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Managing Editors' Statement

Welcome to the fourth volume of Refugee Review, the open access, multidisciplinary, multimedia, and peer-reviewed journal of the ESPMI Network. We are delighted to be able to share with you another rich edition of varied and challenging articles, opinion pieces and practitioner reports from emerging scholars and practitioners around the world.

Refugee Review is an open-access, peer-reviewed e-journal that features a range of submission styles by migrants past and present, emerging and established scholars, practitioners, artists, photojournalists, activists, and anyone else connected to the field of forced migration. Refugee Review is an independent platform, offering a unique publishing opportunity for early-stage professionals, as well as for established scholars that support its mission. Refugee Review has a commitment to equity, respect, and honours the dignity of all persons. We believe that the multidisciplinary and multi-locative nature of forced migration calls for a broad submission invitation, a rigorous but collaborative peer-review process, and an open-access platform. We are committed to working closely with contributors to develop and polish their work, focussed on the presentation of research and work that has allegiance less to particular institutions or geographies, and more to the lessons we can draw from utilizing the collective brilliance of the many institutions, non-profit organizations, projects, and personal involvements that our authors draw from and contribute to. We hope that this is journal can, in a small way, act as a venue for bringing multiple strains of work and study from a diverse group of people into closer proximity for those that seek to know more about forced migration.

We are incredibly proud to have worked directly with over thirty emerging scholars and practitioners who shared their work, and a team of twenty-four peer reviews and editors to bring the fourth edition of our journal forward.

Scholars and practitioners worldwide are grappling with key questions related to research and practice, particularly concerning ethics, representation, and impact. This issue of the Refugee Review set out to explore and expand these issues by focusing on four areas in forced migration research and praxis: methodological challenges and innovations, bridging research to policy and practice, new dissemination practices and public engagement, and supporting emerging scholars and practitioners. The articles presented in this volume address two of these areas most explicitly: methodological challenges and innovations in forced migration research, and bridging research to policy and practice.

This volume shares four articles that address methodological challenges and innovations in forced migration research. Each article critically examines the research needs, data sources, and changing landscape of methodological approaches, considering the relationship between research and policy as well as the implications of different methods. Sartori and Ngulube open our exploration of the methodological challenges and considerations in the study of forced displacement. Through a case study of the meaning of small, portable objects, or, in some instances, the memory of these objects, carried by Palestinians into the Nahr el-Bared refugee camp in Lebanon, their article reflects on the ethnographic limitations and unresolved ethical and empathy dilemmas involved in forced migration research. Kinsella adds to this discussion, examining the ethical, psychosocial and

cultural-linguistic challenges connected with conducting interviews with refugees and asylum seekers. Contributing to deliberations on methodological innovations emerging in forced migration, Frydenlund and De Kock summarize and review agent-based modeling as a computational approach to refugee-related research. While they conclude that agent-based modeling is a powerful tool for forced migration research where multiple factors, as well as environmental and political contexts, interact to make complex, dynamic systems, they also critically analyse some of the limitations of this methodology. Jones continues with considerations for methodological approaches, in this case particularly connected to the ethical concerns of undertaking qualitative research on forced migration in small island developing states. When it comes to small island states, size does matter; the challenges related to elite participation in research on sensitive topics are exacerbated. Connecting theory with the practicalities of research methodology, Jones provides useful insights to the particularities of conducting interviews in small island states.

Four articles address the challenges connecting research and policy, exploring how research can be activist in orientation *and* rigorous in knowledge production, the unintended consequences of policy relevant research, what constitutes relevance to policy, how policy-*irrelevant* research can produce new knowledge on peoples and processes, and how we can better bridge the tension between scholarly and practical impact. Together, these articles underpin the idea that a stronger understanding of the process of policy-making and implementation can help migration researchers effectively engage with policy, policymakers, and practitioners.

