020. 'Globalization, Immigration and Ethnic Diversity: The Exceptional Case of Vienna', in S. Musterd (ed.), *Handbook of Urban Segregation*. London: Edward Elgar, pp. 101–117.
- Kymlicka, W. 1995. *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.
- Lutz, P. 2017. 'Two Logics of Policy Intervention in Immigrant Integration: An Institutional Framework Based on Capabilities and Aspirations', *Comparative Migration Studies* 5(19): 2–18, <https://doi.org/10.1186/s40878-017-0064-0>.
- Morris, L. 2003. 'Managing Contradiction: Civic Stratification and Migrants' Rights' *International Migration Review* 37(1): 74–100.
- Permoser, J. M. 2012. 'Civic Integration as Symbolic Politics: Insights from Austria' *European Journal of Migration and Law* 14(2): 173–198.
- Steiner, I., and A. Koller. 2015. 'Wir schaffen das! Schaffen wir das?' *Kurier*. Retrieved 21 March 2021 from <https://kurier.at/politik/inland/fluechtlingskrise-und-integration-wir-schaffen-das-schaffen-wir-das/152.342.241>.
- Szigetvari, A. 2019. 'Flüchtlinge erhalten in Österreich oft nur Niedrigstlöhne'. *Der Standard*. Retrieved 21 March 2021 from <https://www.derstandard.at/story/2000106826907/fluechtlinge-erhalten-in-oesterreich-oft-nur-niedrigstloehne>.



## PART IV

# Agency, Belonging and Vulnerabilities





# 16 Constraints and Agency: The Refugee Experience in the Contexts of the Journey, Civic Participation, and Health

*Önver A. Çetrez, Vasileios Petrogiannis,  
and Justyna Szalańska*

---

## Introduction

The issue of agency—the human activity of attempting to shape both the individual’s and society’s destiny—has remained fundamental in the fields of social science and the humanities. Migration studies is no exception. Scholars in the field attempt to understand how migrant agency affects different steps of the migration process from the decision to migrate, the journey to the country of destination, the process of self-construction that unfolds during the integration phase (García-Ramírez et al. 2011), the complex strategies of resistance (Herwig 2017), the ways migrants negotiate change, especially concerning power dynamics and gender roles (Xhaho, Çaro and Bailey 2020), and finally the role of agency in the attempt and effort to integrate and re-integrate in the societies after return migration (King 2017).

Concerning the mass post-2015 forced migration to European countries, agency has been neglected in the public discourse, which has focused mainly on asylum seekers and refugees<sup>1</sup> supposed passive subjectivity as applicants for protection or recipients of assistance. The idea that they might be agents in their own lives comes into view, if it all, only in terms of migrants’ perceived threat to national values or public security. The rhetoric and language related to migration and integration policies have often reinforced social constructs of borders and national identities, thus negatively influencing the general perception of migrants (Gadd and Grabowska-Moroz 2021). Paradoxically, while leaving minimal space for refugees to perform agency, Eu-

---

<sup>1</sup> In this chapter we primarily use the term ‘forced migrants’ to refer to our studied population of migrants and refugees. While the term ‘refugee’ is a legal status, ‘migrant’ has a wider connotation. Our population has mainly been forced to migrate, including refugees and those who at a later stage have received citizenship or other legal status in their respective country of settlement.

European states have expected they adapt effectively and rapidly—and with minimal friction—into the host society. Labels such as ‘European migrant crisis’ and ‘European refugee crisis’ have directed the public sentiment in host societies and fed into the notion that refugees are victims (Lee and Nerghees 2018). The notion of migrants as either victims or villains has both obscured migrant agency and reinforced the power of the state in migration governance, thus impacting micro-level encounters as well as macro-level conditions (Mainwaring 2016).

### *Aims and research questions*

Our aim is to examine the methods and strategies that forced migrants and refugees deploy to cope with the difficulties and perils during the journey and border crossing as they seek to realize their primary objective of reaching a safe space. We further discuss how migrant agency has affected EU migration policy during the last ten years. Additionally, we examine agency and integration in the new society, specifically in civic participation and health. Thus, a guiding research question for this chapter is: What is the agentic role of refugees in the early and post-migration period regarding journey, social integration, and health?

### Previous research

The concepts of agency and structure have been used in migration studies mainly for so-called voluntary (economic migrants) as opposed to forced migrants (refugees) as in the latter case, the agency of the individual is extremely constrained by social conditions (Bakewell 2010). However, despite the structural obstacles, refugees use their agency to achieve their goal of exiting their homeland and reaching the destination country. To this end, many of them begin a fragmented (Collyer 2010) or protracted journey, which starts by fleeing to a neighbouring country which in some cases is also a transit country. Yet, due to structural constraints, many refugees remain stranded in transit countries and initiate an effort to integrate into this society. Nevertheless, the RESPOND report (Hess and Petrogiannis 2020) has shown that refugees were excluded from the asylum procedure and integration into the new society. For example, in Turkey (once a transit country but now a destination, especially after the EU–Turkey agreement), renting a room, finding a job, and getting medical treatment are more difficult to acquire and generally more expensive for the refugees than for Turkish nationals.

Another structure that shows refugee agency is the Balkan corridor. As a formalized humanitarian corridor, it was an exception to the often-extreme routes many migrants were forced to take, such as the deadly Central Medi-

terranean route, as shown in one of our earlier RESPOND reports (Hess and Petrogiannis 2020). Those refugees who had a valid passport or travel document and/or high personal income experienced a more ‘comfortable’, direct, and safe pathway and chose a variety of means of transportation (Hess and Petrogiannis 2020). As other scholars have asserted (McKenzie and Hillel 2007; Feliciano 2005; Grogger and Hanson 2011), the clear implication is that refugees include those who *have to flee* but also those who *have the means to flee*.

Some studies eschew discussion on the relations between agency and structure—including which aspect is more dominant—to focus on different *dimensions of agency* (Settersten and Gannon 2005; Hitlin and Elder 2006, 2007; Hitlin and Long 2009; Etapelto et al. 2013). Others, in particular those concerning refugees, link the structural and individual agency factors and try to give the best explanation of refugees’ prospects of influencing their situation in host countries (Richmond 1993; Healey 2006; Naido 2009; Akua-Sakyiwah 2020).

Various studies have shown that the patterns of civic participation performed in the countries of origin are repeated in the host countries if only the conditions enable it (Cyrus et al. 2006; Çetrez et al. 2020; Ziebarth 2020). For example, in Sweden, refugees who were politically active at home look for similar opportunities in the new country (Çetrez et al. 2020).

Earlier RESPOND studies have demonstrated several structural obstacles to migrant agency, among them being exposed to adversity, violence, precarious health conditions in camps and hotspots, insecurity due to socio-political crises, exposure to institutional abuse, and fear and insecurity for the future (Çetrez et al. 2021a), as well as recurrent threats, fear of physical harm, experiences of uncaring societal systems that do not feel safe or trustworthy, or instances of racism (Çetrez et al. 2020). In addition, the same reports have shown a disruption in family units, change of personal roles within the family, negative labelling in society, cultural and worldview incompatibility with the host society, or change in self-perception and decreased self-worth, as well as distress and discomfort with the loss of employment status and loss of communication ability (Çetrez et al. 2021a; Çetrez et al. 2020). Furthermore, the RESPOND studies also identified integration challenges and stress, marginalization and alienation in society (Çetrez et al. 2021b; Çetrez et al. 2020).

The RESPOND thematic report on psychosocial health (Çetrez et al. 2021a) also shows structural hindrances on the macro level, such as discrepancy of legislation among migrants for access to healthcare, lack of healthcare policies in some countries, structural strains on healthcare institutions, or structural deficiencies in the provision of healthcare services. This demonstrates a lack of control or lack of influence among newcomers over resources that

determine their health (macro level), or discrimination (meso level), or loss of individual and network connections (micro level).<sup>2</sup>

## Theoretical framework

Agency and structure are particularly relevant to migration studies, as the micro-level aspects—the decisions of the individual, from the decision to migrate to integration efforts in the new country of residence—collate with the macro-level factors (Black et al. 2011). The latter can refer to economic, political, environmental, demographic, and social structures that affect the individual's agency. This chapter builds its theoretical framework on Giddens and its theoretical approach to agency. We find Giddens' (1984) reasoning on the dialectical relationship between agency and social structure to be an important and useful tool for our analysis. Giddens defined agency as the power each individual has to make decisions and exercise action by constantly reflecting on the surrounding environment. On the other hand, structure—which is a product of social activity itself—is a system of rules which defines the scope of human agency. In other words, structure is the framework inside which human action is performed. The dialectics between structure and agency—or as Giddens has it, the 'duality of the structure'—imply that even though structure might order the rules of the game of human activity, this system of rules is, in the dimension of time and space, altered by human agency.

Moving beyond the classic notion of duality, Giddens (1984) referred to this aspect as 'structuration'. Sewel (1992: 4) gave an account of Giddens idea of structuration as follows:

Structures shape people's practices, but it is also people's practices that constitute (and reproduce) structures. In this view of things, human agency and structure, far from being opposed, in fact, presuppose each other.

The mutual impact of agency towards the structure and vice versa is illustrated in a definition of 'agency' by Mustafa Emirbayer and Ann Mische (1998: 970), who defined it as:

[T]he temporally constructed engagement by actors of different structural environments—the temporal relational contexts of action—which, through the interplay of habit, imagination, and judgment, both reproduces and transforms those structures in interactive response to the problems posed by changing historical situations.

---

<sup>2</sup> A summary of the social and psychological determinants experienced among the individuals in each RESPOND country is available in a comparative report on psychosocial health (see for example, table 1 and table 6 in Çetrez et al. 2021a).

Thus, the activity of the individual is not only framed by the structural environment but, based on the constantly changing historical context, this activity affects the environment as such.

Furthermore, Emirbayer and Mische (1998: 971) dismantle the concept of agency into three different constitutive elements. The first element is *iteration*, which refers to the reactivation and reapplication of past patterns of thoughts and actions in new contexts. Actors draw on the pool of knowledge gathered, as individual and collective memory, to adjust their activity in different contexts. The *projective* element is the second dimension of agency. Here, the individual imagines possible future trajectories of action—drawing on older experiences and thought patterns—in attempting to accomplish his or her goals. The *practical–evaluative* element is the last compartment of agency. It entails the capacity the individual has to choose among various alternatives of action, reflecting each time the structural framework, which may induce dilemmas or ambiguities. Together, these three elements constitute what Emirbayer and Mische (1998: 971) name the ‘chordal triad’ of agency.

For our interest, the dynamic relationship of how the individual reacts to various structures (migration policies, societal reality) affects the migration and integration experience. One such area is civic participation, which, broadly defined, refers to any activity undertaken by an individual or a group that addresses issues of public concern (Anheier and Toepler 2010). A basic division has been drawn between *political activity* (Parry et al. 1992) and more private forms, like participation in *associations and social life* (Putnam 1993, 2000). Although there is no distinct boundary between these forms, political activity is often reserved for citizens and treated as their privilege. In its broad meaning, civic participation can be readily linked with existential agency, understood as the fundamental capacity of all humans to be self-reflective, initiate their own actions, and consequently influence their own lives (Hitlin and Elder 2006, 2007). In this sense, forced migrants’ civic participation in host countries comprises all the mentioned steps: self-reflection on their situation, taking independent action through involvement in associations or showing interest in public life, and, eventually, influencing their own lives through political or social activity. However, regarding Giddens’ theory of structuration, the mentioned actions can be enabled or constrained by social and political structures, whereas the latter are predominantly shaped by the ruling political powers. A visible expression of the power of structures and their capability to affect agency is the legal framework related to the political rights of foreigners and the lack of equality in comparison with citizens.

Despite the hardships experienced by forced migrants and refugees in confronting the social structure, many are able to leave these problems behind and show a high degree of agency and positive health (c.f. Simich and An-

dermann 2014). How is that possible, and where do they find the strength? The complex and sometimes contradictory—not to mention confusing—environment and our perception of it is the focus of the analysis of psychological agency. To understand agency and health, we employ an analytical approach that sees *agency as intentionality* (Kirmayer et al. 2019). Against a structural level, the individual tries to form a life story that includes both intentionality and agency in an ongoing social interaction (Kirmayer et al. 2020). Agency, Kirmayer and Gómez-Carillo (2019: 4) argue, involves several steps, including a ‘sense of ownership, causality, control and responsibility for actions which are related to our goals, plans and intentions’. In the first step, agency arises from the interaction between action and perception, providing a basic sense of *ownership*. *Causality* involves a long chain of events linking one’s own actions, those of others and the surrounding context. *Control and responsibility*, finally, consist in seeking to influence and shape one’s own life.

### *Method*

We identified the salient topics in the RESPOND data from the interviews according to three themes covering the large part of the project material:<sup>3</sup> *agency during the journey*, including border-crossing, *agency and civic participation*, and *agency and health*. We used a thematically targeted descriptive coding approach (Hsieh and Shannon 2005; Braun and Clarke 2006). The preparatory step was to identify themes in the project data, deduced from the theoretical description of agency. Then the collected material was labelled with descriptive titles to identify the various themes within the data, focusing on the journey, civic participation, and health. The results are presented in broad conceptual themes that discuss the agency of respondents in the identified categories as follows:

1. **Agency and the journey:** overcoming or dealing with trafficking, structural and interpersonal violence, natural threats, border surveillance.
2. **Agency and civic participation:** involvement in political activity, engagement in civil society activities, interest in the political life of the host country.
3. **Agency and health:** the experiences of agency as ownership, causality, and control and responsibility.

---

<sup>3</sup> The original source is referred to in the following way. If information is available, we include the country code, gender, country of origin, interview number, and a reference to the report authors. In some cases also age group and status of residency are included.

## Analysing three contexts of agency

### *Agency and the journey*

The empirical material in RESPOND country reports shows that the migrants encountered various institutional, official and semi-official structures or experienced an activity coming from these structures, which undermined their agency. Nevertheless, refugees do exhibit agency from the day they initiate their flight until they arrive in the destination country and get established in the new country. Although there are a series of structural constraints imposed on them (for example, the visa regime, the Dublin Convention) and others that facilitate and legitimize their movement (for example, the Geneva Convention), refugees exercise agency in the journey to achieve a positive outcome. Thus, even the terms ‘destination’ or ‘receiving country’ are a manifestation of refugee agency in applying for asylum and starting a new life in a place they believe provides the preconditions for a brighter future.

In order to successfully reach the EU border (as a first step) and the destination country (the final step), migrants have to deal with difficulties deriving from social structures related to systems of rule, such as EU migration policy or the EU–Turkey agreement, which seek (to some degree) to hinder migrants reaching EU soil. Furthermore, the interviewees experienced various forms of violence emanating from state institutions (the police or the army) or other unofficial non-state actors taking advantage of the undocumented migration (paramilitary groups, systems of organized smugglers, or even human traffickers). Yet, despite these obstacles—which tested their physical and mental health—many migrants exercised a remarkable level of human agency to cope with the difficulties that emerged during the journey and try to accomplish their goals:

The smuggler was a son of a bitch. We agreed to be 39–40 in the boat, and he gathered 69 (persons)! [...] And five powerful women. They told him that we agreed on 39, not 69. The smuggler had a gun, and he said, ‘I have a gun, so all [69] will get on board’. They refused, and they kicked his ass. Finally, they got the gun from him. (SWE–Male–Syria–15)

The agency of the migrants was constantly affected by the ongoing changes in structural conditions during the period of the so-called refugee crisis, with this also affecting the border regime. The refugees had to adapt their journey and goals to the new circumstances and new rule systems—namely, the emergence and then sealing off of the Balkan corridor, the strict implementation of the Dublin Regulation, the EU–Turkey agreement, or the registering of fingerprints in the EURODAC database. A male migrant from Syria who travelled to Europe in 2013 before the Balkan corridor was initiated narrated the numerous efforts he undertook to achieve his goal of reaching the UK:

I tried to fly a couple of times from different airports [...], but I was unsuccessful. [...] Several conditions play a role, but the most important condition is that you have to be lucky. [...] I got arrested for an unknown time; I don't know how many days. The reason was that I had illegal papers. [...] They kept me 20 days, and then I went to Athens to try again. [...] I then travelled to Italy [...]. We jumped into a lorry, and the lorry went on the boat [...]. And there too, I started looking for dealers. [...] I took the train. Flying to the UK was one of the hardest things in the world, especially in these conditions. (UK–Male–Syria–2)

The migrants were informed and aware of the Dublin Regulation before or during their journey that the country of entry is the one in which the migrant can apply for asylum. This was controlled via fingerprint registration in the EURODAC database. So, in such cases, the migrants had a choice. They refused to give their fingerprints in a country other than the one they were aiming to reach. For example, a migrant from Syria recounted how he and his fellow travellers avoided registering their fingertips in Hungary since their destination country was Sweden.

So I gave them a fake name and fake information, and they gave me a paper. I still might have that paper—I don't know—that says that I crossed through this [place] and left. (SWE–Male–Syria–44)

In their efforts to overcome many difficulties and eventually reach the destination country, the interlocutors drew information from the collective knowledge of previous migrants. Diaspora networks or transnational ethnic or religious affiliations are social structures through which the migrants could acquire the appropriate assistance and information to activate their agency effectively and cope with and overcome travel difficulties:

We were asking the people about everything. Everyone we knew. We had a lot of relatives and neighbours who left before us. Also, friends who were with us at school. Everyone who wrote [on social media] that they had arrived in Germany or to another European country. (GER\_141)

This kind of group affiliation also plays a pivotal role when refugees adjourn for a period—be it in a refugee camp or other types of organized and non-organized accommodation—or even later in the process of integration in the new societies of settlement.

Although migrants generally started their travel with a certain plan, the journey was not thoroughly organized. In many cases, interviewees had to immediately exit their country of residence, as there was insufficient planning time. The interviewees' stories show various reasons why these individuals either decided to stay in a transit country or keep going until they reached the desired destination country. Most of these reasons are related to structural conditions, such as the personal economic situation, health, and the



healthcare system. However, individual aspirations linked to migrant's desire to reach a space of safety and one that can provide the preconditions for well-being also come into play:

We didn't have any concrete information. We only heard from friends that they made the journey and reached there. This means we didn't have any information on the situation of the borders. We also had no concrete plan of where to go. We considered going to Austria, Germany, or Sweden. It did not matter which of these countries. We only wanted to run away. (AUT-Female-Afghanistan-16)

The migrants were applying the *projective element* of agency as they imagined a new life at a new place, either by projecting to the future destination country the positive experiences and structures found in the country of origin or by imagining their new space of residence lacking the constraining structures that hinder personal goals and aspirations. Some interviewees conveyed that their sole purpose was to find a place of safety where they could make a brighter future for themselves and their children. The latter is related to more refugee-friendly societal and state structural conditions, usually found in the destination countries, alongside the existence of a co-ethnic diasporic population.

The Dublin Regulation hindered asylum seekers from reaching the sought-after country in Europe because they were forced to apply for asylum in the country of first entry. This mirrors the general European migration policy, which discourages people from applying for asylum in an EU country in which they wish for their own reasons to reside in. Both structures hinder but also activate the agency of the migrants. Besides the more traditional trajectories to the EU, to avoid the structural limitation related to the journey and entry to the EU, a few people referred to the fact that they came to Europe via creative or unfamiliar ways. For example, one Syrian refugee migrant tried to cross from Turkey to Greece by sea 12 times but eventually gave up. He later entered Sweden via Malaysia and France in 2013 with a fake passport (SWE-Female-Syria-120). Another Syrian asylum seeker decided to travel first to Sudan and stayed there for some years before eventually getting to Turkey (TUR-Male-Syria-103).

These people accomplished their goals by activating the elements of *iteration* and *practice-evaluation* of agency. Thus, the multiple failed personal attempts to reach Europe, or the iteration of efforts coming from the collective activity of other migrants, were filtered through practice and evaluation of old patterns of activity and to end to new and more innovative ways to reach the goal of arriving in Europe or to a transit country as a first step:

I was staying at the home of a friend who lives in Istanbul. I had a period of time waiting to gather accurate information about the people who could help

me in the 56 crossings. It was five attempts. The information I received was fairly accurate. (SWE–Male–Syria–38)

Another theme relevant to the duality of agency and structure in migration is the dominant terminology found in the public discourse that casts ‘sending’, ‘receiving’, and ‘transit’ countries in clear-cut terms that allow for little nuance or change. The Dublin Regulation, the Balkan corridor, and the national discourses around migration that influence national and European migration policies—such as the EU–Turkey agreement—affect the agentic freedom of refugees in ways that can produce shifts in how they view destinations. For example, because of these structural obstacles, an individual might realize that the aim of reaching the initial destination country is difficult and so seek to settle and integrate into the transit country, making it in this way a receiving country:

I think that I didn’t know about Europe, [in terms of] which country is good. But when I reached here to Greece, then I realized that I could do something here. I can understand the Greek culture, and then I knew about these people, and I went to visit Kos. Then I said to myself, ‘These people have a long history’ [...]. That is the decision I made on my own. Now there is no need to go to London because I don’t have any cousins or relatives in Germany or London. Why should I go there? I feel safe here. I can do something here. (GR–Male–Afghanistan–39)

Our interviewees recounted a plethora of stories about trying to find ways of finding a solution to the dilemma of whether to stay or continue until reaching their ultimate goal. Yet, despite the agency practised by some individuals to render a transit as a destination country, the limitations framed by structural conditions made their effort meaningless, setting them again on the move. For example, the EU–Turkey agreement prevented many refugees from reaching Europe, making them willing to consider Turkey as a place to settle. With this in mind, refugees exhibit agency in making moves to integrate and establish permanent lives in Turkey, like finding work or setting up a business.

However, the agreement apparently created conditions of exploitation for the refugees residing there, became a ‘push’ factor in the decision to find ways to continue the journey to the initial destination. These difficulties derive from several structural constraints related to national conditions and the EU–Turkey agreement, which undermine the agency of migrants concerning integration and a sense of belonging. This Syrian interview narrated that he immediately tried to work in Istanbul, but he was considerably underpaid. Thus, he decided to continue his journey individually to Germany. His ultimate goal is to take advantage of an assisting system of rules, this of family reunification, to bring his parents and siblings to Germany:

I started to work immediately after arriving in Istanbul. We worked as tailors. It was exhausting. We were working for 12 hours per day for only 600 Turkish liras (€133). I decided to move to Germany because I could see that I would not have a future in Turkey. I did not finish 9th grade at school before leaving Syria. I decided to leave for Germany to get an education. I went alone with the plan to later arrange a family reunification for my parents and siblings. (GER-160)

As a structure, it consisted of an unofficial system of rules, which replaced the official Dublin Convention for a short period. The Balkan corridor is a product of the agency of the migrants who made the Dublin system, which regulates asylum applications in the EU, inactive. Additionally, the Balkan corridor acted as an assisting framework vis-à-vis the agency of our interlocutors, making the journey possible for migrants with fewer financial resources. Thus, this humanitarian corridor was a transient structure affecting other social structures that entailed limited resources, such as economic conditions. An Iranian interviewee stated the following:

You [wouldn't] believe how little money I spent to get from Greece to Austria. You [wouldn't] believe it. There were four or five countries in between, but I did it. (AUT-Male-Afghanistan-4)

Another Syrian refugee doing well economically stated that his access to more resources enabled a smooth and comfortable journey to Europe.

Some parts of the journey from the country of origin to the place of destination in Europe were hazardous and life-threatening for the migrants—foremost, the water crossings and mainly the Central Mediterranean route and the Turkey–Greece maritime borders. In these contexts, many interviewees showed incredible courage to overcome extremely difficult situations. The agency showed at these occasions was either based on in situ direct reactions to the threat or on preparations based on the accumulated knowledge and shared information either by migrants who did the same route earlier or by smugglers. Some of the interlocutors reported some incidents of their agency:

[Y]ou do things you would not do in normal life; you are suddenly braver. I decided that I do not care; I will go to the wall on it. We would either die or pass anyhow. (GER-171)

Solidarity among the migrants in times of extreme difficulty is another dimension of the agency they exhibited during their trip:

There was very little food, and we could not satisfy our hunger. But when you are in that state, you care for each other. That is the best part of the experience. (GER-30)

Furthermore, the migrants had to overcome the border infrastructure constructed against trespassing, including high barbed wire and electric fences and other types of engineered obstacles. They actively tried to destroy part of the infrastructure to proceed to the next step of their journey.

There were electric wires, and while we were cutting, I got an electric shock from the fence. [But it] was a minor sting, and I just let go of the wire. We kept cutting until we arrived in a forest in Hungary. (SWE–Male–Syria–44)

Refugee agency is also exercised in the means of transportation used to complete various parts of the journey. Structural factors like economic circumstances and ready access to cash—but also information and networks—defined the means of transportation refugees adopted along the way. The Balkan corridor was a structure created by the social and political conditions of that time and was supported and maintained by a series of actors facilitating the mobility agency of refugees. As such, it offered various transportation modes that hastened the time of the overall journey. This included more established modes of transport, such as trains and buses, which the refugees could access to cross the relatively open borders at that time. However, on more clandestine routes where migrants had to cross borders through unconventional means to avoid border-security control, they also used more unfamiliar methods, such as bicycles, camper vans, or even livestock (by persons crossing the Iranian–Turkish border).

The worldwide transportation rules for individuals manifested in the global travel visa regime, allowing for a more precise and regular mode of transport. Those lacking travel documents are forced to gather information for illegal border crossing and choose a transport method (regular or otherwise) to achieve the goal. Contacting smugglers to acquire (mostly forged) passports and visas was another method used to bypass border control and secure a safe journey. The *practical–evaluative element of agency* is reflected in the variety of means of transportation the interviewees used, choosing from a pool of alternatives adjusting each time their action and choices to the structural framework each border and each journey posed.

### *Agency and civic participation*

Analysis of the RESPOND qualitative database (Çetrez and Barthoma 2020), which is based on 534 interviews with asylum seekers and refugees, suggests that forced migrants generally do not engage in political activity either in their home or host countries. Only 5 per cent of the interviewees report involvement in political activity in the host or home countries, although the number varies between countries. Moreover, 12 per cent were engaged in political activity in Germany, the same percentage in Greece, and ten per cent in Sweden, while just five per cent were in Turkey and three per

cent in Iraq. There were no politically involved respondents in Austria, Hungary, Italy, Lebanon, Poland, and the United Kingdom.

Nevertheless, the data clarifies that refugees are willing to take action to influence their lives *if conditions are ripe*. Although the mentioned data does not reveal the breakdown of political activity between the host and home country, the fact that in Greece, Turkey, and Iraq refugees report some political involvement suggests that they are willing to take actions like involvement in associations or countering discrimination by informing the public about their cultures or religions even if the legal framework hinders their full political participation in the host society. A good example of the latter is the attitude of an Afghan refugee in Greece, who resists the dominant narratives of Islamophobia in Greece by talking to locals and asylum seekers:

As a Muslim person, I am representative of Islam [...]. This is why we have to explain to everyone that what you see on social media is not all that. What you see about ISIS, what you hear about them, they are not Islam. Even Islam is not accepting them. Because it's really typical now, if your name is Mohamed, they say you are a terrorist. I really want to change this point of view. The way the people think about Islam [...]. I always give, like, not lecture but a speech to my friends in the house about how Islam is, and they ask questions.<sup>4</sup>

Still, in Greece, Turkey, Iraq, and other countries which apply various restrictions on granting refugees full political subjectivity, civic participation of this group is often limited to their local grassroots activity. Looking at the disparity in political participation by refugees in Sweden and Germany compared to most other West European RESPOND countries, it is clear that—beyond the individual approach and willingness to be engaged—*structural conditions play a role*. National integration policy may play a significant role in encouraging refugees to participate in the political life of the host country. MIPEX,<sup>5</sup> a comparative index of migrant integration policy, offers a partial explanation for the aforementioned differences. In fact, out of all RESPOND countries, only Sweden allows refugees to vote and stand in local elections. Germany does not give refugees voting rights but allows them to join German political parties, which is not the case in other RESPOND countries.

Not surprisingly, policies addressing migrants and their political rights in general influence political participation. However, they seem not to affect the willingness to participate in the political life of the host country or interest in public issues. It turned out that there are no substantial differences

---

<sup>4</sup> Based on the interview GR–Male–Afghanistan–1 originally published in Leivaditi and colleagues (2020: 67).

<sup>5</sup> For more details, see the Migrant Integration Policy Index ([www.mipex.eu](http://www.mipex.eu)).

between the RESPOND countries in the latter, which proves that the agency of refugees in political participation is limited by the structure of unfavourable policies in this area. The qualitative data analysis (see quotes below) reveals signs and clear evidence of asylum seekers' and refugees' *willingness to participate in political and social life*, such as joining associations, engaging in voluntary activities, particularly those supporting other refugees, or following the news of the host country. All the mentioned activities are examples of civic participation, in which the agency of refugees is reflected.

Although it is considered suspicious when the political activity of refugees targets their home countries, such activity can also be proof of their agency. Especially when the case of Turkey is recalled, more than 3 million Syrian refugees live in a country neighbouring their homeland. Refugees in Turkey cannot involve in political activity. Still, they can run Syrian opposition associations, and the role of such organizations is far beyond political opposition to the Syrian dictator Bashar al-Assad, as admitted by one Syrian opposition leader:

We are hopeful. We are making a call to our nation not to lose hope. We are saying that hope is here. We can reconstruct our homeland, our cities. We are first doing cultural activities and publishing a magazine. We are trying to raise awareness to create a resilient society.<sup>6</sup>

Another illustration of civic participation and the agency of refugees is their involvement in civil society, either as members of associations or volunteers. This form of agency influences not only their lives but also those of other people in need, which is the principal aim of this activity:

The Aga Khan Development Foundation, which has nothing to do with my home country, is a global organization that helps refugees, and I participate with them to support the refugee's children to learn the English language.<sup>7</sup>

Respondents expressed their interest in the politics of the host country by following the news using various available channels: TV, the internet, Facebook, smartphone applications, and friends or family members. This interest stems not only from a desire to keep abreast of the situation in their new countries but also from the need to monitor political developments that affect (or may come to affect) their lives.

Of course, as long as I live in this country [Poland], I'm following up on our country's [Syria] economic and political news [including] what has im-

---

<sup>6</sup> Based on interview TR-Şanlıurfa-2018-SRIIMeso-16 (Rottmann 2020: 67).

<sup>7</sup> Based on interview SWE-Female-Syria-No.33-ge group 27-50-Permanent residence permit (Çetrez et al. 2020: 81).

proved. In addition, since I live in Poland, I am supposed to follow and understand the political news here. [I want to know] the political situation is stable and good and that the economic situation is good because if the economic situation is good in the country where I live, this will reflect on my life. It would impact me on services I am provided with and what I could make use of it. So these are things that are very important for us [the refugees].<sup>8</sup>

The visible agency of refugees in these cases of civic participation indicates two points. Firstly, refugees are willing to reflect on their lives and take actions aimed at changing their situation and also improving the lives of others. Secondly, the agency of refugees is limited by the legal framework of the host countries, particularly by the inequality in political rights compared to citizens, which is an important element of Giddens' notion of structure.

### *Agency and health*

As demonstrated in earlier RESPOND studies (Çetrez et al. 2020), the sense of a lack of control is evident due to structural conditions. It is expressed through uncertainty or inability to choose the country of settlement and a lack of 'ownership', expressed in terms of lacking knowledge about one's rights or the asylum procedure, being patronized, or being deprived of freedom. There is also a lack of causality, expressed in terms of not being convinced whether migration and seeking asylum—with all its adverse outcomes—was a good choice after all. Finally, the lack of control, ownership, and causality triggers emotional responses, fear about the future, a sense of being deprived of one's self-worth, or even a loss of meaning.

Despite these constraints, the interviewees make use of support systems. Some express self-reliance, gather information and plan in detail when choosing their country of destination or their future educational and work plans, all of which mirrors a form of control and responsibility as well as ownership and causality in agency (Çetrez et al. 2020; Çetrez et al. 2021a).

Interviewees express control and responsibility as well as ownership in agency, whether it is relying on faith, on friends, family members, individual perseverance and endurance, or as expressed by many, relying on their innate competencies:

According to my experience, I consider myself a strong person. I faced a very hard situation, and despite all of that, I successfully proved myself and stood on my own two feet with my work, independence, and language acquisition. So I consider myself as a strong person, as someone living alone in exile.

---

<sup>8</sup> Based on interview PL-Male-Syria-PLMISy24 (Sobczak-Szelc et al. 2020: 127).

(SWE–Female–Syria–12–Age group 27–50–Permanent residence permit in Sweden)

Another person expresses her wrestling with cultural value systems that are gender-specific and unequal and which are difficult to free oneself from, as expressed by this Syrian woman:

I was supposed to stay with him (husband) for the rest of my life just to please my parents and community. But it's different here. I got rid of this thing [blind obedience to customs]. However, it wasn't easy [...]. It took me much bravery to rebel against my customs, not accepting being treated with injustice. (SWE–Female–Syria–33–Age group 27–50–Permanent residence permit in Sweden)

A feeling of injustice in the asylum application procedure, where people feel they are neglected, not being listened to, their past virtues and skills are not considered, not being trusted in their asylum reasons, or when other people's applications are handled quicker, deprives people the ability for ownership of their stories or hinders them from making a causal link between the past and the present. However, even within these structural challenges, newcomers channel their feelings of injustice or grievance and other emotional responses through legal means (c.f. Çetrez et al. 2021a). This expresses control and responsibility as well as ownership, rather than isolation, separation, or violent reactions, as recounted by a man from Turkey, currently living in Germany:

It is not possible to penetrate the walls of the bureaucracy and speak directly to an official. However, with the petition of a lawyer who can be taken seriously, the voice of the person really becomes audible. So, I found a lawyer, and I was able to finance it from the solidarity fund of the GEW trade union.<sup>9</sup>

Despite structural hindrances, interviewees react in an adaptive way, in terms of pursuing new opportunities, showing confidence in their independence, seeking freedom, or escaping from dysfunctional relationships (cf. Çetrez et al. 2021a), which all reflect an agency of ownership and control and responsibility, as expressed by this person, who due to domestic violence and threatening surrounding, decided to migrate as soon as she found the possibility:

I decided suddenly. I reached a level, the final straw. He (the husband) used to hit me [...] he used to hit them (the children). The second reason was my medication because I was sick. That is it. I had two reasons. I was worried about my children. Should I wait until someone kills them, or until they turn

---

<sup>9</sup> Based on interview TUR-M-LSAX4-1109-GER-Male (Chemin and Nagel 2020: 37).



into poorly behaved people? It comes down to being defeated or defeating the other (SWE–Female–Iraq–46–Age group 27–50–Permanent residence permit in Sweden).

Despite many challenges, individuals express agency through a balanced expression of existential doubt, hope, or an ability to form a new worldview. For some, the sense of a lack of ownership and control exists in parallel with new coping methods and the discovery of new meaning:

There, on the mountain, there was only the refugee reception facility. [...] Yes, and there I had this feeling that had I lost my name for the second time. I lost my name the first time when I was seven, the moment I became a refugee. So really, I was an unwanted person, without identity, without anything—a refugee, a criminal. And then I thought, ‘So is that why I’m so far away from people?’ [...] I was very preoccupied with this question: ‘Who am I?’ [...] ‘Why am I here?’ I didn’t do anything bad anyway. I was just looking for a new beginning, for peace, for a normal life. [...] So I learned to think differently. I decided I shouldn’t confine myself to such narrow ideas [...]. Instead, I should live on—this is my fight. [...] Then I picked up regular sports. I was also alone with myself for a very long time and spent a lot of time just thinking about the landscape. And so, I was able to relish it. And at some point, it was beautiful again. (AUT–Male–Syria–R01, Age 27, adopted from Josipovic and Reeger 2020: 29).

Others see the causal link between their strength, sense of meaning and the skills they have developed as well as the networks they have:

I have faith that resolve and determination are the basis of everything in this life, and this belief is the result of my education, culture, and relationship with my brothers and my children. A person must remain strong and optimistic and not give up. (SWE–Female–Syria–28, Age group 50+, Permanent residence permit in Sweden)

In sum, despite the structural obstacles, we see a substantial degree of agency, expressed through a high level of resilience and many robust coping methods.

## Conclusions

The analysis of agency and journey has demonstrated that migrants, despite the many and severe difficulties throughout their journey, showed their human agency in various ways and different contexts, defined by a range of social structures. Furthermore, we discussed how the ‘chordal triad’ of agency, according to Emirbayer and Mische (1998), can be understood through the personal experiences and strategies used by the interlocutors in various steps in their migratory trajectories. For the *iteration* elements, the migrants drew on the pool of knowledge gathered at the individual level, but mainly

as a collective memory and gathered previous experience and information of earlier migrants. This kind of knowledge was either applied to the journey or used in new contexts in border crossings. For the *projective* element, migrants sought a new home that would provide safety conditions allowing the re-experience of the pre-war normality of life. Also, the projection of a new life in a country offering better integration and living standards was a motivation for targeting a specific country or shifting the destination country in transit. Finally, the *practical—evaluative* element is an important dimension of agency for migrants. During their perilous journey, they had to reflect numerous times on the structural framework and evaluate which actions might ensure safer passage and hasten the ultimate goal — reaching the destination country.