Benson, Temprosa and Shlebah's work on policy relevance provides a unique addition to the dialogue on bridging research and practice. Their article not only weaves together reflections on the relevance and import of 'active' research approaches in forced migration research but presents a case for the importance of policy *irrelevant* research. While our focus tends to be on increasing connections to policy, contributing to evidence-based approaches, Benson, Temprosa and Shlebah's work details how policy-oriented research may constrain the objects of study, as policy may act as a filter, or blinder, to the methodological and analytical possibilities of inquiries not tethered to policy interests. Also attending to the aim of improving responses to the circumstances of migrants, including refugees, Shillinglaw argues that greater academic and political attention should be paid to the detail of humanitarian practice and its outcomes. Using empirical evidence from the island of Lesvos, Shillinglaw considers how non-governmental organisations operate within the "everyday politics of aid." It shows that rather than being shaped by top-down policy impositions, a humanitarian space emerges from the ongoing and daily negotiations of those working directly with affected populations, as well as migrants themselves.

Lawale and Poon conclude our article section, each examining practical policy issues – refugee integration and non-refoulement, respectively. Lawale details the institutional challenges with respect to refugee integration in South Africa, where the failure of the Ministry of Home Affairs to manage the interaction between international protection laws and the municipal laws of the country all too often results in municipal authorities and citizens of South Africa acting against refugees in contravention of the provisions of the Refugee Act. Demonstrating another challenge related to state and international refugee law, Poon examines the extraterritorial application of the principle of *non-refoulement* on the high seas. Poon argues that, regardless of the proximity of an

individual to the border or territory of a State or the individual's legal status as determined by law, States are nonetheless responsible for complying with *non-refoulement* obligations, even if that means a duty not to *refoule* asylum claimants and refugees on the high seas.

The practitioner reports from Rebelo and Grundler and Gutierrez share accountings of the challenges asylum seekers, as well as volunteers and activists supporting asylum seekers, confront. Based on five years of work with asylum seekers in Europe, Rebelo details the role of solidarity networks in supporting asylum seekers navigate the asylum process and shares how policy action against the allies of asylum seekers sought to dismantle those networks. Grundler and Gutierrez identify problems minors face in their asylum process, such as lack of assistance and access to documents, issues with document verification, and lack of financial resources. This highlights the need for child-sensitive procedures in the visa application process; in the absence of such procedures, the right to family reunification may be rendered *de facto* inaccessible to minors, resulting in a serious protection gap.

Nungsari, Flanders and Chuah present findings from an interdisciplinary research workshop held in Kuala Lumpur in 2018, adding to limited knowledge base on practitioners' experiences and perspectives on social interventions with refugees in Southeast Asia. Based on the workshop outcomes, Nungsari, Flanders and Chuah suggest a research process flowchart to aid researchers and practitioners in maximizing their impact through policy and advocacy, while at the same time partnering with refugee communities to better serve their needs.

Our volume concludes with three opinion pieces addressing diverse issues in the field of forced migration. Detailing the case of the rupture of the Fundão dam in Brazil, Dias argues that internally displaced persons suffer the effects of environmental crises that trigger their migration before, during and after their displacement, and thus present specific vulnerabilities and special protection needs. Similarly tackling vulnerabilities and needs of forced migrants, Tosun and Ayasli invite readers to scrutinize the imbalance between *de jure* policies and *de facto* practices creates structural challenges for Syrian refugees in Turkey, especially on their access to and benefits from the education services and labor market. In this case, overlooking of the already existing tension between local and refugee communities hinders the integration of refugees into Turkish society. Adding to the methodological dialogue of this volume, Gatter argues that being female granted her access to cultural fluency and a nuanced view of women's lived realities in two refugee camps in Jordan; her role as an aid worker-ethnographer enabled Gatter to shift between both roles to advocate for the women upon whom she depended in the field, leading her to prompt women researchers to deliberate on how we can take advantage of our unique positionalities to be responsible researchers both in the field, and after.

It is our hope that the analyses, experiences, arguments, and primary research shared in this volume add to our growing understanding of some of the pressing issues in forced migration research and policy debated by both emerging scholars and practitioners, as well as established members of academic and professional networks.