Concerning agency and civic participation, there is clear evidence that refugees can reproduce patterns of involvement in social and political lives once exercised at home in their host countries. However, this is possible only if the circumstances, in particular the legal framework, enable it. In all RESPOND countries, refugees lack full political rights, even if to a various extent, therefore we cannot analyse their civic participation through the concept of civic agency. However, we argue that civic agency is the desired form of agency for refugees and is crucial for social cohesion and an equitable, democratic society. In its essence, in this chapter, we diverted from the criticized traditional notion of migrants or refugees' integration (Schinkel 2018; Favell 2019) and pointed out the inequality in rights as a real problem of societies consisting of various groups.

Despite the traumas, the vulnerable situation, and the structural obstacles newcomers face, they are still able to express a strong level of agency by finding adaptive coping methods. Or perhaps, just because of these challenges, they have a sense of and an ability to practice a unique level of resilience. We may ask what these micro-level experiences of agency we have seen in the RESPOND material have to do with the larger socio-political meanings of agency? First of all, as Kirmayer and colleagues (2020) note, it provides a sense of potential agency, meaning that one's ability to express agency on a small scale reflects the possibility to act and change conditions on a larger socio-political scale. Thus, rather than associating newcomers with crises, victims, and villains (Lee and Nerghes 2018; Mainwaring 2016), describing their standpoint and experiences as *agentic* (Kirmayer et al. 2020), the newcomers are empowered and provided a new subject position, which is a moral standpoint we need to make. Second, the micro-level experiences of agency (or the lack thereof) result from and mirror structural factors. At the same time, the latter are moulded by the experiences of newcomers in an ecosystemic relationship.

## References

- Akua-Sakyiwah, B. 2020. 'Intersecting social structures and human actors: Ganfoso refugees' settling experiences and impact on children's education', *Comparative Migration Studies*, 8(43). doi: 10.1186/s40878-020-00202-4.
- Anheier, H. K., and S. Toepler (eds). 2010. *International Encyclopedia of Civil Society*. New York: Springer-Verlag.
- Bakewell, O. 2010. 'Some Reflections on Structure and Agency in Migration Theory', *Journal of Ethnic and Migration Studies* 36(10): 1689–1708.
- Black, R. et al. 2011. 'The Effect of Environmental Change on Human Migration', *Global Environmental Change* 21: S3–11.
- Braun, V., and V. Clarke. 2006. 'Using Thematic Analysis in Psychology', *Qualitative Research in Psychology* 3(2): 77–101.
- Çetrez, Ö., and S. Barthoma. 2020. RESPOND dataset reports, Work packages 2, 3, 4, and 5. Datafiles from the project RESPOND, available both in Excel and SPSS formats. Available: [www.respondmigration.com](http://www.respondmigration.com).
- ., V. DeMarinis, J. Pettersson, and M. Shakra. 2020. 'Integration Policies, Practices, and Experiences: Sweden Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses*. Available at <http://doi.org/10.5281/zenodo.3951714>.
- ., F. Atchulo, I. Garosi, A. Hack, and M.A. Rajon. 2021a. 'Integration and Determinants of Psychosocial Health: Thematic Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2021/81, March 2021*. Available at <http://doi.org/10.5281/zenodo.4647688>.
- ., A. Maluk, and M.A. Rajon. 2021b. 'Syrian Migrants in Sweden: A Survey on Experiences of Migration and Integration'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2021/84, March 2021*. Available at <http://doi.org/10.5281/zenodo.4662405>
- Chemin, J. E., and A. K. Nagel. 2020. Reception Policies, Practices and Responses. Germany Country report. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/44*. February 2020. DOI: 10.5281/zenodo.3711526
- Collyer, M. 2010. Stranded Migrants and the Fragmented Journey. *Journal of Refugee Studies* 23 (3): 273–293.
- Cyrus, N., R. Gropas, A. Kotic, and D. Vogel. 2006. 'Comparative Perspectives: Opportunity Structures for Immigrants' Active Civic Participation in the European Union', in Vogel, D., Cyrus, N. (eds) *Building Europe with New Citizens? Luxembourg*, pp. 67–86.
- Emirbayer, M., and A. Mische. 1998. 'What Is Agency?' *American Journal of Sociology* 103(4): 962–1023.
- Eteläpelto, A., K. Vähäsantanen, P. Hökkä, and S. Paloniemi. 2013. 'What is agency? Conceptualizing professional agency at work', *Educational Research Review*, 10, pp. 45–65, <https://doi.org/10.1016/j.edurev.2013.05.001>.
- Favell, A. 2019. 'Integration: Twelve Propositions After Schinkel', *Comparative Migration Studies* 7(21), doi: 10.1186/s40878-019-0125-7.

- Feliciano, C. 2005. 'Educational Selectivity in U.S. Immigration: How Do Immigrants Compare to Those Left Behind?' *Demography* 42(1): 131–152.
- Fowler, A. 2010. 'Civic Agency', in H. K. Anheier, and S. Toepler (eds), *International Encyclopedia of Civil Society*. New York, NY: Springer.
- Gadd, K., and Grabowska-Moroz, B. 2021. 'Relation between democracy, the rule of law, politicisation and citizens' perception of the EU migration policies'. *RECONNECT—Reconciling Europe with its Citizens through Democracy and Rule of Law*, Work Package 13, Deliverable 3.
- García-Ramírez, M., M. L. de la Mata, V. Paloma, and S. Hernández-Plaza. 2011. 'A Liberation Psychology Approach to Acculturative Integration of Migrant Populations', *American Journal of Community Psychology* 47(1–2): 86–97, <https://doi.org/10.1007/s10464-010-9372-3>.
- Giddens, A. 1984. *The Constitution of Society: Outline of the Theory of Structuration*. Berkeley, CA: University of California Press.
- Grogger, J., and G. Hanson. 2011. 'Income Maximization and the Selection and Sorting of International Migrants', *Journal of Development Economics* 95(1): 42–57.
- Healey, R. L. 2006. 'Asylum Seekers and Refugees: A Structuration theory analysis of their experiences in the UK', *Population, Space and Place*, 12(4): 257–271.
- Herwig, R. 2017. 'Strategies of Resistance of Syrian Female Refugees in Şanlıurfa', *Movements* 3(2), 179–194.
- Hess, S., and V. Petrogiannis. 2020. 'Border Experiences and Practices of Refugees: Comparative Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/62*, August 2020.
- Hitlin, S., and G. H. J. Elder. 2006. 'Agency: An Empirical Model of an Abstract Concept', *Advances in Life Course Research* 11: 33–67.
- , and G. H. J. Elder. 2007. 'Time, Self, and the Curiously Abstract Concept of Agency', *Sociological Theory* 25(2): 170–191.
- , and C. Long, 2009. 'Agency as a Sociological Variable: A Preliminary Model of Individuals, Situations, and the Life Course', *Sociology Compass* 3(1): 137–160.
- Hsieh, Hsiu-Fang, and S. E. Shannon. 2005. 'Three Approaches to Qualitative Content Analysis', *Qualitative Health Research* 15 (9): 1277–1288.
- Josipovic, I., and U. Reeger. 2020. 'Reception Policies, Practices and Responses: Austria Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/38, February 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1393450/FULLTEXT01.pdf>.
- King, R. (ed.). 2017. *Return Migration and Psychosocial Well-being: Discourses, Policy-Making and Outcomes for Migrants and Their Families*. London: Routledge.
- Kirmayer, L. J. et al. (eds). 2020. *Culture, Mind, and Brain: Emerging Concepts, Models, and Applications*. Cambridge: Cambridge University Press.
- Kirmayer, L. J., and A. Gómez-Carillo. 2019. 'Agency, Embodiment and Enactment in Psychosomatic Theory and Practice', *Medical Humanities* 45(2): 169–182, <http://dx.doi.org/10.1136/medhum-2018-011618>.

- Lee, J.-S., and A. Nerghe. 2018. 'Refugee or Migrant Crisis? Labels, Perceived Agency, and Sentiment Polarity in Online Discussions', *Social Media + Society* 4(3): 1–22, <https://doi.org/10.1177/2056305118785638>.
- Leivaditi, N., E. Papatzani, E. Ilias, and E. Petracou. 2020. 'Refugee Protection: Greece Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/31, January 2020*. Available at <https://www.diva-portal.org/smash/get/diva2:1387118/FULLTEXT01.pdf>.
- Mainwaring, C. 2016. 'Migrant Agency: Negotiating Borders and Migration Controls', *Migration Studies* 4(3): 289–308, <https://doi.org/10.1093/migration/mnw013>.
- McKenzie, D., and H. Rapoport. 2007. 'Network Effects and the Dynamics of Migration and Inequality: Theory and Evidence from Mexico', *Journal of Development Economics* 84: 1–24.
- Naido, L. 2009. 'A Structuration Theory Analysis of the Refugee Action Support Program in Greater Western Sydney', *Australian Journal of Teacher Education*, 34(4): 40–50.
- Parry, G., G. Moyser, and N. Day. 1992. *Political Participation and Democracy in Britain*. Cambridge: Cambridge University Press.
- Putnam, R. D. 1993. *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton, NJ: Princeton University Press.
- . 2000. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon and Schuster.
- Richmond, A. 1993. 'Reactive Migration: Sociological Perspectives on Refugee Movements', *Journal of Refugee Studies* 6(1): 7–24.
- Rottmann, S.B. 2020. 'Integration Policies, Practices and Experiences: Turkey Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/50, June 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1433456/FULLTEXT01.pdf>.
- Schinkel, W. 2018. 'Against "Immigrant Integration": For an End to Neocolonial Knowledge Production', *Comparative Migration Studies* 6(31): 1–17, doi: 10.1186/s40878-018-0095-1.
- Settersten, R. A., and L. Gannon. 2005. 'Structure, Agency, and the Space Between: On the Challenges and Contradictions of a Blended View of the Life Course', *Advances in Life Course Research* 10: 35–55.
- Sewell, W. H. 1992. 'A Theory of Structure: Duality, Agency, and Transformation', *American Journal of Sociology* 98 (1): 1–29.
- Silove, D. 2013. 'The ADAPT Model: A Conceptual Framework for Mental Health and Psychosocial Programming in Post Conflict Settings', *Intervention* 11(3): 237–248.
- Simich L., and L. Andermann. 2014. *Refuge and Resilience: Promoting Resilience and Mental Health among Resettled Refugees and Forced Migrants*. Dordrecht: Springer Netherlands.
- Sobczak-Szelc, K., M. Pachocka, K. Pędziwiatr, and J. Szałańska. 2020. 'Integration Policies, Practices and Experiences: Poland Country Report'. *RESPOND Work-*

*ing Papers, Global Migration: Consequences and Responses, Paper 2020/63, August 2020.* Available at <https://doi.org/10.5281/zenodo.4008666>.

- Xhaho, A., E. Çaro, and A. Bailey. 2020. 'Empowerment or a Double Burden? Work, Family, and Agency among Albanian Migrant Women in Greece', *Gender, Place & Culture* 28(10): 823–843, <https://doi.org/10.1080/0966369X.2020.1817872>.
- Ziebarth, D. 2020. 'Making a Difference in the Community: Local Civic Engagement Efficacy Among Immigrants and Refugees in King County, Washington', *Local Government Studies* 47(5): 1–24, <https://doi.org/10.1080/03003930.2020.1794846>.

# 17 Analysing Belonging in RESPOND Countries: The Impact of Social Locations and Meso-Level Inclusion

*Susan Beth Rottmann*

---

## Introduction

The experience of belonging is a fundamental ontological condition of human life: we are all embedded in communities of belonging. We may feel, at various times, that we do not belong. Still, most social scientists believe it is not possible to entirely lack belonging to any human group because we are inherently social beings. ‘When the limits of belonging to specific webs of relationships are transcended, this is not into a freedom from relationships but into a different organization of relationships [that creates] a patchwork of new connections’ (Calhoun 2003: 536–537). Belonging is inescapable.

Yet, non-belonging in particular contexts is also possible; belonging is contested and is a site of political conflict (Yuval-Davis 2006). Migrants, in particular, struggle to belong as some pre-migration ties to community and nation are severed, and new ties are sought in the host country. Migrants, locals and even political leaders often claim that finding and fostering belonging is a key aim of integration and that a feeling of belonging is essential for creating a strong community (Rottmann 2019, 2020). Despite the importance of belonging for all of us (and for migrants in particular), studies of refugee integration often mention belonging only in passing. It is rarely the explicit focus of research. This chapter addresses this gap and contributes to our understanding of refugee belonging by assessing belonging in nine countries studied by RESPOND: Germany, Sweden, Austria, United Kingdom, Italy, Greece, Poland, Iraq and Turkey. Specifically, the chapter examines two impacts on belonging—1) social location and 2) meso-level inclusion.

RESPOND research shows that belonging is highly dependent on the specific social locations of individual refugees. Specifically, legal status, employment, ethnic background and gender are important aspects affecting feelings of belonging. Another major factor affecting migrants’ belonging is the extent to which meso-level actors include them and the extent to which migrants can form their own migrant organizations. By ‘meso-level actors’, I mean host community or migrant-run non-governmental organizations (NGOs) and civil society organizations (CSOs) that may be internationally

or nationally funded but operate locally and close to the ground in the integration field. Naturally, there is a wide variety of organization types, including NGOs oriented to helping migrants to ones that migrants lead themselves to others that focus broadly on a particular issue (for example, healthcare) while also running programmes for migrants specifically.

Collapsing these different organizations into the ‘meso-level’ category oversimplifies important differences in how they operate and their spheres of action with corresponding important impacts on belonging. However, the goal of this chapter is not to evaluate the organization types in terms of their effectiveness in creating belonging but rather *to show how meso-level inclusion matters for belonging*. In particular, the chapter shows there is a wide range of practices, from including migrants actively to almost totally excluding them. These differences lead to different outcomes, with relatively less inclusion and, thus, belonging in Italy, Greece and Iraq and relatively more in the UK, Poland and Sweden.

The chapter draws from nine completed RESPOND country reports on integration, each of which included a section on belonging. Methodologically, the reports drew on macro-, meso- and micro-level interviews and desk research based on the analysis of official papers, legislation, policy briefs, official data drawn from relevant ministries and public institutions, survey results, expert interviews and existing studies.<sup>1</sup> Importantly, this chapter relates claims about belonging made by the RESPOND report writers and does not undertake a specific analysis of claims about belonging from refugees, NGO practitioners or governance actors in the studied countries. In this sense, the chapter analyses reported data, not the primary sources (for example, interview materials) themselves.

The chapter is based on qualitative research conducted at one moment in time (mostly summer 2018) by researchers with diverse disciplinary training and field sensibilities. A variety of topics beyond the issue of belonging were asked in interviews, including questions about border crossing, legal protection, employment, and the like. For this reason, some reports contain much more in-depth treatment of belonging than others. Given these constraints, specific claims about belonging in particular countries in this chapter should be seen as tentative conclusions to be confirmed with broader long-term research. Thus, this chapter explores two important factors affecting belonging in RESPOND countries (social locations and meso-level inclusion) but does not advance specific claims about belonging in the specific countries.

---

<sup>1</sup> More information about the research sample and methodology used in each report is available by downloading the full reports from the RESPOND project website (<https://www.respondmigration.com/>).



## Theoretical framework

Refugee belonging is a growing area of study (Fozdar and Hartley 2014; Hovil 2016; Marlowe 2018). However, scholars ‘actually know very little about what belonging stands for and how it is claimed’ (Antonsich 2010: 644). A useful basic definition is ‘identifying with and feeling attachment to a social group’ (Simonsen 2018: 120). Belonging provides a feeling of safety, comfort and naturalness (Lambert et al. 2013). Unlike identity, which tends to be more limited to self-categorization, *belonging refers to community embeddedness*. Given its centrality to our lives, belonging has been seen as a fundamental human psychological need (Baumeister and Leary 1995; Fiske 2004). In fact, it is so fundamental to us that it has been argued that we can only articulate our belonging when we feel that it is under threat (Yuval-Davis 2011). The feeling that one does not belong leads to a ‘sense of loneliness, isolation, alienation and displacement’ (Antonsich 2010: 649).

Migrants are usually very concerned with establishing belonging because they experience social ruptures and need to re-establish community abroad and transnationally amid general economic and social precarity (Rottmann 2019). To the extent that belonging is a way of conceptualizing safety, we could say that it is one of the most important needs of refugees (Stewart and Mulvey 2014). Forced migrants in all countries studied by RESPOND experience severe precarity, uncertainty and lack of safety (Pannia et al. 2019), making the presence or absence of feelings of belonging a critical need for these migrants.

A useful framework for teasing apart the different dimensions of migrant belonging is to examine migrants’ embeddedness in three types of territorially-, organizationally- and conceptually-bounded political communities (Geddes 2005; see, also, Rottmann et al. 2020). *Territorial belonging* refers to belonging that emerges through long-term presence within the legal territory, which may or may not include legal residence status. *Organizational belonging* refers to access to institutions (schools, hospitals, etc.). *Conceptual belonging* refers to self-identification or inclusion into collectively shared notions of ‘us’ and ‘them’. This chapter focuses on conceptual belonging or the ‘set of more abstract but no less important concerns centred on notions of belonging and identity that can be tied to transnational, national and/or sub-national communities’ (Geddes 2005: 790). In all countries studied by RESPOND, migrants find it difficult to say that they identify with their new country and feel included.

The chapter addresses conceptual belonging—namely, how belonging is tied to being embedded in groups of ‘us’ and ‘them’—but it does not analyse how migrants self-identify directly. Rather, it draws on claims about conceptual belonging presented in RESPOND reports. In so doing, the chapter explores factors that impact the ability to experience conceptual belonging

generally. By delineating the impact of social locations and meso-level inclusion, this chapter contributes to research showing that secure legal status, rights, and established social connections combine in creating a feeling of ‘belonging to’ the receiving society (Ager and Strang 2008). Further, the research shows that the meso level is a critical domain for further belonging research.

The chapter draws on RESPOND research to explore two factors affecting the belonging of migrants. First, it examines how ‘social locations’ (Yuval-Davis 2006) impact belonging. Social locations do not refer to territorial dimensions of belonging but rather to the way individuals are positioned in society according to race, class, gender, sexuality and other structures of (in)equality. These locations can also be understood as the characteristics or individual attributes of the migrant that affect his/her belonging. Specifically, I examine how characteristics, such as migrants’ legal status, employment, ethnic background and gender, affect belonging in the different RESPOND countries.

Second, the chapter examines the degree of meso-level inclusion of migrants in the examined countries, meaning the extent to which host community actors incorporate migrants into organizations or the extent to which migrants can become meso-level actors themselves by forming their

own community organizations. Many meso-level organizations are active in trying to increase the organizational or territorial belonging of migrants, but that is not the focus of this chapter. Rather, this chapter examines the varying impact of inclusion within meso-level organizations on migrants’ ability to conceptually belong. Throughout, the differentiated nature of belonging is stressed.

## Belonging and social locations

Migrant social locations—legal status, employment, ethnic background and gender—substantially impact refugee conceptual belonging in RESPOND countries. Among these factors, the research shows that *legal status is the most important*. Joining other research that has studied ‘legal limbo’ (Goldring and Landolt 2011) and refugee precarity (Baban, Ilcan and Rygiel 2017), RESPOND research demonstrates that long-term, permanent legal status is critical for belonging. Those migrants who have obtained secure status overwhelmingly feel more conceptual belonging, according to all reports. For example, the Swedish team argues that citizenship policy and belonging are linked for migrants. As they note:

Restrictive access to rights, especially the right of permanency in the host country, is a major hurdle for integration, as it restricts the capacity of partic-

ipation in society and contributes to both individual, family and group experiences of psychosocial ill-health (Çetrez et al. 2020: 101).

The Austrian team also found that ‘a sense of non-belonging was more pronounced among the group of asylum seekers than among beneficiaries of international protection’ (Josipovic and Reeger 2020: 61).

However, legal status should not be considered in the absence of other migrant characteristics, such as ethnicity, religion and gender (Josipovic and Reeger 2020: 61). In other words, it is not only differences among refugees in terms of legal status that affects their sense of belonging. It is also the case that refugees have different social locations and, therefore, will perceive the effect of the national milieu differently, which in turn has implications for their conceptual belonging. Some may feel alienated, while others embrace new identities fostered in the new nation, meaning that *belonging is ultimately highly personal*.

Employment (integration into the labour market) is very important for the conceptual belonging of all refugees in RESPOND countries. Specifically, different employment opportunities for asylum seekers or refugees are flagged in almost all reports as significant for a feeling of belonging. However, employment was particularly stressed by the UK team, who noted that employment is vitally necessary to feel belonging. Legal status, housing and employment each interact to negatively or positively affect belonging (Atto et al. 2020: 9). The UK team differentiates the employment experiences of asylum seekers and refugees.

However, employment can also differ for other reasons. For example, the Iraqi team found that ‘integration into the labour market differs among refugee groups, as well as in terms of their place of residence’ (Warda and Almajraji 2020: 22). The Iraq report shows that the main divide is not between asylum seekers or refugees’ legal status, as it is in many European countries. Instead, the critical factor for labour market integration is which refugee migration group—that is, Palestinian or Syrian—a person belongs to and where he or she decides to settle in the country.

Labour market integration is important in part because it can lead to legal residence and thus more secure belonging in some countries. It is also important because national political discourses often link employment to integration or ‘valued migrants’ and, therefore, conceptual belonging. However, employment may also matter because it is a source of security, safety, pride and enjoyment. For many people, productive work is part of what it means to be a valuable member of human communities, making having a job central to belonging.

The Swedish team identifies several interlocking factors that are important for conceptual belonging, especially noting how the characteristics of migrants affect their level of community social contact:

Interaction and social contact varies widely and is linked to an array of often interacting factors such as geographical location, language skills, general engagement pre-migration, perceptions of existential meaning-making and value systems, and actual experiences of interaction with members of the host society. (Çetrez et al. 2020: 10)

The Swedish team also points out that there is gender differentiation among refugees that impacts their feeling of integration in multiple areas (Çetrez et al. 2020: 89).

The Polish team also found that gender mattered for belonging. They highlighted the integration difficulties faced by single mothers:

First of all, they are not used to work, and secondly, they have lost any social connections that gave a sense of belonging, support and security in the country of origin. The respondent from an NGO explained the double problem of [single mothers'] need to take care of children and lack of relevant competences: [...] such a woman is lonely, and she has never worked before because she comes from a culture where her responsibility was housework. With no education and previous work experience, suddenly, she has to go to work to earn something and do something with her children at that time. (see Sobczak-Szelc et al. 2020: 52)

In Turkey, I also found that a variety of gender and family differences affect belonging:

Adjustment to the new society may be relatively quick for youth but difficult for older men and women. As men and women's roles change, children may need to take on roles that are not customary, for example, as providers or translators. Parents may feel out of control. (Rottmann 2020: 79)

Interestingly, as with the examples discussed above, it is not only that refugees' experiences differ according to legal status or other factors; it is also important *how these differences are perceived*. For example, some may be proud that their children have learned Turkish and integrated well in schools, but others will be more anxious about potential cultural loss.

To give another example of differing perceptions, the Swedish team found that locational aspects may be perceived differently by refugees. They write: 'Some experience problems in urban areas that have to do with segregation and living with other immigrants as neighbours, whereas others feel comfortable and at home for the same reason' (Çetrez et al. 2020: 54). In other words, refugees from the same country and living in the same country are not a monolithic group. The same situation may be perceived differently by different refugees with different implications for belonging.

Likewise, the same political debates may be perceived differently by different groups. For example, the German team found that there were different perceptions of national debates (for example, about asylum seekers being

seen as ‘guests’) depending on nationality, which in turn had implications for evaluating long-term stay and a feeling of belonging (Chemin and Nagel 2020: 74). The Iraqi team also heavily emphasized the issue of ethnic and national identity as one of the factors affecting belonging (Warda and Almajraji 2020: 53–54). Ultimately, the social locations of the refugee affect how policies and discourses affect them and also how they perceive them, given their own life goals and expectations.

In sum, RESPOND research shows that an array of societal conditions are perceived differently by refugees in varying social locations. In other words, to understand belonging, it is necessary to differentiate belonging and to examine the many different characteristics of refugees and the diverse societies they join. Amidst all of this complexity, legal status, employment, ethnicity and gender of migrants emerged as centrally important for conceptual belonging in RESPOND research.

## Belonging and the role of the meso level

The level of inclusion in existing meso-level groups and the ability of migrants to form their own organizations is highly variable in RESPOND countries, with varying implications for belonging. ‘Meso-level’ refers to those organizations active in supporting migrants on local levels. They might be migrant-run, have a goal of assisting migrants, or offer at least one programme that addresses migrants’ needs.<sup>2</sup> RESPOND research found that meso-level inclusion was absent and negatively affected belonging in Italy, Greece, Iraq and Turkey, while the opposite held true in the remaining countries studied.

In Italy, RESPOND researchers found meso-level inclusion to be lacking. An interviewee related that,

compared to other European countries, we are quite far behind: we try to involve migrants in the decisions that are made, but these decisions are taken by others without prior consultation, so there is a strong issue of representation that today is yet to be addressed. (Ibrido and Marchese 2020: 61)

The team found that ‘The lack of political participation of foreigners has always been a problematic issue in the Italian context: even when Councils of Migrants existed, it proved difficult for the representatives to involve members of the community’ (Ibrido and Marchese 2020: 61). This finding suggests that migrant agency is limited in Italy because they are not included

---

<sup>2</sup> Local or state governments are excluded from consideration in this category in this chapter.

on meso-level organizing platforms and seem unable to form many of their own organizations. Despite these negative accounts, the team found one exception in the ‘Young Italian Muslims’ association, whose goal is to raise awareness about young second-generation Muslims in Italy.

The inclusion of refugees in meso-level institutions is uneven but improving in Greece. The Greek team writes that:

Institutions (both public and specifically ‘of and for’ immigrants, such as certain religious or cultural groups) play a crucial role in the integration process. Institutions dealing with the integration paths of immigrants and refugees, especially at the local level, have recently expanded in Greece (Leivaditi et al. 2020: 62).

The authors give the example of two Migrant Integration Centres in Athens and various local migrant organizations (Leivaditi et al. 2020: 63). The Greek team emphasizes geographical differences across the country, with cities like Athens having many opportunities for migrants to belong in organizations and with the islands and hotspots representing areas where migrants are relatively disempowered as they struggle for mere survival.

There are many barriers to agentive actions towards meso-level belonging and the formation of migrant groups in Greece, namely difficult survival conditions and an environment where integration is not encouraged by the state. The Greek team writes that:

[T]he inhuman living conditions in specific accommodation sites, the emerging and everyday survival needs, the constant waiting for the asylum procedure and the situation of living ‘in limbo’ remain the main barriers for the systematic engagement of refugees and asylum seekers. (Leivaditi et al. 2020: 66)

In Greek islands, belonging may be particularly limited as migrants struggle simply to survive (*ibid.*). Not surprisingly, when survival is at stake, organizing for belonging in society is just one among many concerns.

Refugees in Iraq are also struggling to survive, making any NGO work that is undertaken challenging and short-lived. The team explains how one NGO was started and then fell apart as follows:

The Syrians have also established professional unions for themselves, such as the Union of Syrian Kurdistan teachers, founded in Erbil on May 12, 2014. In cooperation with the General Union of Iraqi Kurdistan teachers, they managed to provide some services such as the appointment of some Syrian teachers to the territory schools, the admission of students to schools, field visits to schools and families of refugees and the identification of their problems, whether teachers or students. (Warda and Almaffraji 2020: 53)

However, the difficult situation in Iraq led to struggles for the Union of Syrian Kurdistan teachers:

Initially, the union included more than 230 teachers, both male and female, but the number decreased to about 170 due to immigration or the search for higher income jobs because of the lack of salaries and delay in distribution. Additionally, there is a 'lack of adequate cooperation and coordination within the union, its structures are paralysed and institutions ineffective and unable to achieve its goals'. (Warda and Almajraji 2020: 53)

While refugees can create their own organizations in Iraq, the generally unstable environment limits what they can achieve. In this context, as in Greece, survival is a more pressing question than conceptual belonging.

NGOs are heavily controlled by the state in Turkey and also suffer from a lack of coordination, trust and information sharing, which limits the scope of their actions. Yet, refugees do take an active part in the activities of local NGOs. Unfortunately, the role is sometimes less prominent than those occupied by non-migrants. This belonging is not on an equal basis. (Rottmann 2020: 68)

Although the sphere of action of migrant NGOs is limited, refugees' own organizations are particularly important for establishing their belonging in Turkey. We interviewed the leader of one organization who explained:

We are hopeful. We are making a call to our nation [that is, Syrians] not to lose their hope. We are saying that hope is here. We can reconstruct our homeland, our cities. We have begun with cultural activities and publishing a magazine. We are trying to raise awareness to create a resistant society. (see Rottmann 2020: 68)

Such organizations help maintain transnational and community ties while also carving out space for Syrians to be visible in public life. To the extent that these organizations promote Syrians' agency within local communities, they foster conceptual belonging.

The German report also emphasizes civil society's importance to integration and notes that migrants view it quite positively. But, similar to the account of refugees working on the side-lines of NGOs in Turkey, they also point out that migrants are not always treated as equal, and the relationship between service providers and migrants may be paternalistic.

Civil society actors seem to fill the gaps left by policy-makers regarding socio-cultural integration, but also, sometimes, in terms of structural immigration. This happens, for instance, in the education of refugee children, with regards to language learning and health care (such as the provision of counselling for those with mental health issues). Volunteers also give the German system a human face via initiatives that provide welcoming and pastoral care to refugees. Nevertheless, sometimes these actions take seem to infantilize

asylum seekers. In some cases, instead of helping remove adaptive barriers, specific initiatives may demarcate or reinforce cultural boundaries (Chemin and Nagel 2020: 7).

The Austrian team also found that NGOs are often the ‘human face’ of integration: ‘A central source of belonging, particularly for asylum seekers who are structurally excluded, are ties to local supports, either employees of NGOs or volunteers’ (Josipovic and Reeger 2020: 59). NGOs are often the respectful and welcoming part of integration. NGO workers may be one of the few friendly faces that refugees see in their daily lives. But, the presence of paternalism in some cases suggests that the relationship is not always based on equality and mutual respect.

Migrant organizations play a very important role in establishing belonging in the UK, Poland and Sweden. In these countries, civil society initiatives run by migrants offer refugees wide latitude to exercise their agency and develop conceptual belonging. However, the teams provide tempered claims, pointing out that few migrants in the UK feel happy and hopeful, organizations in Poland lack support and migrants in Sweden voice concern about how the national state treats them. The UK team writes that direct political intervention on integration projects has ‘been particularly successful amongst asylum seeker and refugee-run groups and NGOs’ (Atto et al. 2020: 85). The team found that such organizations are not only beneficial for formal integration but also conceptual belonging:

The majority of participants stress that a sense of ‘belonging’, inclusion, involvement, and (civic) participation is fundamental to the wellbeing and integration of asylum seekers and refugees within their surrounding communities. This is often seen as being the result of work by local NGOs. The interviewed stakeholders frequently articulate that the inclusion of migrants is mutually beneficial – for the migrants themselves and also for their host communities. (Atto et al. 2020: 83)

Atto et al. (2020) find the extent to which migrants can participate in these initiatives on the meso level to be highly important for successful integration and a feeling of conceptual belonging. However, despite these positive examples, the team concludes:

[F]ew of our respondents have managed to establish a new life [...] about which they are happy and hopeful [in the UK]. They have worked hard [to establish] themselves, both educationally and workwise and have been able to do so with the help of already established family members in the UK. They have shown a positive example of how newcomers can connect to broader society [in a few short] years. (Atto et al. 2020: 99)



This result suggests that belonging in UK meso-level organizations is insufficient for most; it may be a form of belonging, but it does not represent truly broad-based belonging in society.

NGOs are also important actors in Poland, where ‘migrant NGOs play the greatest role in the integration of refugees in Polish society, although they do not receive enough support, either in funding or the needed regulations, from the central government’ (Sobczak-Szelc et al. 2020: 137). The self-organization of migrants in Poland has even been expanding (Sobczak-Szelc et al. 2020: 125). However, this picture of inclusion is not as positive as it might seem. In the first place, migrants who have been in the country longer are more likely to participate because they are less concerned with basic survival and have committed to staying. Another issue is the extent to which migrants are really involved in leadership and decision-making in the NGOs. The team notes that there are several ‘migrant NGOs established and run mostly by Polish citizens’. Also, the work of NGOs is limited by the lack of national policies (Sobczak-Szelc et al. 2020: 137).

In Sweden, local NGOs are likewise important groups through which migrants exert agency to increase their own and others’ conceptual belonging:

Asylum seekers are involved in associations and civil society organizations that deal with social issues. More specifically, those who have been in Sweden for a longer period of time engage in associations that help more freshly arrived refugees, as they have had similar experiences. (Çetrez et al. 2020: 81)

It is interesting to note that refugees are not only working with co-nationals but are broadly engaged with helping other migrants in Sweden. The team found that meso-level ties are very important for belonging:

Civil society organizations, such as language cafes or other voluntary community projects, are mentioned by a number of respondents [as having] had a positive impact on their feelings of belonging. [In other words, in creating a space where they feel welcomed and a place they like to come back to]. (see Çetrez et al. 2020: 81)

It is unclear whether most attendees at such events are other migrants or members of host communities (and percentages of each group likely vary from organization to organization). Still, we can say that such spaces enable comfortable moments of conceptual belonging.

In sum, organizations that include migrants in some capacity, either as members or leaders, are beneficial because they open up space for migrants to use their agency to create conceptual belonging. Some RESPOND countries offer more opportunities than others, but in all, meso-level actors and organizations are critical agents of belonging. In Italy, migrants are very limited in their ability to participate in Italian NGOs and to run their own. In Greece,

Iraq and Turkey, the situation is more mixed. Still, the teams report many migrant organizations that create belonging with other migrants and occasionally with members of the host community too. In Germany, while NGOs play an active role in the integration sphere, migrants are treated paternalistically and less as equal agents in their activities. The situation vis-à-vis meso-level inclusion appears to be most favourable in the UK, Poland and Sweden as there are many active migrant organizations engaged in facilitating belonging. However, the teams are careful to note that migrants are still quite constrained in feeling comfortable due to the legal limbo, financial difficulties and other barriers to belonging. Overall, RESPOND research shows a wide range of meso-level conditions affecting migrant conceptual belonging.

## Conclusion

This chapter has examined the impact of social location and meso-level inclusion on conceptual belonging. Research in RESPOND countries demonstrates that a wide variety of factors from legal status and employment to gender, ethnicity and organizational capacity affect belonging. Taken together, these results show that belonging is not an either/or proposition, nor can it be a simplistic or minor policy objective. A variety of conditions in the host country and characteristics of migrants come together to increase or decrease belonging, meaning that policies concerning belonging need to be multilevel and comprehensive. Although it represents a complex challenge, a lot can be done to encourage belonging, from granting migrants long-term, secure legal status to allowing asylum seekers to access the labour market and, finally, fostering opportunities for migrants to lead their own organizations.

Belonging is dynamic, fluid, and changes over time. It is experienced differently in different social contexts. It is therefore difficult to make sweeping claims about all migrants belonging in Europe. Although migrants are excluded in many ways from the social body of their host countries, they nevertheless participate in their new societies and develop feelings of affiliation and belonging. However, it is possible to say that many migrants sense that host countries prefer assimilation, a finding also generated by previous work on integration in Europe (for example, Brubaker 2001; Schinkel 2018; Joppke 2004; Korteweg 2017). Conceptual belonging seems to come through finding and displaying maximum similarity to the host country.

This chapter has covered a single time period in which researchers discussed conceptual belonging. Thus, the contribution of this chapter is not to increase our understanding of the process of developing conceptual belonging itself, nor does it examine when and how claims about self-identification are made. Instead, the chapter shows that belonging is highly differentiated, affected by

social location and meso-level dynamics and experienced as a pressing challenge in RESPOND countries.

The research suggests that more studies focused directly on conceptual belonging and interactions between migrants and members of the host community are needed to increase our understanding of the criteria of belonging. Our current RESPOND reports are limited in their ability to address the issue of belonging because the research was conducted over a relatively short period. Still, they show that belonging is a pressing issue in Europe's migration management sphere.

## References

- Ager, A., and A. Strang. 2008. 'Understanding Integration: A Conceptual Framework', *Journal of Refugee Studies* 21(2): 166–191.
- Antonsich, M. 2010. 'Searching for Belonging: An Analytical Framework', *Geography Compass* 4(6): 644–659, <https://doi.org/10.1111/j.1749-8198.2009.00317.x>
- Atto, N., C. Hirst, and V. Hall. 2020. 'Integration Policies, Practices and Experiences: United Kingdom Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/56, July 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1454151/FULLTEXT01.pdf>.
- Baban, F., S. Ilcan, and K. Rygiel. 2017. 'Syrian Refugees in Turkey: Pathways to Precarity, Differential Inclusion, and Negotiated Citizenship Rights', *Journal of Ethnic and Migration Studies* 43(1): 41–57, <https://doi.org/10.1080/1369183X.2016.1192996>.
- Baumeister, R., and M. Leary. 1995. 'The Need to Belong: Desire for Interpersonal Attachments as a Fundamental Human Motivation', *Psychological Bulletin* 117(3): 497–529.
- Brubaker, R. 2001. 'The Return of Assimilation? Changing Perspectives on Immigration and Its Sequels in France, Germany, and the United States', *Ethnic and Racial Studies* 24(4): 531–548.
- Calhoun C. 2003. "'Belonging" in the Cosmopolitan Imaginary', *Ethnicities* 3(4): 531–553, doi:[10.1177/1468796803003004005](https://doi.org/10.1177/1468796803003004005).
- Castles, S., M. Korac, E. Vasta, and S. Vertovec. 2002. 'Integration: Mapping the field'. *Home Office Online Report 29/03*. Retrieved 19 February 2021 from <https://forcedmigrationguide.pbworks.com/w/page/7447907/Integration%3A%20Mapping%20the%20Field>.
- Cederberg, M. 2013. 'Public Discourses and Migrant Stories of Integration and Inequality: Language and Power in Biographical Narratives', *Sociology* 48(1): 133–149.
- Çetrez, Ö., V. DeMarinis, J. Pettersson, and M. Shakra. 2020. 'Integration Policies, Practices, and Experiences: Sweden Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses*. Available at <http://doi.org/10.5281/zenodo.3951714>.