Dacia Douhaibi and Nikolett Szelei

Imaginary Objects, Imaginary Palestine: Exploring Methodological Challenges and Opportunities in Ethnographic Research in the Context of the Nahr El-Bared Refugee Camp

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MBONGENI NGULUBE[2]

Abstract

This paper discusses methodological challenges in the inductive study of forced displacement. It focuses on fieldwork experience, ethnographic limitations, and unresolved ethical and empathy dilemmas. Through an analysis of a previous study which nuanced refugee coping strategies in facing transience and chronic uncertainty; the study, set at Nahr el-Bared, a Palestinian refugee camp in Lebanon, revealed that small portable personal objects were the main depository of memory, coping and hope for a future return to Palestine. These objects, (some brought from Palestine 70 years prior) were revealed to poses the power to recreate a connection to the Palestinian identity and an imagined Palestine. The 2007 war relegated most small objects into memory, thus 'things in motion' becomes the crux of the argument. Methodological limitation is revealed in studying 'imagined objects' drawing on 'thing theory' and Appadurai's methodological fetishism as a possible pathway.

Keywords

Methodological Fetishism, Imagined Objects, Ethnographic Moment

Introduction

There has been a re-emergence of scholarly and popular media interest in migration and forced displacement in recent years, incited by events such as the Syrian refugee crisis in 2015. In its

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[2] Mbongeni Ngulube is an anthropology researcher in the Faculty of Philosophy and Letters at Universitat Autònoma de Barcelona. His current work focuses on land (tenure), identity, exchange, and the migration-development nexus ('pre and post' emergency). Ngulube is a Mundus Urbano Scholar under the EU's Excellency Program and has lectured at universities in Belgium, Germany, France and Spain; currently in the Masters of International Cooperation, Sustainable Emergency architecture at Univesitat Internacional de Catalunya. Ngulube has a background in Urbanism, holds three masters in: Architecture, Urban Development, and Housing; and has doctoral works in Social, Cultural, and Development Anthropology.

latest incarnation, forced migration has shaken the very foundations of national sovereignty and challenged the European idea of citizenship.[3] In the Mediterranean it has been called the greatest humanitarian disaster in the region since World War II.[4] Though forced migration is historical, with today's version rooted in the breakup of empires at the end of the First World War and post WWII nation building,[5] recent discourse associated with current incidences of forced migration shows a reverse in causality. In the past, nation building caused forced migration, but today nation states and citizenship are challenged by forced migration and displacement.[6] These developments have shone a renewed focus and understanding on forced migration and refugee camps, both recent, like Moria in Greece, and protracted, such as Nahr el-Bared in Lebanon. This shift in discourse opens opportunities to see forced migration as more than a challenge to policy but a way of human mobility and livelihood. Such life worlds nuance our notions of the nature of nationhood, citizenship, belonging and identity in the twenty-first century.

The change in discourse and perception of forced migration is accompanied by methodological challenges. The nature of the subject requires an inductive approach such as ethnography, in which the researcher participates and observes the mundane, everyday lifeworld of the informants in search of insight. Scholars such as Run advocate auto-ethnography,[7] where the researcher is a member of the studied group and provides insight based on self-observation and experience; such opportunities are limited since few refugees are anthropologists. Ethnography is both a "doing" and a "writing," it is not just Geertz's "thick description" in the written artefact,[8] it is first an immersement in the field.[9] It is also both a method and genre,[10] privileging lived experience. In fact, social knowledge is always an ethical problematic and the ethical and the empirical in ethnography calls for the development of new methods,[11] as such, each ethnography reinvents aspects of known practice. For example, Malinowski's work turned scientists shut away in libraries and museums into explorers, tore them from books and threw them into life,[12] while the reflexive turn questioned whether ethnographies are artifacts of the researcher's presence,[13] and afforded researchers the opportunity for confession and catharsis,[14] by revealing their positions and influence in the field. But, as Spivak states, making positions transparent does not make them unproblematic.[15] This paper analyzes a previous narrative study completed by the author and supervised by

3 Tim Stokholm, *The Mediterranean Migrant Crisis: A Critical Challenge to Global Nation-States* (London: University of East London Centre for Social Justice and Change Working Paper Series, 2015).
4 António Guterres, "UN Refugee Chief: Europe's Response to Mediterranean Crisis is 'Lagging Far Behind,'" *Time Ideas* 23, 2015.
5 Panikos Panayi and Pippa Virdee, eds., *Refugees and the End of Empire: Imperial Collapse and Forced Migration in the Twentieth Century* (Basingstoke, Palgrave Macmillan, 2011).
6 Stokholm, *The Mediterranean Migrant Crisis*.
7 Peter Run, "'Out of place?' An Auto-Ethnography of Refuge and Postcolonial Exile," *African Identities* 10, no. 4 (2012): 381-390.
8 Clifford Geertz, *The Interpretation of Cultures*. (New York: Basic Books, 1973).
9 Marilyn Strathern, *Property, Substance, and Effect: Anthropological Essays on Persons and Things* (London: Athlone Press, 1999).
10 Russell Leigh Sharman, "Style Matters: Ethnography as Method and Genre," *Anthropology and Humanism* 32, no. 2 (2007): 117-129.
11 Michael Parker, "Ethnography/Ethics," *Social Science & Medicine* 65, no. 11 (2007): 2248-2259.
12 Marta Kolankiewicz, *Between Science and Life: The Fieldwork Experience and Malinowski's Diary* (Lund: University of Lund Student Papers, 2003).
13 Charlotte Aull Davies, *Reflexive Ethnography: A Guide to Researching Selves and Others* (New York: Routledge, 2008).
14 Wanda Pillow, "Confession, Catharsis, or Cure? Rethinking the Uses of Reflexivity as Methodological Power in Qualitative Research." *International Journal of Qualitative Studies in Education* 16, no. 2 (2003): 175-196.
15 Spivak, Gayatri Chakravorty, cited in Pillow, "Confession, Catharsis, or Cure?"

Professor Mbongeni Ngulube, who co-authored this paper. The study, which applied an ethnographic methodology and utilized a narrative approach, is based on a six-month-long piece of research, which took place from November 2017 to May 2018, including fieldwork at Nahr el-Bared, a Palestinian refugee camp established in 1948 in the north of Lebanon.

The structure of this paper is intended to demonstrate methodological challenges associated with ethnographic research in forced migration. It also employs a study of small objects as a mechanism of coping with transience, which will form the primary empirical pathway. The study shows that after seven decades, refugees are still in a state of transience. It further reveals that small objects from Palestine were the main depository of memory and the primary means of transcending the chronic uncertainty of camp life.

In the first section of this paper, the camp will be described through experiences of field access negotiation. Then the ethnographic moment is discussed,[16] which revealed the meaning(s) imbued in small objects from Palestine. However, since many of these objects were lost in the 2007 war, informants spoke of imaginary objects, which further represent an imagined territory of the Palestine they left decades ago. The paper thus poses the methodological challenge of researching imagined objects and imagined territories, wherein Appadurai's methodological fetishism is suggested.[17] The fieldwork resulted in twenty-five semi-structured interviews, conducted in two main groups of actors: eighteen Palestinian refugees and seven other stakeholders including representatives of the Lebanese Government, UNRWA and local NGOs (seventeen men and eight women). Informal interactions with at least twenty people, including Palestinian refugees from Nahr el-Bared (fifteen men), and Lebanese people from Tripoli (five men) also inform the findings discussed here. These interactions occurred both inside of the camp and in Tripoli, on the streets, at cafes, *shawarma* shops, a Mosque, and the Old Souk, among other places. As detailed below, due to matters of trust and the nature of the camp, snowball sampling was employed and, consequently, a gender balance was difficult to achieve.[18] Individuals named in this paper have been assigned pseudonyms to protect their identity.

The Cold River

Lebanon is one of the largest host nations for Palestinian refugees. Approximately 450,000 refugees are located in twelve official camps, and their informal expansions, two of which are in militarized zones.[19] Nahr el-Bared, which literally translates to "The Cold River" in standard Arabic, is located sixteen kilometres from Tripoli, north of the country, near a river whose name it bears. Nahr el-Bared was established in 1948 by the League of the Red Crescent in response to the 750,000 Palestinians (80 percent of the population) displaced in the newly established nation of Israel. This expulsion and dislocation, known as the *Nakba*, can be translated to "exodus" according to some sources, but Palestinians insisted that *Nakba* means "the catastrophe." Over nearly six decades, the camp evolved from a tent city to an urban setting of dual morphology, an inner camp established by UNRWA and a "grey area" into which the camp has spilled over the years. Nahr el-Bared urbanized primarily through the efforts of the

16 Strathern, *Property, Substance, and Effect.*

17 Arjun Appadurai, ed., *The Social Life of Things: Commodities in Cultural Perspective* (Cambridge: Cambridge University Press, 1988).