- Chemin, J. E., and A.K. Nagel. 2020b. Integration Policies, Practices and Experiences: Germany Country Report. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 51/2020, June 2020*. Available at <http://doi.org/10.5281/zenodo.3874426>.
- Fiske, S. 2004. *Social Beings: Core Motives In Social Psychology*. Hoboken, NJ: Wiley.
- Fozdar, F., and L. Hartley. 2014. 'Civic and Ethno Belonging Among Recent Refugees to Australia' *Journal of Refugee Studies* 27(1): 126–44.
- Geddes, A. 2005. 'Europe's Border Relationships and International Migration Relations', *Journal of Common Market Studies* 43(4): 787–806.
- Goldring, L., and P. Landolt. 2011. 'Caught in the Work–Citizenship Matrix: The Lasting Effects of Precarious Legal Status on Work for Toronto Immigrants', *Globalizations* 8(3): 325–341.
- Hovil, L. 2016. *Refugees, Conflict and the Search for Belonging*. London: Palgrave Macmillan.
- Ibrido, R., and C. Marchese. 2020. 'Integration Policies, Practices, and Experiences: Italy Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/54, June 2020*. Available at <http://uu.diva-portal.org/smash/get/diva2:1440496/FULLTEXT01.pdf>.
- Joppke, C. 2004. 'The Retreat of Multiculturalism in the Liberal State: Theory and Policy', *The British Journal of Sociology* 55(2): 237–257.
- Josipovic, I., and U. Reeger. 2020. 'Integration Policies, Practices and Experiences: Austria Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/55, June 2020*. Available at <http://www.diva-portal.org/smash/get/diva2:1442707/FULLTEXT01.pdf>.
- Korteweg, A. C. 2017. 'The Failures of "Immigrant Integration": The Gendered Racialized Production of Non-belonging', *Migration Studies* 5(3): 428–444.
- Lambert, N., et al. 2013. 'To Belong is to Matter: Sense of Belonging Enhances Meaning in Life', *Personality and Social Psychology Bulletin* 39(11), 1418–1427.
- Leivaditi, N., E. Papatzani, A. Ilias, and E. Petracou. 2020. 'Integration Policy, Practices and Experiences: Greece Country Report'. *RESPOND Working Papers, Global Migration: Consequences and Responses Paper 2020/53, June 2020*. Available at <http://www.diva-portal.org/smash/get/diva2:1437917/FULLTEXT01.pdf>.
- Marlowe, J. 2018. *Belonging and Transnational Refugee Settlement: Unsettling the Everyday and the Extraordinary*. London: Routledge.
- Pannia, P., V. Federico, A. Terlizzi, and S. D'Amato. 2018. 'Comparative Report: Legal and Policy Framework of Migration Governance'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2018/15, August 2018*.
- Rottmann, S.B. 2019. *In Pursuit of Belonging: Forging an Ethical Life in European-Turkish Spaces*. New York and Oxford: Berghahn Books.
- . 2020. Integration Policies, Practices and Experiences: Turkey Country Report'. *RESPOND Working Papers, Global Migration: Consequences and*

- Responses, Paper 2020/50, June 2020.* Available at <http://uu.diva-portal.org/smash/get/diva2:1433456/FULLTEXT01.pdf>.
- , I. Josipovic and U. Reeger. 2020. ‘Beyond Legal Status: Exploring Dimensions of Belonging among Forced Migrants in Istanbul and Vienna’, *Social Inclusion* 8(1): 241–251, <https://doi.org/10.17645/si.v8i1.2392>.
- Schiefer, D., and J. van der Noll. 2017. ‘The Essentials of Social Cohesion: A Literature Review’, *Social Indicators Research* 132: 579–603.
- Schinkel, W. 2018. ‘Against “Immigrant Integration”’: For an End to Neocolonial Knowledge Production’, *Comparative Migration Studies* 6(31): 1–17, doi: 10.1186/s40878-018-0095-1.
- Simonsen, K.B. 2018. ‘What It Means to (Not) Belong: A Case Study of How Boundary Perceptions Affect Second-Generation Immigrants’ Attachments to the Nation’, *Sociological Forum*, 33(1), 118–138, <https://doi.org/10.1111/sof.12402>.
- Sobczak-Szelc, K., M. Pachocka, K. Pędziwiatr, and J. Szałańska. 2020. ‘Integration Policies, Practices and Experiences: Poland Country Report’. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/63, August 2020.* Available at <https://doi.org/10.5281/zenodo.4008666>.
- Stewart, E., and G. Mulvey. 2014. ‘Seeking Safety beyond Refuge: The Impact of Immigration and Citizenship Policy upon Refugees in the UK’, *Journal of Ethnic and Migration Studies* 40(7): 1023–1039, <https://doi.org/10.1080/1369183X.2013.836960>.
- Verkuyten, M. 2014. *Identity and Cultural Diversity: What Social Psychology Can Teach Us?* London: Routledge.
- Warda, W.K., and H.S. Almajraji. 2020. ‘Refugee Protection: Iraq Country Report’. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2020/33, January 2020.* Available at <http://uu.diva-portal.org/smash/get/diva2:1388923/FULLTEXT01.pdf>.
- Yuval-Davis, N. 2006. ‘Belonging and the Politics of Belonging’, *Patterns of Prejudice* 40(3): 197–214.
- . 2011. *The Politics of Belonging: Intersectional Contestations.* London: Sage.



# 18 Nested Vulnerabilities in the Context of Migration: The Yazidi Case

*Naures Atto and Soner Barthoma*

---

## Introduction

‘Tu ji kuderê yî?’ (Where are you from?), we asked. ‘Kocho’, Dilan replied. Her answer gave us chills. Kocho is a Yazidi village to the east of Mount Sinjar in Iraq. It was one of the first places where ISIS attacked Yazidis in 2014, many of whom fell victim to the ensuing genocide. In November 2018, a Yazidi family friend introduced us to a group of former ISIS abductees who were among the more than 1,000 Yazidi women who have relocated from refugee camps in Iraq to Germany since 2015. It was around lunchtime when we arrived at the residential accommodation where these women were living while being treated for their traumas. Dilan, a woman in her fifties, dressed in black, opened the door. The expression on her face and her welcoming voice conveyed calmness and filled the room with warmth. Some children and younger women entered the room and greeted us. Not long after this warm welcome, they served a rich traditional Yazidi lunch, including a tasty pomegranate salad, the seasonal fruit from back home. We felt very humbled, not expecting such hospitality.

Yazidis<sup>1</sup> are an indigenous ethno-religious minority group in the Middle East, spread across Iraq, northern Syria, western Iran, Turkey and Armenia. There is no reliable data available for the population statistics of Yazidis, but before the ISIS attack in 2014, community sources estimated that around 700,000 Yazidis were living in Northern Iraq (2012 Report on International Religious Freedom), predominantly around the Sinjar and Bashika districts in Nineveh and Sheikhan where their most sacred temple Lalish is based. The large majority of Yazidis speak the Kurmanji dialect of Kurdish, among themselves also referred to as Yazidi. Having grown up multilingual, Kurmanji has been one of the languages that we learned in addition to our mother tongue, Surayt Aramaic. We were, therefore, lucky to be able to have a basic conversation with Dilan in Kurmanji. After lunch, Dilan shared her

---

<sup>1</sup> Also known as Êzîdî or Yezidis.

eyewitness account with us. Her tone was consistently calm and factual, but nevertheless sombre:

They gathered all of us in the village school. They brought a large bag and ordered the village leader to entreat everyone to place their money and gold inside. The women all dropped their valuables and mobile phones into the bag [...]. Then they took the men by car to the village vicinity and shot them. They killed them! Then they took us, the women and children, to the Solagh Institute building. In the afternoon, they moved the women with babies to the second floor. [A]nd they put the girls and older women on the floor below us. We didn't know that they were separating all the girls into two rooms. We were women with babies on the second floor. In the evening, they took all the girls to Mosul. They put the older women, our mothers, in a separate room, and we were also in a separate room, but all of us were in the same yard. At night, they separated all the male children between seven and 12 years old from their mothers. They isolated them and took them too. Not one of them was left! We woke up the next day to find all the girls had been taken. Around noon, they came and took the older women, our mothers. [...] They took them outside of the institute building and killed them all; there were 85 older women in total. (V\_Y\_30:5)

Almost seven years after this genocide, on 6 February 2021, the Iraqi government honoured 104 innocent Yazidi victims killed in Kocho by ISIS in a formal national burial ceremony (Puttick 2021). Yazda—a Yazidi NGO established by volunteers in the aftermath of the genocide—reports that on 3 August 2014 and in the days that followed, approximately 12,000 Yazidis were killed or abducted by ISIS. In the immediate aftermath of this genocide, several more reports documented the killings and the forced displacement of the entire population of Yazidis from the Sinjar region, including the kidnapping and sexual enslavement of Yazidi girls and women (OHCHR 2015, 2016; OHCHR and UNAMI 2016; Cetorelli et al. 2017).

As Dilan recounts, the perpetrators systematically divided Yazidis into different groups. Young women and girls were forcibly converted and transferred to numerous sites in Iraq and Syria to be forced into marrying ISIS fighters and used as *sabaya* (sex slaves) (Human Rights Watch 2015; Amnesty International 2014). At the same time, young boys were separated from their families and taken away to be brain-washed and trained as child soldiers for the ISIS cause (Qasim and Qirani 2014). Older boys and men who refused to convert to Islam—or in some cases even those who did so—as well as some of the older women, were executed using different killing methods. Iraqi and international investigators have so far discovered 17 mass graves in Sinjar, containing the bodies of some of the 3,000 Yazidis killed (Arraf 2020). Those who were forcibly converted were relocated to abandoned villages and exploited as forced labourers.

Before ISIS attacked, approximately 400,000 Yazidis were living in the area near Mount Sinjar in the Nineveh governorate in Iraq, which has historically



been home to most of the country's minority groups, including Yazidis, Assyrians, Mandaeans, Turkmen, Shabak, and Kaka'i. ISIS targeted these groups systematically in an ethnic and religious cleansing campaign (Amnesty International 2014, Kikoler 2015; UNITAD 2021). The Yazidis were singled out for the most extreme assault, being portrayed as 'devil worshippers'. As a result, an estimated 250,000 Yazidis fled up the mountain, where for days, they were hunted by ISIS in hot August temperatures. Hundreds of Yazidis died from starvation, dehydration, and other injuries during the ISIS siege before a coordinated rescue operation organized safe passage from Mount Sinjar into Syria. Some 250,000 Yazidis found temporary shelter in hundreds of informal settlements, including schools, community spaces and unfinished buildings in the Kurdistan Regional Government (KRG) region of Iraq (BRHA 2015). Internally displaced Yazidis were gradually transferred to hastily built camps. About 15,000 Yazidis crossed into Syria (Sidky and Rummery 2014) and at least 30,000 into Turkey (Daloglu 2014). At the time of writing this chapter, seven years after this genocide and displacement, there are still more than 200,000 Yazidis living in camps in Syria and Turkey. Many of the Yazidis have left their historical homeland with no intention to return.

When the Yazidi case is discussed in the media and political circles, the concept of 'vulnerability' is frequently used as a descriptor. To give an example, after the controversial deal that the EU signed with Turkey, the European borders closed in March 2016, after which around 3,500 Yazidis found themselves stuck in Greece. A debate between the Greek and Portuguese authorities concerning the resettlement of these refugees ensued. Applying the 'vulnerability criteria', the Portuguese MEP Ana Gomes initiated a project to relocate hundreds of Yazidi refugees from Greece to Portugal. However, the Greek government refused this offer, arguing that this would discriminate against other refugees by privileging one particular group (i.e., the Yazidis) based on religion or ethnicity (Kantouris and Hatton 2017). Here, the Yazidis' specific circumstances as survivors of genocide at the hands of ISIS were overlooked. This debate shows how the vulnerability criteria are understood and implemented differently by the two EU member states (and in the EU more generally). More importantly, there was a clash between Yazidis' own perceptions and demands, on the one hand, and the authorities' handling of the group on the other hand. As a result of their dwindling population, Yazidis themselves thought relocation to Portugal (where there is no established Yazidi community) would lead to their further dispersion, which in turn could endanger their future existence (Carstensen 2016).

As a socio-legal construct, the status of 'vulnerability' has become an important aspect in the assessment of asylum claims (Papada 2020). Not only states but also refugees and the humanitarian sector have expressed claims within the framework of vulnerability. For example, responding to the debate between Greek and Portuguese politicians, Baroness Emma Nicholson,

the founder of the aid group AMAR, stated that the Yazidis deserved special recognition because they were the ‘immigrants in greatest need ... [having been] subjected to genocide’ (cited in Ridgwell 2017). Yazidis, too, apply the ‘vulnerability’ label to their case and express the desire that their situation as survivors of genocide and as a persecuted group in the homeland be recognized and considered when applying for asylum.

As we conducted our fieldwork among the Yazidis, the need to understand their group-specific vulnerabilities and the way long-standing vulnerabilities had been intensified and transformed through the process of migration became central to our research. We conducted our ethnographic fieldwork among Yazidi refugees in Germany in November 2018, November and December 2019, and the UK between October 2018 and December 2019. All our interviewees had arrived in their respective host countries after the 2014 Yazidi genocide in Iraq.

We completed a total of 27 semi-structured in-depth interviews with male and female Yazidi refugees aged 18–60 and spent time with our respondents in their places of residence (refugee camps, emergency accommodation, or private dwellings) in order to learn more about their stories. The interviews usually took 2–3 hours. We recorded our respondents’ life stories, focusing on their eyewitness accounts and asking them about their displacement experiences, including border-crossing, bureaucratic procedures, their everyday lives, struggles and their perspectives on the future.

In most cases where the individuals spoke no English, we used interpreters who translated from Kurmanji to English. Pseudonyms have been used in order to protect the respondents’ identities. All interviews have been analysed inductively by making use of the Atlas.ti software. We have supplemented our primary data with extensive desk research, reviewing both journalist accounts of the salient events as well as relevant social media posts.

In 2018 and 2019, as we conducted our interviews with Yazidi survivors in Germany and the UK, ISIS was still active in Iraq, and there were still more than 3,000 Yazidi women and children in captivity. When we met these survivors, they were mourning their loved ones while expressing cautious optimism about their future in the new country. The uncertainty concerning killed or abducted family members and those who had to stay behind in refugee camps significantly increased the distress experienced by our interlocutors. When we asked these survivors about their losses, it was like touching an open wound; almost as if to contain their grief, they would carefully recite the names of those family members who had disappeared or been killed. In all conversations, our respondents were concerned about sending a message to ‘the world’—an imagined international community—asking for help, as governments had made no serious effort to find and return their missing family members. Their eyewitness accounts helped us to better understand

how their sense of vulnerability was exacerbated through the genocide and subsequent forced displacement.

The remainder of the chapter proceeds as follows. The following section outlines the concept of ‘vulnerability’, focusing on its use in migration and asylum policies. After that, we delve into the established vulnerabilities of Yazidis in light of their historical positioning in the Middle East, their precarious lives in their homeland and more specifically in Iraq and discuss how these long-standing vulnerabilities are (re-)experienced in new ways through migration and settlement.

## Nested and multilayered vulnerabilities

In recent years, the concept of vulnerability has gained much attention in academic circles and is generally used in policy discourses on asylum and migration. Both the New York Declaration (2016) and EU documents categorize many different groups in their ‘vulnerable list’ of peoples.<sup>2</sup> In its legal reasoning in the case of *M.S.S. v Belgium and Greece* (21 January 2011) concerning the transfer of an Afghan asylum seeker under the Dublin system, the European Court for Human Rights (ECtHR) defined ‘asylum seekers’ as an inherently vulnerable group, as members of ‘a particularly underprivileged and vulnerable population group in need of special protection’. This aspect is seen as a benchmarking development in ECtHR case law (Peroni and Timer 2013; ECRE 2017). However, in other cases, the Court confirmed the particular vulnerability of specific categories of asylum seekers (for example, *ECtHR Tarakhel v Switzerland* or *ECtHR O.M. v Hungary*). In EU asylum law, specifically in the Asylum and Reception Directives, member states are legally required to make provisions for the identification and subsequent treatment of vulnerable asylum applicants whose vulnerabilities are framed in terms of ‘special needs’. Despite its extensive use, the term lacks a standard definition or a common approach to its implementation.

This chapter uses the term ‘vulnerability’ in line with Judith Butler’s conceptualization of precariousness and precarity. Our key aim is to explain the position of Yazidis in light of their forced displacement as survivors of genocide. Butler (2009: 25) understands precariousness and precarity as intersecting concepts. While precariousness is ‘a feature of all life’, precarity is a ‘politically induced condition in which certain populations suffer from fail-

---

<sup>2</sup> The list includes the following categories: women at risk, children (especially those who are unaccompanied or separated from their families), members of ethnic and religious minorities, victims of violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, victims of human trafficking, and victims of exploitation and abuse due to people smuggling.

ing social and economic networks of support and become differentially exposed to injury, violence and death' (ibid.). In line with the same logic of understanding, 'vulnerability' is *both shared and differentiated*.

Seeking to explain different types of vulnerability, Rogers, Mackenzie and Dodds (2012: 24–26) developed a taxonomy based on three different sources—namely, *inherent*, *situational*, and *pathogenic vulnerability*. Inherent vulnerability is an ontological condition of human life arising from our corporeality, our dependence on others, and nature. The *situational* aspect explains the contextual and temporal dimensions of vulnerability. For example, migration is a source of situational vulnerability. This may be short-term, intermittent, or enduring depending on the length of the migration journey. The authors link inherent and situational vulnerabilities with the extent to which they are latent or manifest: both kinds of vulnerability can thus be either *dispositional* (potential) or *occurrent* (actual). For instance, women, children or migrants with disabilities are dispositionally vulnerable to exploitation. But whether or not these groups of migrants are actually vulnerable to exploitation will depend on a range of factors, such as their socio-economic status or geographical location.

Finally, the authors use a specific category, *pathogenic vulnerability*, to explain how some responses may paradoxically exacerbate existing vulnerabilities or create new vulnerabilities. According to the authors, a key feature of this type of vulnerability is that it creates a sense of powerlessness, loss of agency which paves way to the production of new and troubling dependencies. This can be in the form of morally dysfunctional interpersonal and social relationships (for example, abuse) or by socio-political situations characterized by oppression, subjugation, persecution, or political violence.