18 Patrick Biernacki, and Dan Waldorf, "Snowball Sampling: Problems and Techniques of Chain Referral Sampling," *Sociological Methods & Research* 10, no. 2 (1981): 141-163; Leo A. Goodman, "Snowball Sampling," *The Annals of Mathematical Statistics* (1961): 148-170.

19 Tamara D. Afifi, Walid A. Afifi, Michelle Acevedo Callejas, Ariana Shahnazi, Amanda White, and Najib Nimah, "The Functionality of Communal Coping in Chronic Uncertainty Environments: The Context of Palestinian Refugees in Lebanon," *Health Communication* 34, no. 13 (2019): 1585-1596.

refugees. My informant Fauzi, a twenty-three year-old man born and raised in the camp, declared, “This is not a camp, this is a city! My city!”

The refugee camps in Lebanon are, in general, accustomed to receiving foreigners like journalists, researchers and aid workers. Prior to my arrival, I had obtained a university letter detailing my identity and the nature of my research as part of informed consent, which I included in my application package to access the camp. I set myself up at a Monastery in the La Mina, Tripoli, while I touched base with the contacts I had communicated with prior to my arrival. Aishah, the leader of a community-based organization, initiated the application for my access to the camp along with “Sounds of Change,” a Dutch NGO that frequently works in Middle Eastern refugee camps, all to be processed by the Lebanese Armed Forces (LAF). This supposedly routine application met stiff resistance from the military, which first remained silent on the applications, and later denied both. Sounds of Change had to reschedule and relocate the children’s workshop to Beddawi Refugee Camp, a non-militarized zone.

Left without a choice I approached Fadila, the Head of Design at UNRWA, believing that the UN had better clout and would resolve the issue. To our surprise, the LAF would not relent, and we suspected that there must have been a change regarding access protocol. As time went by, I became frustrated; I felt powerless for the first half of my fieldwork period. It was difficult to come to terms with the reality that every contact I had, including those at the UN, could not secure my access into the camp. I had already exhausted all my resources without results and I still had not been to the camp. I reached out to my supervisor who assured me that “even lack of access to the camp is data too.” In the meantime, I managed to interview four Palestinian refugees in Tripoli; this is how I met Fauzi and two critical contacts, Hasan and Fajar, who later hosted me in their homes in the camp and helped with the translation of data and connected me with further contacts.

After waiting for sixteen days, my application was approved by the military and a contact organized by an alumnus of my study programme accepted my request and kindly drove me to the Abdeh Checkpoint, one of five in Nahr el-Bared, and explained my situation to the LAF soldier on duty, who then denied my entry. It was in this desperate moment that I called one of my Tripoli interviewees, Fauzi, who rushed to meet me at the checkpoint. Fauzi spoke in a very different way with the soldier, I could tell he had “developed a capacity to perform the role of ‘the refugee’ with the accompanying stereotypes that it entails.”[20] He made his points without insisting, was persuasive without commanding, and generally took a humbler approach. It turns out, there is a cabinet at the checkpoint where hundreds of authorization documents are stored. Fauzi, being used to the LAF, managed to manoeuvre the soldier into checking the cabinet until my name was found, a process that took twenty minutes. The soldier checked my credentials and retained my passport while I finally entered “the field.” This became the routine, each time I entered, I surrendered my passport and in a real way, I felt I had stepped into a new country, I finally arrived in Palestine.

My short struggle for research access demonstrates the extreme control exerted by the LAF who dictate the daily existence of the camp inhabitants. The lack of freedom of movement, a basic human right, symbolically expresses what Ramadan calls a State of Exception.[21] Nahr el-Bared exists within Lebanon but is not governed by Lebanon, it is outside of the national order and operates as an excluded State; as such, social rights are suspended and ceded to military rule. The LAF control in essence, is the material/physical expression of lives under control in multiple forms, from prevention of land ownership, to access to job opportunities at

[20] Heath Cabot, “‘Refugee Voices:’ Tragedy, Ghosts, and the Anthropology of Not Knowing," *Journal of Contemporary Ethnography* 45, no. 6 (2016): 645-672.
[21] Adam Ramadan, "Destroying Nahr el-Bared: Sovereignty and Urbicide in the Space of Exception," *Political Geography* 28, no. 3 (2009): 153-163.

the Government. The sketch also describes the tenuous relationships between the army, international organizations, local NGOs, the Lebanese population and Palestinian refugees. The LAF's control on access and security gives the camp the appearance of an unrecognized state, complete with passport control. Everyday life in the camp is regimented by an interplay of these amorphous relationships which disempowers refugees most of all leaving them in a state of limbo. This "frame of liminality" is often invoked as a metaphor for considering how refugees are people outside the "national order of things."[22] They lack the rights associated with nationhood and citizenship, as Muhammad, a family patriarch, and a community leader, lamented during one of our dinners together at his home, "I'm an old man and I have to present my identity to enter my own home. This is a camp, my camp, not a prison. There is no humanity!" While refugees occupy very different types of settlements from tent cities to integrated urban dwellings, this "camp logic" of permanent temporariness defines their shared experience. The uncertainty I experienced for a short time with the LAF is the everyday experience of the refugees. Uncertainty is often defined as an inability to know what the future will hold,[23] and in Palestinian refugee camps in Lebanon, chronic uncertainty is the norm.[24]

Refugees often have to manage seemingly endless uncertainties that stem directly from their refugee status, somewhat irrespective of where they reside.[25] For Palestinians, it's a case of uncertainty within uncertainty, internal factions in the camp, threats from outside the camp, LAF, lack of governance, and decades of drawn-out conflict in Palestine, plus the recent influx of new arrivals from Syria, some former Palestinians.[26] Additionally, Palestinians deal with a very specific forced displacement characteristic. For the past seven decades, the State of Israel has been gaining ground, physically expanding its territory while, more recently, the support of important stakeholders in the international arena has increased. This context makes it impossible to return home in the immediate future. Unlike refugees from different origins, home no longer exists for Palestinians, and the move to a third territory seems improbable after seven decades, deepening the sense of permanent temporariness.

The interviews I carried out in Tripoli while awaiting access to the camp suggested that Palestinians greatly valued their identity, which their isolation in the camp had helped to preserve as it limited their assimilation into the local population. This perception results from a combination of their expressed frustration of not being fully integrated locally, and the necessity of converting the camp into Palestinian territory, characterized by the community's manifestations; an additional mechanism in their fight to regain the original Palestinian territory. The urban environment developed over decades was infused with symbols and deep meaning which I believed created a sense of home.

> Everywhere you look, you see Palestine. We do many paintings on the walls, we spread our flag, it is all there. The camp does not let you forget that you are in Palestine, and makes us remember home, all the time,

is the way Fauzi explained it in Tripoli. Once in the camp however, I saw a few flag paintings here and there but most of them looked quite old and neglected. My informants also frequently described their settlement as a city but at times insisted it was a camp as was the case for Fauzi

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22 Liisa H. Malkki, "Refugees and Exile: From 'Refugee Studies' to the National Order of Things." *Annual Review of Anthropology* 24, no. 1 (1995): 495-523.
23 Dale E. Brashers, "Communication and Uncertainty Management," *Journal of Communication* 51, no. 3 (2001): 477-497.
24 Afifi, Callejas, Shahnazi, White, and Nimah, "The Functionality of Communal Coping"
25 Ibid.
26 Ibid.

and Muhammad respectively. In one sense they deployed the "city identity" to claim control over their territory, and the "camp identity" as a sign that they have another home they wish to return to. I later discovered that the expected visual representations of Palestine were not as frequent nor relevant, and some were the product of NGO activities or faction campaigns and publicity. I could not recognize the Palestine I had imagined based on Fauzi's words. This debunked my initial impression of collective communal coping through urban space, until I met Ahmad, the man who gave me a completely new perspective on the material expression of culture.