Referring back to the ECtHR's judgement about the qualification of asylum seekers as inherently vulnerable by definition, all asylum seekers live in a precarious zone as their right to remain and settle in the territory of a country is not formally established (ECRE 2017). This legal reasoning based on the precariousness of 'asylum seekers' (their vulnerability vis-à-vis the state) intersects with the micro experiences of different groups and individuals. To give an example, the experiences of Afghan refugees are not the same as those of Syrian refugees. Both groups are inherently vulnerable because of their legal status. However, they do not experience migration (crossing borders, life in transit countries and settlement in destination countries) in the same way. The power structures, norms, social and political organizations that have developed historically 'maximize precariousness for some and minimize precariousness for others' (Butler 2009: 2). Labelling everyone as equally vulnerable undermines the meaning of the term and its use in scientific research and practice. As scholars have argued, this 'universalist' understanding of the concept muddles the identification of context-specific

vulnerabilities and the distinct needs of particular groups and individuals (Levine et al. 2004; Luna 2009).

Some scholars have cautioned about dangers attendant upon labelling particular subgroups or populations as ‘vulnerable’, arguing that this can lead to discrimination, stereotyping, victimhood, dependency, unwarranted and unjust paternalistic responses, and categories such as ‘acceptable’ (vulnerable) and ‘unacceptable’ (non-vulnerable) refugees (Atak et al. 2018; Fineman 2018: 8; Hruschka and Leboeuf 2019; Rogers et al. 2013;). We agree that the notion of vulnerability has become the ‘new’ governance tool for migration regimes to regulate (that is, restrict) entry and border procedures. It has become more evident in the so-called ‘hotspot approach’, where the admissibility of asylum claims is procedurally determined on the grounds of vulnerability. This shift in legal and political discourses of migration not only paves the way to further compartmentalization of asylum seekers but also disregards refugee rights enshrined in international law to a procedural assessment on the ground.

In our understanding, any inquiry into vulnerability should look into produced vulnerabilities in a given context and explain them in relational and temporal terms. This gives the concept a more dynamic and flexible orientation and shifts the focus to power relations in which vulnerabilities are produced and to mechanisms ‘which frame and re-frame corporality, adversity, agency, capability and entitlement’ (Brown et al. 2017). Instead of seeing vulnerability as a label attached to specific subpopulations, Florencia Luna (2009) suggests a dynamic theory based on the idea of ‘layers of vulnerability’.

This approach is highly salient for migration, which is a process that not only generates new ‘migratory vulnerabilities’ (Baumgärtel 2020) but also transforms the way historical vulnerabilities are experienced. Thus, it results in a set of vulnerabilities that build on and interact with one another in complex ways. Against this backdrop, we employ the terms ‘nested’ and ‘multi-layered’ to make sense of the Yazidis’ current experiences of vulnerability. The former points to the historical formation and sedimentation of particular vulnerabilities and traumas transmitted over generations that impact the present. The latter is adopted to explain the relationship between vulnerabilities produced and reproduced in different time zones and contexts, distancing us from the binary of vulnerable/not-vulnerable, which dominates present migration politics.

One last point to stress here is the salience of *political subjectivity*. Opposing the binary understanding of vulnerability and agency, Butler approaches vulnerability as ‘an incipient and enduring moment of resistance’ (2016: 24–25). In her work, the relational aspect of vulnerability creates what she defines as an ‘ambiguous region’ between ‘receptivity’ and ‘responsiveness’—we are all receptive to vulnerabilities, but we are also responding to and re-

sisting what is acted upon us (ibid.: 25). This brings us to the concept of political subjectivity. Approaching ‘vulnerability’ as a productive concept, Hirsch suggests we should think of it ‘as a radical openness’ toward change and new possibilities and ‘as a space to work from as opposed to something only to be overcome’ (2016: 81). As we argue in the following sections, this ‘productive space’ has been constructed through the act of migration in which Yazidis’ political subjectivities have become more apparent in their discursive articulations and practices.

We will first provide a brief account of the Yazidis’ historical experience to contextualize their present-day vulnerabilities and then discuss how these established vulnerabilities have been transformed through migration and settlement in host countries.

## The precarious lives of Yazidis in the Middle East

Yazidis are indigenous to the Middle East. They have lived for centuries in a subordinated position at the periphery of regional power centres. Historically, the vulnerability of Yazidis has been deeply rooted in their relations with the states and societies of the region, which have developed outside formal institutional frameworks (Fuccaro 1999: 3). Different from other non-Muslim groups (namely, Christians and Jews) during the Ottoman period, Yazidis were not recognized as a distinct *millet* (religious community) and were targeted by both Ottoman and local Kurdish leaders through campaigns of forced conversion and religious violence. In public discourses, they were stigmatized as *kuffar* (infidels) and always mistrusted. This historical narrative was rehearsed with tragic consequences by ISIS during their genocidal campaign in 2014.

The emergence of ‘modern’ nation-states in the region after decolonization brought little change in the treatment of Yazidis. During its Arabization campaigns in the 1970s and 1980s, the Ba’ath regime in Iraq systematically targeted Yazidis and other minorities. They were forcibly displaced; their properties were confiscated, and their villages and pastoral life were destroyed. During the construction of the Mosul Dam (formerly known as Saddam Dam) on the Tigris in 1985, Yazidis were once more displaced from their homes when they were forcibly resettled to other areas (Human Rights Watch 1993). In addition, they were systematically targeted during the Anfal campaign of genocide (1986–1989). Alongside Iraq’s other minorities, Yazidis fled to Turkey and Iran to escape persecution by Saddam Hussein during the first Gulf War in 1991. Since the end of the Ba’ath regime in 2003, like other ethno-religious minorities, Yazidis have been systematically targeted by Islamic extremist groups. In 2007, Al-Qaida’s Iraqi branch attacked the Yazidi towns of Til Ezer (al-Qahtaniyah) and Siba Sheikh Khidir (al-Jazirah) with suicide bomb attacks, killing 796 Yazidis (Yazda 2019).

Over the next decade, the number of Yazidis and the country's other indigenous minorities diminished drastically. To understand the scope of their forced displacement, it is important to emphasize that after the 2014 genocide, almost the entire Yazidi population in the Sinjar district was displaced (UNHCR 2019).

Dispossession has historical roots in the modern Middle East. It is interwoven with state formation practices. Studying waves of forced migration in the Middle East, Dawn Chatty (2010: 41) concludes that understanding dispossessions and forced displacement is vital for finding solutions to the protracted humanitarian crises that have become a defining feature of the region. The internal displacement and forced migration of the Yazidis is one such crisis. Indeed, the Yazidis' modern history can be summarized as one of continuous displacement and dispossession. According to Arendt, dispossession renders human subjects into 'superfluous' objects. Moreover, as she writes in *The Origins of Totalitarianism* (1973: 295–296): 'The calamity of the rightless is not that they are deprived of life, liberty and the pursuit of happiness, or equality before the law and freedom of opinion [...] but that they no longer belong to any community whatsoever'. To this point, historical subordination, persecution and forced displacement have uprooted the Yazidis from their historical homeland.

ISIS systematically attacked women, kidnapped and forced thousands of Yazid girls and women into sex slavery. Some of them were sold tens of times, dispossessed from their own bodies. We interviewed four women of different ages who were kidnapped by ISIS. Because of the trauma that they underwent, only two of them felt comfortable telling us their stories. One of them was Saba, a mother of two young children. The youngest one had been born only a couple of weeks before ISIS attacked them in Sinjar. She was courageous in recounting the details about her abduction. Giving a clear voice to the cruelty inflicted has been a profound act of political subjectivity exercised by many Yazidi women after this genocide. Like many of our interviewees, the Nobel Prize laureate Nadia Mourad was also kidnapped from the village of Kocho. She managed to escape and tell her story despite the weight of tradition, which often circumvents women's voices. This new women-centred activism signals an emerging political subjectivity among Yazidi women that has also made the Yazidis' suffering visible to the international community. Saba gave us some details about how they were sold in human markets.

Every night between 10 pm and midnight, or even sometimes as late as 3 am, they would come and wake us up to take pictures of us. They would show these pictures to whoever wanted to pick us [to buy as a slave]. One night they came and took my brother's wife; they claimed that she was being sent

to be the servant of the two wives of someone called Abu Yousif Al-Baghdadi from Raqqa.<sup>3</sup> [...] Then, they took another woman to Al-Tabaqa in Raqqa. They gave her to another man alongside another woman from my village. (V\_Y\_31:4)

We entered Syria, and we were brought to a place where a Sheikh came and had a look at us. He was disgusted and said, 'I don't want them; they are old!' (V\_Y\_31:2)

Our respondents shared with us the discrimination that they had faced as Yazidis in daily life in Iraq. Shabo tells us about an example with a taxi driver in Ainkawa, Erbil: 'When I went to pay [the driver], he requested that I not place the cash directly in his hand. He said I was 'najjis', meaning 'very dirty' [ritually unclean]' (V\_A\_27:8). Our other respondents have also confirmed these everyday discrimination practices. Yekdar told us how Yazidis are systematically discriminated against and left with few choices to make a living:

You can't open a restaurant because they won't eat food you have prepared. They don't allow you to open any kind of large-scale business either. You have only one choice, which is to sell alcoholic beverages. But they don't really accept that either, meaning you have to work as a tradesman or day labourer. You are not even allowed to sell bread. (V\_Y\_16:2)

The construction of Yazidis as 'unclean'—an undesirable population—is a particularly familiar discourse observable in the sociology of racism.<sup>4</sup> Being clean or unclean is also a category produced by a religious discourse, where all non-Muslims are seen as 'unclean' (without ritual ablutions). Three of our respondents run liqueur shops in Iraq, one of which extremists bombed, while the other two received death threats.

The concept of precarity also explains the insecure life of minorities in the Middle East. In particular, it captures how they have been excluded from livelihoods, threatened continuously with unstable circumstances and made to suffer disproportionately from societal turmoil. The genocidal campaign of ISIS has uprooted the Yazidis from their homes and paved the way for their *mass exodus* from Iraq. Even though ISIS has been defeated, Yazidis in Iraq still do not feel safe.

As all of our respondents ventured repeatedly, the vast majority of the Yazidis have settled on migration to Western countries as the only solution

---

<sup>3</sup> We have deliberately chosen not to anonymize the names of the perpetrators.

<sup>4</sup> See, for example, Gregory B. Lee's (2017) study on nineteenth-century British and American imaginaries in which both the Irish and the Chinese were framed as unclean, sick, contagious, and mentally unsound.



to their existential problems. Our respondent, Zerdesht, a middle-aged woman who escaped ISIS by climbing up Mount Sinjar, recounted the resilience of her young children during the sea journey from Turkey to Greece and how they lived this dangerous experience as a turning point symbolizing the end of their earlier life in fear and limbo:

The waves were very strong; a big wave hit our boat, and the engine cut out [...]. I really felt we would not make it [...], but my children were happy to be on that boat. They just wanted to be out of there [Iraq] because I had kept telling them, ‘when we are out of here, you will have much joy, and you will be able to forget all about here’. In Iraq, they were afraid; sometimes, they would wake up in the middle of the night. [...] In the boat, I was terrified, but they were laughing. (V\_Y\_40:14)

Our respondents did not see their act of migration as a negative experience but rather as a survival response that would end their precarity in their homeland and bring them a safe future. In the following section, we discuss how earlier vulnerabilities change in the context of migration and settlement.

## Vulnerabilities in the settlement process

We conducted our fieldwork in Germany and the UK, where the legal and political contexts differ, resulting in different experiences for Yazidis. In the aftermath of the 2014 genocide, Germany has been the most welcoming country for Yazidis.<sup>5</sup> It is estimated that since 2014, more than 80,000 (around 20 per cent of the Sinjar Yazidis) have settled mainly in three German states – Lower Saxony, North Rhine-Westphalia and Berlin (Tagay and Ortaç 2016). According to a report submitted by Germany’s Left party to the Federal Foreign Ministry in 2015, the protection rate for Yazidis was close to 100 per cent (97.4 per cent). This rate fell to 83 per cent in 2017 because more Yazidis arrived in Germany from so-called safe countries of origin, such as Russia, Georgia, or Turkey. Around 23,056 Yazidis were granted protection status in Germany in 2017 (InfoMigrants 2018). However, the protection rate declined to 60 per cent in 2018 (DW 2019/02/11) as the German government stopped considering Yazidis from the KRG region as a persecuted group, which also indicated a policy change focusing on the return of internally displaced people (IDPs) to Iraq and their resettlement there. In the wake of the 2014 genocide, German states developed several reception initiatives explicitly addressing the trauma of Yazidi survivors. The first such initiative was in 2015 when the state of Baden-Württemberg brought over more than 1,000 Yazidi women from refugee camps in Iraq. Another

---

<sup>5</sup> Germany has also been home to the largest Yazidi diaspora community, which was established in the 1980s when many Yazidis from Turkey found refuge abroad.

reception program developed by the eastern German state of Brandenburg aimed to provide shelter to Yazidis who had been the victim of ISIS attacks and suffered traumatic experiences (Bathke 2019; Gellersen et al. 2021).

### *Positivity towards the host country*

Dilan, a genocide survivor who arrived in Germany to be treated for her traumatic experiences, expressed her gratitude about Germany to us: ‘Germany has become our mother and father. We are so grateful to them [Germans]’. (V\_Y\_30:12) She expresses her gratitude for Germany’s hospitality and for creating the conditions to make her feel safe. In our conversations with her and in the accounts of other respondents, we observed a high level of positivity towards both state and society in the host country. In their positive discourses, they articulate an abstract idea about the ‘German system and way of life’, regarding both the authorities and the host society at large. In these ideational constructions, they develop, the boundaries between state and society are blurred. To express this, they use conditional sentences, such as ‘if you work hard, they will like you, and you will succeed in society’.

In our conversations, the Yazidis we spoke to repeatedly ventured their gratitude for having been welcomed in Germany. However, they did not frame their presence and being protected in Germany in terms of ‘rights’ enshrined in international refugee law. We interpret their gratitude as part of a continuum in their ontological insecurity—that is, the fear of being excluded, but also an emotional connection towards the countries that have provided shelter or a place that feels like home where they can dream and think about a safe future for the generations to come.

Their positivity also stems from their precarious position in their historical homeland of the Middle East, which is marked by a continuum of massacres, forced displacement and dispossession. The same narrative also resonates with their perception of migration as a survival strategy. In the long term, this positivity may function as a hindering discourse for their ‘equal’ participation in society and a source for developing new dependencies. Over the long term, excessive gratitude and positivity might hinder the Yazidis’ participation in their new societies on full and equal terms by reinforcing a discourse that they are somehow ‘indebted’ to the host country for having ‘rescued’ them.

One of the other themes commonly expressed by our respondents is the safety aspect. While Yazidis referred to their insecure, unsafe, and unknown future in Iraq, in their new host societies in Europe, they recognize how safe they feel and its importance for their lives today and their future. Bahoz, a middle-aged Yazidi from Sinjar, says:

After Saddam Hussein's regime fell, I myself didn't spend a single night without thinking about our safety. But since we arrived here [in Germany], we have slept soundly without worrying about anything. Life was difficult there. [...] Life was so difficult, and we were surrounded by enemies. (V\_Y\_23:18)

Prevalent in all our respondents' accounts are contrasting images of the historical home from the past and the new home in the host countries. Housing is thus an essential element for understanding the existential sense of safety. For example, two of our respondents were forced to live in mud houses after being forcibly dislocated from their original homes by Saddam Hussein's government during the Iran–Iraq war (1980–1988). However, even after the fall of the Ba'ath regime, their title to these mud houses was denied. Nor could they return to their original homes. As we visited them at home in the rural villages in Germany where they have settled, it was clear how extremely proud they are and how grateful they are to the German authorities for helping them find safe and stable accommodation. Even though they currently rent their homes in Germany, they are official tenants with legal documentation that states so unequivocally. What to some observers might seem elementary nevertheless has a *profound symbolic meaning* for the Yazidis' existence, since it marks their legal rights vis-à-vis the dwellings they occupy, signifies an official end to their situation of 'homelessness' and provides them with the safety and freedom they were long denied in Iraq.

Another vital point that resonates with this narrative is the Yazidis' affinity for the Western lifestyle, which has been imagined in contradistinction to the lifestyle and rules imposed on them in the Middle East. In this regard, religious differences play a vital boundary maker role. In Iraq, the education of Yazidi girls in high schools was a significant issue. All our respondents stressed the fear they experienced when going or sending their daughters to school. Shervin recounts that when the school was not in their village, they were forced to wear a hijab and hide their religion in public spaces (V\_Y\_24:20). Even before the 2014 genocide, Yazidi students were frequently targeted, received death threats forcing many of them to stop their university studies (about 1,300 only in 2013), and many were forced to wear a hijab in order to attend university to obtain a degree (Puttick 2014). Shervin, a university student when she lived in Iraq, compared her life there to the UK and told us that Iraq had felt like a prison (V\_Y\_24: 20).

Another theme in the narratives of our respondents is the notion of equality or no longer being treated as a second-class citizen. Shengal, a middle-aged Yazidi from Iraq, explained to us how the new country is making him feel 'strong':

[P]eople here do not hate me because of my religion or because I'm Yazidi... Here I'm strong. Here in Germany, I feel equal to other people, but in Iraq, it was different. I felt weak. They were not accepting me as they do here. Some

people really believe that Yazidis have tails, just like animals. It was terrible. (V\_Y\_19:12)

The expressed positive-ness is both subjective and contextual. Yazidi experiences in the UK are in many aspects different from the German context. Yazidis in the UK have experienced many hardships and have lived with existential fears during their asylum process. The few Yazidis who managed to enter the UK received several rejections for their asylum applications, were threatened with deportation and lived in limbo in the UK until their asylum applications were accepted. All Yazidis we interviewed in the UK found themselves in a precarious situation because their asylum applications were rejected. In Shervin's account about the UK, isolation and insecurity about her asylum application are mentioned as disturbing:

I did not know anything about England [...]. I thought if there is a strong government, no racist government, I can live as I want to live and not worry [...]. For two years, I lived without work, only as a volunteer for two NGOs. Every week we get 35 pounds. I can't go out. And I am always alone. No family, no one [...]. Sometimes I am awake until 2 or 3 am. (V\_Y\_24:13)

Shervin has volunteered with some NGOs in order to turn her waiting time into something meaningful. She received several rejections for her asylum application. The UK Home Office rejected her asylum application arguing that Iraq is safe for Yazidis to return to. When we met her, she was very depressed because of the uncertainty regarding her future:

The people in the UK are the nicest people ever; everywhere, in college, in the church, on the street, in the buses, everywhere. Even the police were nice, but the Home Office makes you feel unsafe and fights you psychologically. We don't need anyone to make us suffer psychologically. We already suffered. (V\_Y\_26:8)

Even though the UK parliament recognized the violence of ISIS against the Yazidis as genocide in 2016, the UK government does not welcome Yazidis into the country. Concerns have been raised in the media that Yazidi asylum claims in the UK are often denied and that the UK asylum process does not recognize Yazidis as a particularly vulnerable group despite their targeted persecution (Fallon 2018). The Foreign, Commonwealth and Development Office summarized the UK's main policy in a statement 'to prioritise supporting Yazidis who remain in the Middle East', claiming that 'for every one person that we are able to support in the UK [financially], we can support more than 20 people in location' (Foreign, Commonwealth, and Development Office 2016).