The State of Exception

As he came out of a narrow, dense and poorly illuminated shop, the sun-lit Ahmad was a man of around seventy-five years and visibly tired. His battered teeth, unshaven beard, red eyes, and dark circles intensified a sense of suffering. A father of ten, Ahmad has been living in a terrible condition in one of UNRWA emergency shelter containers for the past eleven years. With vivid detail, he described the challenge of taking care of his family in such a difficult environment, marked by insufficient public services and reduced post-war economic activity. "I am working every single day to pay the rent off this shop. I almost hardly bring anything home. I do not know what to do." Tears welled in his eyes as he narrated his second war-induced displacement. He spoke of a "second Nakba" in 2007 when the LAF invaded the camp supposedly in response to the armed radical group Fatah Al-Islam. It resembled 1948 when Palestinians were informed of an Israeli invasion and instructed to evacuate and carry nothing as they would return shortly. Ahmad explained that in 2007 the authorities sounded a very similar evacuation notice, assuring them that they would return in three days. He closed the door to his house taking nothing but the clothes on his back, only to return after months at the end of the war to find his house devastated, as he stated below,

> When I came back to my home, everything was destroyed. I tried, but I could not find a single thing. I lost everything, all my memories, my history. I lost the key of my home in Palestine. I was keeping this key for 70 years! I lost my hope to come back to Palestine! I lost everything that could represent Palestine for me. Life just does not make sense anymore. I am just struggling to survive.

He recalled his return painfully to me. At this moment, I encountered what Strathern calls the ethnographic moment, "a moment of immersement that is simultaneously total and partial."[27] An encounter that unlocks the research, almost literally in this case, demonstrating that ethnography comprises a double field, each creating the other – the informant's lifeworld and the ethnographer's theoretical frame, and he must inhabit both fields at once. This dual habitus was a moment of deep despair for him, and paradoxically a triumph for my research, as it revealed a new analytical frame and perspective but caused a yet unresolved ethical and empathy dilemma. The limits between the necessity of accessing information and the right of impelling suffering through this memory process represents a dilemma in ethnographic research. Through witnessing his tears, I realized the symbolic power of small portable objects as the depository of memory and meaning, and as a means for containing hope for the future. I then realized that other informants had previously discussed a similar loss of hopes imbued in small objects.

[27] Strathern, *Property, Substance, and Effect*.

Farrah, the founder and leader of a local NGO, is a strong young lady with long grey hair, and a compulsive smoker. In her hoarse voice, she exclaimed,

> I lost all my memories in the 2007 war. For the past ten years, I have been 'collecting' objects that make me remember Palestine, from sculptures to paintings, from wood boxes to plates, even souvenirs, to restore my library of memories.

Hafidz, a talkative, playful and extremely affectionate young architect told me "come with me, I wanna show you something important." With a beautiful sunset backdrop, he led me to an old destroyed concrete slab and said "welcome to my home! And sorry for not being able to offer you a cup of tea." This was the ruins of his house, destroyed during the 2007 war. With passion, he spoke of evenings with the family on the balcony, chatting, smoking *nargile*, sharing food, and enjoying the view. I had been struck speechless even then, feeling lost and privileged; we stood in silence for a while, then Hafidz declared:

> After so many years, I do not feel so bad coming here anymore. Nowadays, it is just concrete. But when I was 15, coming back for the first time, was really hard, really sad. I took a piece of concrete and saved it to remember my home. What would make me really happy would be the removal of these rubble, because I am sure that my memories are down there! I would love to retrieve my childhood photos. I have nothing to remember that time. When we have nothing to remember our history, we feel as if our past does not exist.

The experience of displacement, being settled in a sterile space in a new territory and labelled as a refugee, is a process of depersonalization and deterritorialization.[28] In forced displacement situations, people often make choices about what to bring with them based on primary necessities (survival and mercantile exchange), but also based on the objects that can represent them, supporting identity constructions through memory and material expressions of culture, enabling displaced individuals to recognise themselves in a new territory. For most of my informants, these small objects are imbued with a past and a hope for the future; in this way, the refugees are coping with transience.

Other scholars of forced migration have recently begun to consider how temporality might be crucial to an understanding of displacement.[29] Horst and Grabska use the term "protracted uncertainty" to describe feeling "stuck" between places and in between past and possible future lives, with the sense that a resolution is out of their hands.[30] It is precisely this loss of control that underpins the refugee experience and also why small portable objects are a way of regaining some semblance of hope and identity. These are by design (as observed in fieldwork) individual coping mechanisms. Though there is a collective sense about "objects," I did not encounter an object that was shared, by members of a family, for example. As opposed to Lyons et al., who focus on communal coping which occurs when dyads or a group of people

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28 David Parkin, "Mementoes as Transitional Objects in Human Displacement," *Journal of Material Culture* 4, no. 3 (1999): 303-320.

29 Nadia El-Shaarawi, "Living an Uncertain Future: Temporality, Uncertainty, and Well-being Among Iraqi Refugees in Egypt," *Social Analysis* 59, no. 1 (2015): 38-56.

30 Cindy Horst, and Katarzyna Grabska, "Introduction: Flight and Exile—Uncertainty in the Context of Conflict-induced Displacement," *Social Analysis* 59, no. 1 (2015): 1-18.

view a problem as "our problem" and "our responsibility," in this case, objects were very personal.[31]

In displacement experiences, the role of possessions is more than simply the practical items that encompass daily life. They are the familiar material elements – such as a child's security blanket – capable of bringing comfort, supporting individuals in times of uncertainty. Moreover, as connections with the past, they work as reminders of "normal" times, maintaining the hope that the rupture is temporary, and the possibility of coming back home.[32] In this sense, the 2007 war converted the small objects to "imaginary objects." The narratives of Palestinian refugees expressing the power of these objects, the sadness of losing them and consequently the catastrophic loss of these important bridges to their lovely past, revealed an "imagined Palestine." These objects were not only material memories; they were the tool for building their idea of Palestine, leading the discussion from objects themselves to an imagined territory constructed from their loss.

Imagined Objects, Communities and Territories

Fajar, an easy going 20-year-old young man with a passion for books, a deep interest in the concept of communism, and always ready for political debates, remarked: "You are Brazilian and you can go there. You can visit my country. But I, I'm a Palestinian, and I can't go. It's my country, but I have never been there…" I could sense the indignation in his voice and eyes. Like so many community members, Fajar was born and raised in the camp. With seven decades of history, Nahr el-Bared has generations of Palestinians who were born in Lebanon but are not citizens of Lebanon, and have never set foot in Palestine. Yet they speak passionately about their home country, which they experience through oral culture and small portable objects.

Trauma, as a form of social wound, occurred in 2007 due to the loss of many small objects during the war.[33] This brought about a new phase to the objects and deeper meaning as they only remained in the imagination. Many informants spoke with great relish regarding the objects – keys of their houses in Palestine, pictures from childhood, wood boxes, decorated plates, among many other mementoes that make up the library of memories of each individual – and in particular, their dramatic loss in the second Nakba. This simultaneously allowed younger generations to identify strongly with the idea of the 1948 Nakba too, thus legitimizing their identity as Palestinians.

The objects became more powerful, moving from a "library of memories" to a condition of "lost objects" or simulacrum.[34] They started to represent not only their memories of Palestine and its culture, but also their own suffering during the war. Representing the suffering of being a displaced community in a state of permanent temporariness, a state of exception, these imaginary objects are symbols of the loss of memories and cultural materials and, above all, the loss of Palestine itself. Therefore, the analysis of imaginary objects revealed vividly the existence of an imaginary Palestine – a Palestine built on memory.

Though in the humanitarian setting, the "suffering body" has become the main legitimate source of a claim,[35] Coker notes that "[i]n the refugee experience, the future, present,

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31 Renee F. Lyons, Kristin D. Mickelson, Michael J.L. Sullivan, and James C. Coyne, "Coping as a Communal Process," *Journal of Social and Personal Relationships* 15, no. 5 (1998): 579-605.

32 Russell W. Belk, "The Role of Possessions in Constructing and Maintaining a Sense of Past," in *