The UK's economy-driven and pragmatic approach typifies the main essence of the current asylum and migration policies of many countries in the West that are designed to prevent or minimize the flow of migrants from sending

countries. While a policy of deterrence is widely used to send ‘negative signals’ to potential migrants, a wide range of externalization of migration policies (such as agreements with third countries and countries of origin) are used to keep people away from the borders or in protracted situations on the borders.

In this context, the vulnerability criterion is used as a political instrument whenever needed in the legal-administrative asylum procedures of the European migration regime. Like all Yazidis, our respondents fled their native homeland in a desperate bid to survive and sought refuge in the UK to be safe. However, the UK’s asylum policy has only increased their precarity and vulnerability, adding to their trauma. At the time of our fieldwork, our Yazidi respondents were living a precarious life, stuck between their present-life marked as ‘safe’ and what Hage (2009) calls their ‘existential waiting’ for their beloved ones held in captivity by ISIS. Often, this ‘existential waiting’ is also nested in the waiting time for a decision on their asylum applications. Thus, the uncertainty and the powerlessness they experience daily have introduced multiple levels and forms of precariousness to their lives. From this notion of precariousness, we have developed the concept of ‘nested’ and ‘multilayered’ vulnerabilities.

### *Nested vulnerabilities: Building a future on a traumatic past*

We argue that traumas function as a constant source for the production of *nested vulnerabilities*. Non-healing trauma adds new layers of vulnerabilities onto existing ones. All of our respondents have been faced with the challenges of building a future on a traumatic past. The 2014 genocide caused mass displacement and trauma. This has triggered a specific type of temporality among Yazidis, which Serres and Latour (1995: 86, 109) refer to as ‘folded time’ where the temporal distance of past and present sufferings becomes subjective experience embodied within the context of the present.

Our respondents have stressed how their memories continue to affect their life in a new country. Some, like Berivan, a young Yazidi girl in Germany, have developed coping strategies. She undertakes a range of activities to keep herself ‘busy’ so that she will not have flashbacks about what happened in the past:

When we first arrived here, the first year, I dreamt about ISIS; then, I got better after that. Now I’m good, but only worried about school. I make myself busy playing volleyball and swimming. (V\_Y\_15:12)

Our respondents were all going back and forth between their past and everyday life challenges in Europe, where boundaries between the two have become blurred. When we asked Dilan how she felt that day, she answered,

‘Whenever I put my head on the pillow, I recall that movie in my head. I tell myself all that happened in my head every night; it’s continuous, just like a movie’. Dilan then started counting the family members who were still in ISIS captivity: ‘My daughter, she was 13, and my son, who was 19. Also, my husband, my brothers, my sister with her two children, my father and mother; all of them. And, my father and mother-in-law, and brothers-in-law [...]’ (V\_Y\_30:11). Although she managed to settle in Germany — far away from the scene where she experienced the horror herself—in her thoughts, day and night, she is with her loved ones who are still missing.

Referring to what she experienced in ISIS captivity, Shirin, a young adult, told us that she cannot trust anyone anymore, ‘even here in Germany’ (V\_Y\_32:3). Her pain and sorrow run deep: ‘We have no more tears left’. At night she prays to God that she can sleep because her thoughts are continuously going back to what she experienced at the hands of ISIS. ‘During the day, the German people are providing help to distract us. Otherwise’, Shirin says, ‘we would think [about what happened] during the day as well’. (V\_Y\_32:8). She believes that bringing back her loved ones from ISIS captivity and, even more importantly, burying the bodies of the dead would comfort her and help her heal. Her thoughts about the importance of freeing her people from ISIS and being able to bury loved ones are shared by all the Yazidis we talked to.

Earlier studies on different groups (Atto 2015; Çetrez 2018; Hirsch 2012) have shown the strong influence of collective memories on people’s present-day self-identification. The suffering resulting from the 2014 genocide has also recalled collective memories about previous massacres transmitted over generations, as expressed by the young adult Lama: ‘Our fathers and grandfathers were telling us about what they had to endure in Iraq. So, we don’t believe that this [genocide] will be the last time. We are afraid that it will happen to the next generation as well’ (V\_Y\_35:4). The danger of such accounts is that it can lead to a strong sense of victimization as it constructs the present and future as a fatalistic path firmly based on the past. Thus, both at the individual and collective level, the lived trauma has added another level to Yazidis’ earlier vulnerabilities.

### *De-nationalized modes of belonging*

One other factor influencing people’s vulnerabilities in the context of settlement is their perceptions about their home, homeland and belonging. The Yazidis have left their homeland with no intention to return. They consider themselves indigenous to the Middle East, even though they have been living in a subordinated position for centuries with increasingly limited space to express and live their collective identity freely. Having no space to return to makes their group-specific experiences different from those of members of

majority groups who still have strong ties and attachments to Iraq. Baran, a young Yazidi girl, who was at the time of our interview living in a refugee camp in Germany, told us about her trip back to her village while encamped in Turkey:

There is no future and no happiness there anymore. [...W]hen I visited my village, I went to our street, the street where I grew up, and I saw the places where I was playing with my friends, where I was going to school with my friends. I remember the time when we were going to wedding parties together, and everyone was happy. But when I went there, everything was destroyed, and there was no one there. [...F]or each house in the street, they said one or more family members had been killed, kidnapped by ISIS or are still missing. I am sure it is the end of life there. (V\_Y\_38:8)

A large majority of Yazidis share this pessimistic view about a future in the historical homeland. Their former homeland is no longer a liveable place for them. Having been uprooted repeatedly overtime in their historical homeland has conditioned their strong desire to establish new homes and root themselves elsewhere. Their migration has therefore functioned as a remedy for their earlier experienced vulnerabilities. For instance, despite our respondent Miho's asylum application being rejected by the UK Home Office, he insists that his future is in the UK because he and his family are very sure that there is no future for them in Iraq. Like all of our other respondents, the family no longer feels they belong to Iraq because they have lost trust in both the authorities who were supposed to protect them and their local neighbours, some of whom aided or joined ISIS, attacked Yazidis, and seized their properties. The middle-aged Yazidi man Haco answered our question about the possibility to 'return' with a question:

I have no one in Sinjar and our Arab neighbours, nobody punished them, no government and they steal from us, they are free [to do so]. I ask myself: How can we live with people who kill us and are free [to do so without punishment?]. How can we look into their eyes? (V\_Y\_24:7)

Cekdar, a young Yazidi, told us that he feels like he doesn't have a home anywhere anymore because the country can no longer service this purpose (V\_Y\_38:10). Gule, a mother of three children, expressed her strong will to settle in Germany: 'No Christians or Yazidis are able to live in Iraq anymore. We came here for our children [...]. We just wanted to escape Iraq'. (V\_Y\_22:5). Similarly, Jemal, a middle-aged, educated Yazidi, articulated his ideas about the future of the community:

I think the Yazidis would be lost if they didn't receive help from European countries. I'm sure all the families in Sinjar will pay with one of their hands to be cut off for their families to be in a safer place such as here. (V\_Y\_23:21)

Our respondents, who were all interviewed in Europe, see their future in Western countries and unanimously reject the idea of returning to their historical home. This constitutes a transformation about the perception of 'home' and 'homeland' but also its geographical location. In *The Origins of Totalitarianism*, Arendt (1973: 293) explains statelessness as a structural feature of the nation-state and stresses 'The first loss which the rightless suffered was the loss of their homes, and this meant the loss of the entire social texture into which they were born and in which they established for themselves a distinct place in the world'. In both Arendt (1973) and Butler (2012), 'the right of belonging' is vital for human life, which can also be seen as a response to state politics that renders some groups stateless, and thus, 'homeless'.

There were seemingly mixed discourses about home/homelessness and their existing lives in Europe among our respondents. While some of our respondents expressed that their displacement has ripped them off from their historical home and has made their life meaningless, among the majority we observed a desire to make a new home in their new countries. In *Parting Ways* (2012), Butler discusses the very possibility of an 'ethical relation' different from national modes of belonging. We argue that the positive-ness we observe among Yazidi refugees in Western countries is an indication of such an ethical relationship that Yazidis are trying to establish with their new homelands.

## Conclusion

Drawing on the case study of the Yazidis of Iraq, the chapter has explored the complex concept of 'vulnerability' from a range of salient perspectives (relational, contextual and temporal). In so doing, it has shed much-needed light on the multilayered nature of vulnerability and the way its experience can be transformed through migration and resettlement. In seeking to understand the Yazidis' present-day vulnerabilities, directly related to the 2014 genocide and forced mass displacement, we have offered a detailed analysis of how the Yazidis have been systematically alienated, denied livelihoods, threatened with precarious conditions, and made to suffer disproportionately in their historical homeland in the Middle East. Indeed, the subjugation and marginalization of Yazidis over centuries has created a sedimentary form of powerlessness and deeply rooted and internalized fear and dependency. Yet, at the same time, Yazidi communities have exhibited agency by developing a range of survival strategies.

Since the 1980s and increasingly since 2014, one such strategy has been emigration to Western countries. The Yazidis have lost any hope of a future in their historical homeland, which, from their perspective, is no longer a liveable place. Therefore, migration has emerged as the only way for the



community to chart a secure future, despite their awareness of the challenges to their cultural survival in the diaspora. This explains why Yazidis, like many other minorities, have eagerly embraced new opportunities to live their identities freely after settling in host countries in Europe, such as Germany and the UK.

The political subjectivities of Yazidis have determined their experiences of refugeehood. We have observed how they have drawn effectively on their collective knowledge and experience to foster resilience in the face of challenges to their survival and settlement in their new countries. Their perseverance and determination to settle outside their homeland have allowed them to successfully navigate securitized border regimes, which bolsters their resilience and sense of community.

The Yazidis evident positivity vis-à-vis Western societies in which they have settled is partly related to their lived subordination in their historical homeland. As we detailed above, the far-reaching gratitude the Yazidis feel towards the states and societies that have offered them refuge has the potential to hinder their participation on full and equal terms by reinforcing problematic discourses of 'indebtedness'. Nevertheless, the Yazidi's positivity is just as likely to reinforce their determination to root themselves anew, enabling settlement and ready integration into their new countries.

In sum, the Yazidis perceive migration as a remedy to their previous subordinated position in Iraq, characterized by ontological insecurity and marginalization. Their migration and settlement in Western countries marks a kind of 'critical juncture' in the lived historical experience of the community and triggered a process in which their experience of earlier vulnerabilities is transformed. Even as they continue to address the legacies of the subordinated position they have long endured in their homeland, their forced displacement has turned them into 'stateless refugees' at the margins of a new society, who must navigate the challenging process of resettling in challenging and unfamiliar places.

Settlement in new countries thus creates a new prism through which the past vulnerabilities are seen and understood. While subjectively feeling safe, equal and empowered in their new countries of settlement, they are once again defined in terms that are marginalizing, this time as 'refugees and immigrants'. The settlement context has also made it possible for Yazidis to foster a non-national mode of belonging to the new spaces that provide them with the essentials they were deprived of in their homelands. Their claims for citizenship, demands for justice, longing for safety and equality, and positivity towards the new host countries are indicators of change among the Yazidis' political subjectivity at the intersection of old and new political contexts.

Vulnerabilities have diverse sources and take on a variety of forms. Considering the omnipresent role of trauma as one of these sources, we have used the term ‘nested vulnerabilities’ to illustrate and explain the multilayered manifestation of the Yazidis’ vulnerabilities. Their narratives about earlier massacres, displacement and forced conversion are inscribed in their history of exclusion and marginality. In order to understand how their vulnerability and political subjectivity are reflected in their demands for justice and recognition today, it is, therefore, necessary to shed light on the traumas they have lived through and lay bare the mechanisms and processes of precariousness that continue to condition their collective experience.

## References

- Amnesty International. 2014. ‘Ethnic cleansing on a historic scale: Islamic State’s systematic targeting of minorities in Northern Iraq’. Retrieved 10 October 2021 from <https://www.amnesty.org/en/documents/mde14/011/2014/en/>.
- Arendt, H. ([1951] 1973). *The Origins of Totalitarianism*. New York: Harcourt Brace Jovanovich.
- Arraf, J. 2020. “‘Nothing Left In The World Except These Bones’: Yazidis Search For Mothers’ Remains’, *NPR*, 2 December. Retrieved 1 September 2021 from <https://www.npr.org/2020/12/02/940208630/nothing-left-in-the-world-except-these-bones-yazidis-search-for-mothers-remains>.
- Atak, I., D. Nakache, E. Guild, and F. Crépeau. 2018. “‘Migrants in Vulnerable Situations’ and the Global Compact for Safe Orderly and Regular Migration’. *Legal Studies Research Paper* No. 273/2018, Queen Mary University of London.
- Bathke, B. 2019. ‘Germany Approves Reception of Yazidis Persecuted by IS’, *INFOMigrants*, 1 February. Retrieved 1 February 2021 from <https://www.infomigrants.net/en/post/14914/germany-approves-reception-of-yazidis-persecuted-by-is>.
- Baumgärtel, M. 2020. ‘Facing the Challenge of Migratory Vulnerability in the European Court of Human Rights’, *Netherlands Quarterly of Human Rights* 38:1.
- BRHA. 2015. ‘Report on IDP camps in Duhok, 2015’. Retrieved 1 February 2021 from <http://www.brha-duhok.org/wp-content/uploads/Report%20on%20the%20IDP%20camps%20in%20Dohuk-June%202015.pdf>.
- Brown, K., K. Ecclestone, and N. Emmel. 2017. ‘The Many Faces of Vulnerability’, *Social Policy and Society* 16(3): 497–510, doi:10.1017/S1474746416000610.
- Butler, J. 2009. *Frames of War: When Is Life Grievable?* London: Verso.
- . 2012. *Parting Ways: Jewishness and Critique of Zionism*. New York: Columbia University Press.
- . 2016. ‘Rethinking Vulnerability and Resistance’ in J. Butler, Z. Gambetti, and L. Sabsay (eds), *Vulnerability in Resistance*. Durham, NC: Duke University Press.

- Carstensen, J. 2016. 'For Yazidis in Greece, safety and security are still out of reach'. *The World*, 10 August.
- Cetorelli V., I. Sasson N. Shabila, and G. Burnham. 2017. 'Mortality and Kidnaping Estimates for the Yazidi Population in the Area of Mount Sinjar, Iraq, in August 2014: A Retrospective Household Survey', *PLoS Med* 14(5), <https://doi.org/10.1371/journal.pmed.1002297>.
- Çetrez, Ö. 2018. 'The Psychological Legacy of the Sayfo: An Inter-generational Transmission of Fear and Distrust' in D. Gaunt, N. Atto, and S. Barthoma (eds), *Let Them Not Return: Sayfo—The Genocide Against the Assyrian, Syriac, and Chaldean Christians in the Ottoman Empire*. New York: Berghahn Books.
- Chatty, D. 2010. 'Dispossession and Forced Migration in the 21st-century Middle East and North Africa', *Bulletin for the Council for British Research in the Levant* 5(1): 39–42.
- Daloglu, T. 2014. 'How Will Turkey React to Stream of Kurdish Refugees?' *Al-Monitor*, 22 September 2014. Retrieved 1 March 2021 from <http://www.al-monitor.com/pulse/originals/2014/09/turkey-syria-iraq-kobani-isis-kurds-pkk.html>.
- Deutsche Welle. 2019. 'Germany Turning Away More Yazidi Refugees'. *Deutsche Welle*, 11 February. Retrieved 1 March 2021 from <https://www.infomigrants.net/en/post/15084/germany-turning-away-more-yazidi-refugees>.
- ECRE. 2017. 'Vulnerability in European Asylum Procedures'. *AIDA Comparative Report*. Retrieved 1 September 2021 from <https://www.ecre.org/vulnerability-in-european-asylum-procedures-new-aida-comparative-report/>.
- Fallon, K. 2018. 'After Condemning the Yazidi Genocide, How Can the Government Then Deny Its Victims Asylum?' *The Independent*, 31 July. Retrieved 30 October 2021 from <https://www.independent.co.uk/voices/yazidis-isis-asylum-home-office-amal-clooney-a8470071.html>
- Foreign, Commonwealth, and Development Office. 2016. HC Deb (24 May 2016). vol. 611, col. 385, <https://hansard.parliament.uk/Commons/2016-05-24/debates/16052423000013/details>.
- Fineman, M. 2008. 'The Vulnerable Subject: Anchoring Equality in the Human Condition', *Yale Journal of Law and Feminism* 20(1): 1–23.
- Fuccaro, N. 2009. *Histories of City and State in the Persian Gulf: Manama Since 1800*. Cambridge: Cambridge University Press.
- Gellersen, H. M., J. P. Shende, I.S. Davies, and I. Ralph. 2021. 'Trauma Recovery for Yazidis after the 2014 Yazidi Genocide: International Approaches and Policy Recommendations'. *RESPOND Working Papers, Global Migration: Consequences and Responses, Paper 2021/ 79, March 2021*. Available at <https://doi.org/10.17863/CAM.69986>.
- Hage, G. 2009. 'Introduction', in G. Hage (ed.), *Waiting*. Carlton South: Melbourne University Press, pp. 1–14.
- Lee, G.B. 2017. 'Dirty, Diseased and Demented: The Irish, the Chinese, and Racist Representation', *Transtext(es) Transcultures: Journal of Global Cultural Studies* 12: 1–10, <https://doi.org/10.4000/transtexts.1011>.

- Levine, C., et al. 2004. 'The Limitations of "Vulnerability" as a Protection for Human Research Participants' *American Journal of Bioethics* 4(3): 44–49.
- Luna, F. 2019. 'Identifying and Evaluating Layers of Vulnerability: A Way Forward', *Developing World Bioethics* 19: 86–95, <https://doi.org/10.1111/dewb.12206>.
- Hirsch, M. 2012. *The Generation of Postmemory*. New York: Columbia University Press.
- . 2016. 'Vulnerable Times', in J. Butler, Z. Gambetti, and L. Sabsay (eds), *Vulnerability in Resistance*. Durham, NC: Duke University Press.
- Hruschka, C. and L. Leboeuf. 2019. 'Vulnerability: A Buzzword or a Standard for Migration Governance?' *Population & Policy Compact. Policy Brief No.20*.
- Human Rights Watch. 1993. 'Genocide in Iraq. The Anfal Campaign Against the Kurds', HRW Report. Retrieved 1 March 2021 from <https://www.hrw.org/reports/1993/iraqanfal/#Table%20of>.
- . 2015. 'Iraq: ISIS Escapees Describe Systematic Rape: Yazidi Survivors in Need of Urgent Care', *HRW*, 14 April. Retrieved 1 February 2021 from <https://www.hrw.org/news/2015/04/14/iraq-isis-escapees-describe-systematic-rape>.
- InfoMigrants. 2018. 'Protection rate for Yazidi refugees dropped in 2017', *InfoMigrants News*, 13 June. Retrieved 1 February 2021 from <https://www.infomigrants.net/en/post/9889/protection-rate-for-yazidi-refugees-dropped-in-2017>.
- Kantouris, C., and B. Hatton. 2017. 'Yazidi Refugees Languish in Policy Spat After IS Attacks', *Associated Press*, 25 January.
- Kikoler, N. 2015. "'Our Generation is gone": The Islamic State's targeting of Iraqi minorities in Ninewa'. *Bearing Witness Trip Report for the Simon-Skjodt Center for the Prevention of Genocide*. Available at <https://www.usmmm.org/m/pdfs/Iraq-Bearing-Witness-Report-111215.pdf>
- Luna, F. 2009. 'Elucidating the Concept of Vulnerability: Layers not Labels', *International Journal of Feminist Approaches to Bioethics* 2(1): 121–139.
- Minority Rights Group International. 2021. 'Why Iraq Must Support new bill which redresses the suffering of Yezidi women', *MIRGI News*, 6 February.
- OHCHR. 2015. 'Report of OHCHR on the Human Rights Situation in Iraq in the Light of Abuses Committed by the So-called Islamic State in Iraq and the Levant and Associated Groups'. *Report for the UNHRC, A\_HRC\_28\_18\_AUV*. Available at [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A\\_HRC\\_28\\_18\\_AUV.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_18_AUV.doc).
- OHCHR. 2016. "'They Came to Destroy": ISIS Crimes Against the Yazidis'. *Report for the UNHRC, A/HRC/32/CRP.2*. Available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A\\_HRC\\_32\\_CRP.2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf).
- , and UNAMI. 2016. 'A Call for Accountability and Protection: Yazidi Survivors of Atrocities Committed by ISIL'. Available at [http://www.ohchr.org/Documents/Countries/IQ/UNAMIRreport12Aug2016\\_en.pdf](http://www.ohchr.org/Documents/Countries/IQ/UNAMIRreport12Aug2016_en.pdf).

- Papada, E. 2020. 'Borderline Vulnerabilities: An Institutional Ethnography of the Asylum Process in Lesbos, Greece'. *Ph.D. diss.*, Loughborough University.
- Peroni, L., and A. Timmer. 2013. 'Vulnerable Groups: The Promise of An Emerging Concept in European Human Rights Convention Law', *International Journal of Constitutional Law* 11(4):1056–1085.
- Puttick, M. 2014. 'From Crisis to Catastrophe: The Situation of Minorities in Iraq' *MRGI Report*. Available at <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-1468-From-Crisis-to-Catastrophe-the-situation-of-minorities-in-Iraq-English.pdf>.
- Qasem M., and R. Qirani. 2015. 'Islamic State Trained Yazidi Children as Soldiers', *Al-Monitor*, 13 November. Retrieved 1 September 2021 from <http://www.al-monitor.com/pulse/security/2015/11/yazidi-children-islamic-state-soldiers.html>.
- Ridgwell, H. 2017. 'EU Debates Whether Yazidi Refugees Merit Special Protection', *VOA News*, 28 January. Retrieved 1 September 2021 from <https://www.voanews.com/europe/eu-debates-whether-yazidi-refugees-merit-special-protection>.
- Rogers, W., Mackenzie, C., and S. Dodds. 2012. 'Why Bioethics Needs a Concept of Vulnerability' *International Journal of Feminist Approaches to Bioethics* 5(2): 11–38.
- Rogers, W., and M.M. Lange. 2013. 'Rethinking the Vulnerability of Minority Populations in Research', *American Journal of Public Health* 103(12): 2141–2146.
- Serres, M., and B. Latour. 1995. *Conversations on Science, Culture, and Time*. Ann Arbor: University of Michigan Press.
- Sidky M and A. Rummery. 2014. 'UNHCR Steps Up Aid As Yazidis Stream into Syria from Iraq's Mount Sinjar', *UNHCR News*, 14 August. Retrieved 1-9-2021 from <http://www.unhcr.org/uk/news/latest/2014/8/53ecb7a29/unhcr-steps-aid-yazidis-stream-syria-iraqs-mount-sinjar.html>
- Tagay, S. and S. Ortaç. 2016. 'Die Eziden und das Ezidentum. Geschichte und Gegenwart einer vom Untergang bedrohten Religion'. Available at <https://www.hamburg.de/contentblob/6271994/21807c33b23c0f8e930ad75a1da7753c/data/eziden-und-ezidentum.pdf>
- UNHCR. 2019. 'COI Note on the Situation of Yazidi IDPs in the Kurdistan Region of Iraq'. Available at <https://www.refworld.org/pdfid/5cd156657.pdf>
- UNITAD. 2021. 'Sixth report of the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant'. Available at [https://www.unitad.un.org/sites/www.unitad.un.org/files/general/s.2021.419\\_-\\_sixth\\_unitad\\_report\\_en.pdf](https://www.unitad.un.org/sites/www.unitad.un.org/files/general/s.2021.419_-_sixth_unitad_report_en.pdf).
- Yazda. 2019. 'The 12th Anniversary of Al-Qaeda Attacks on Yazidis in Sinjar', *press release*, 14 August. Retrieved 1 April 2021 from <https://www.yazda.org/the-12th-anniversary-of-al-qaeda-attacks-on-yazidis-in-sinjar>.



# Appendix





# RESPOND's Final Press Release

Horizon 2020 Research Project: Summary of Findings 20.11.2020

## **European migration and asylum policy: Research project attests to ongoing governance failures**

After three years of intense research on European migration and asylum governance in 11 European and non-European countries (Greece, Italy, Hungary, Austria, Germany, Sweden, UK, Poland, Iraq, Lebanon and Turkey), the final results of the EU financed research project “RESPOND” paint a gloomy picture of the European Union and member states’ governance capacities and failures.

After the numbers of refugee-migrants increased in 2015, the research consortium of 14 partners observed that the EU and its member states are persistently in crisis mode. Given an on-going solid deadlock at the EU level blocking every substantive reform, the only solutions to the migration issue for the EU and its member states have become deterrence, restriction and return. The empirical insights of RESPOND substantiate existing findings, which pointed to increased securitization of the migration policy field leading to an enormous protection gap, the normalization of violence and a disregard by member states and EU actors (FRONTEX, EASO) of internationally and European enshrined human rights norms and the rule of law.

The recently presented **Pact on Migration and Asylum of the EU Commission falls short of ameliorating these negative tendencies** and is characterized by little innovation: The proposed cooperation with countries of origin and/or transit countries to contain and control departures and to allow for repatriation; the strengthening of external EU borders and the capacity of FRONTEX; a strengthened focus on at-the-border procedures and screenings to narrow down access; an increase in repatriations; and prohibition of secondary movements suggest **a continuation of the observed trend towards securitization. Offering no alternative to the Dublin-system, the Pact is far from having the potential to deliver any sustainable solutions nor to addressing the immediate migration management crisis and the crisis of intra-EU solidarity.** The Pact fundamentally misses the target of increasing respect for fundamental rights and

facilitating access to the European protection system (except to vulnerable migrants).

RESPOND researchers have produced more than 70 thematic country and comparative reports addressing all essential fields of refugee-migration governance, including border management, protection, reception and integration and addressing public and media opinion (all reports are available at: [www.respondmigration.com](http://www.respondmigration.com)). The rich empirical insights are based on interviews with more than 537 refugees and 220 stakeholders, a survey study in Sweden and Turkey with more than 1,600 Syrian refugees, as well as document and narrative analyses. RESPOND implemented an innovative three-level research design that shows how EU law, national legislation and policy filter down during the process of implementation and are then felt and experienced by refugees themselves.

### *Research Shows Alarming Trends in Migration Policy Since 2015*

RESPOND focused on the last five years of “crisis management” of migration along the Balkan Route, the Central Mediterranean Route, the Nordic Route via Poland and the routes towards the UK. Each migration route showed alarming trends for the EU and member states’ migration policy as follows:

#### **A hyper-complex fragmented legal system jeopardizing transparency and consistency**

- RESPOND’s legal comparative report clearly demonstrates that the legal framework concerning migration and asylum is extremely complex and hypertrophic in all RESPOND countries. In each country, THE NATIONAL LEGISLATION HAS BEEN CHANGED CONTINUOUSLY AND NOT NECESSARILY COHERENTLY. The legal frameworks on migration and asylum as well as on border management of the eight EU member states are largely harmonised at the level of formal transposition. However, there is still considerable divergence, which can be partly attributed to the discretion allowed by EU legal frameworks.
- The in-depth analyses of the legal and procedural frameworks of the 11 RESPOND countries also shows that many recent regulations are done THROUGH ACTS OF SECONDARY LEGISLATION AND MARGINALISATION OF PARLIAMENTS. In most RESPOND countries, the acts of primary legislation only provide for the general framework, but immigration issues are de facto regulated in detail and implemented by congeries of acts of secondary legislation (by-laws, regulations, ministerial circulars, administrative rules, etc.). Moreover, secondary acts are rarely subject to parliamentary debate. Hence, this constitutes a democratic deficit in that there is a lack of adequate parliamentary control. A wide field of discretion characterizes the concrete regulation of important migration issues.

- The reports outline a MULTIPLICITY OF ACTORS AND INSTITUTIONS involved in the “multi-level” and subsidiary-based management of migration. In most RESPOND countries, all tiers of government (from the national to the local) are involved with different, often overlapping, competences. In addition, in some RESPOND countries, the management of migration involves other relevant actors, such as the third sector and private companies, the courts and also the EU and UN agencies. Given the fact that adequate mechanisms of coordination are often lacking, this multiplicity of actors ends up undermining the uniformity of practices and often results in substandard services and uncertain rights. The certainty and predictability of the law - which are fundamental pillars of the rule of law that characterise contemporary democracies - are therefore in question.

### **Shift from a welcoming approach to a policy of narrowing access**

- The RESPOND country and comparative research reports demonstrate a general departure from the initial welcoming approach (e.g., an open-door policy in Turkey and Lebanon; a culture of welcome in Germany). All AMENDMENTS OR REGULATIONS INTRODUCED AFTER 2015 IMPOSED RESTRICTIONS OR LIMITATIONS to existing standards of rights and narrowed access to the protection system. Harsher PHYSICAL AND PROCEDURAL BARRIERS were erected on 4 levels: restriction of access to the territory in the first place, blocking and/or restricting the access to the asylum procedure, lowering procedural rights and chances for a positive determination, and, lastly, restricting venues for integration.
- All 11 countries strengthened their borders and intensified border controls. Additionally, a trend towards RE-NATIONALISATION OF BORDER MANAGEMENT POLICIES can be identified, as exemplified by the re-introduction of EU-internal border controls in contravention to Schengen. The reports also indicate a rise to prominence of military and para-military actors, since 2015.
- 6 out of 11 countries – Austria, Greece, Hungary, Lebanon, Poland, and Turkey – restricted access to their national territories with the help of NEW PHYSICAL (WALLS, FENCES, DOGS, DIGITAL DEVICES, ETC.) AND PROCEDURAL BARRIERS, such as so-called “fast-track border procedures” or “hot spot approaches” (Greece and Italy).
- In particular, the “HOT SPOT” APPROACH as it is implemented in Italy and Greece produces prolonged and generalized legal uncertainty concerning the protection of refugees and fails to reach the goals laid down in the European Agenda on Migration (2015). The Greek report mentions the persistence of systematic failures in the con-

duct of interviews by EASO officials and calls into question a further Europeanization of the asylum procedure via an extension of EASO competences, which is currently outlined in the New Pact on Migration and Asylum. It is to be expected that the New Pact will enhance legal downgrading and procedural insecurity due to a lack of accountability and transparency mechanisms.

- Almost all countries introduced PRE-CHECKS BEFORE ACTUAL DETERMINATION PROCEDURES, such as “inadmissibility procedures” (Germany and Greece), and they extended the list of safe countries of origin.
- Austria, Germany and Greece introduced different forms and schemes of ‘ACCELERATED’ PROCEDURES with the main effect again of lowering procedural rights. Procedural acceleration is mostly linked with enforced encampment, which turns into half-closed (the ANKER system in Germany) or closed campsites (as on the Greek islands) in some countries.
- Almost all countries tended to DOWNGRADE THE RIGHTS OF APPLICANTS and many countries introduced new categories like “prospect to stay” (measuring acceptance rates) with lesser procedural and social rights. The majority of RESPOND countries’ legislations converge towards a reduction of asylum applicants’ rights and standards. Asylum seekers are most often limited in their freedom of movement and are denied other fundamental rights, in some countries, such as access to the right to work and welfare measures.
- The reports also show a more or less general DENIAL OF THE RIGHT TO FAMILY REUNIFICATION FOR REFUGEES. In Turkey, a blanket suspension of this right is in place as of 2017. In Sweden and Greece, refugees are entitled to family reunification, but they have to submit their application within 3 months from the granting of status. The same deadline is also provided in the legislations of Germany and Austria. If a refugee fails to meet this deadline, further requirements are imposed in order to enjoy the right to family unit, namely, so-called material conditions requirements.
- The reports show a DOWNSIZING OF THE STATUS OF SUBSIDIARY PROTECTION. The disparity in the legal treatment of this status, as compared to refugee status, has increased in RESPOND countries. For example, in only 4 out of the 11 RESPOND countries are holders of refugee status and subsidiary protection entitled to receive a residence permit of equal duration (5 years in Italy and the UK; 3 years in Greece and Hungary). In Germany, beneficiaries of subsidiary protection are denied the right to family reunification, meaning this right is turned into a humanitarian gesture limited to only a few individuals.
- As a general tendency, the reports reveal a PERVASIVE LEGAL UNCERTAINTY. The condition of precarity in which refugees are

embedded can be regarded as a common thread running through all of the RESPOND countries. This pervasive uncertainty encompasses, in many instances, every stages of the national migration system, from the operations of rescue and succor, to the RSD and the set of entitlements bestowed on asylum seekers after they obtain protection or permission to stay.

- Additionally, the reports find evidence of a general REGRESSIVE APPROACH and recourse to the notion of the “illegal asylum seeker”. In Respond countries, there is a tendency to merge the status of ‘protection seeker’ with a condition of ‘illegality’ or ‘irregularity’. Following this pattern, more and more frequently, governmental authorities are deploying the punitive arsenal of criminal law against migrants, in an attempt to manage and control migration. Along with this, the distinction between criminal law and immigration law is progressively blurring. Evidence of such schemes have been analysed and theorized in what has been called “crimmigration law”.

### **Towards a policy of deterrence and return**

- The reports on border management and migration control identify a further SECURITIZATION OF THE ENTIRE POLICY FIELD as a predominant trend, resulting not only in expanded internal control measures, but also in a stronger emphasis on deportation, and expanded use of detention. Conversely, fundamental rights and human rights considerations have been weakened, since 2015.
- SYSTEMATIC PUSH-BACKS and an extensive use of inter-personal violence is reported in Turkey, Greece, Hungary and Poland.
- The report on FRONTEX even indicates that there is DIRECT AND INDIRECT INVOLVEMENT OF THE PIVOTAL EU BORDER AGENCY IN PUSHBACK ACTIVITIES and inadequate reporting on member states’ activities. The report shows that the existing monitoring and accountability mechanisms are especially insufficient for investigating and addressing fundamental rights violations by the agency. The legal framework in particular does not allow for the possibility of allocating responsibility for violations, and there is no meaningful scope of remedies for victims.
- The country reports show that RETURN IS ALSO THE DOMINANT DISCOURSE AMONG POLITICAL ACTORS IN MOST EU AND NON-EU-COUNTRIES. Especially in Turkey, there is increasing concern about the involuntary returns of Syrians, as well as individual cases of administrative detention and deportation of irregular migrants. The fear of involuntary return among Syrians in Istanbul increased when Turkey threatened to open its borders to Europe (March 2019), as well as during the Summer of 2019 when the Governor of Istanbul announced that those Syrians originally registered in other cities were going to be sent back when detained. The number of returnees has increased (alt-

though the figures are contested) after the construction of safe zones at the Syrian border.

### **External dimension: Producing buffer zones and waiting rooms with a high level of legal precarity**

In the wake of the 2015/2016 migration ‘crisis’, European migration and asylum regimes have created conditions of ‘PROTRACTED TRANSITIONALITY’. Especially in front states like Turkey and Lebanon, but also in Greece refugees are both physically and also emotionally entrapped and stuck in ‘waiting rooms’. Living desperately in legal limbo under precarious conditions. Uncertainty has detrimental consequences for their well-being.

### **Border and migration policy endanger the life of people in flight – no safe passage to the internationally enshrined asylum protection system**

- The report on border experiences and practices of refugees, which is based on interviews with 507 refugees, demonstrates how the EU and its member states’ migration and border policies also SHAPE THE CONDITIONS OF THE ROUTES AND THE JOURNEYS of people fleeing violence, war and disasters.
- The main effect of the EU and its member states’ policy of restriction and deterrence – especially its external dimension - is that people fleeing are increasingly “directed” towards LONGER, AND EVER MORE DANGEROUS ROUTES leading to “protracted” and fragmented forms of flight-migration up to several years (in some cases up to 11 years).
- Our research confirms that these policies have severe GENDERED EFFECTS and expose the most vulnerable (i.e. women and children) to extreme hardships. 5% of the interviewed refugees indicated that they had been raped and/or trafficked, all on the Central Mediterranean route.
- RESPOND research identifies a correlation between the life-threatening risks fleeing people have to face on the routes to the EU and the EU policy of trying to seal off borders. This situation clearly shows that THE “HUMANITARIAN CORRIDOR” ALONG THE BALKAN ROUTE IN 2015 AND 2016 WAS A POSITIVE HUMANITARIAN EXCEPTION in view of the time, as well as the level of life-threatening risks.
- In general, the interviews demonstrate that the border policies of the EU and its member states deliberately take into account and increasingly enact different forms of INTERPERSONAL AND STRUCTURAL, PHYSICAL AND PHYSIOLOGICAL VIOLENCE THAT CONTRADICT INTERNATIONAL AND EUROPEAN PROTECTION REGIMES, such as the European Convention for the Prevention of Torture or the non-refoulement principle, which is one of the cornerstones of the Geneva refugee convention

- The reports and the survey clearly challenge the myth that all refugees and migrants want to reach Western or Northern European Countries. Rather, the interviews demonstrate that the CHOICE OF DESTINATION COUNTRY is based on a complex assessment in which the existence of diasporic networks, relatives and friends counts heavily.

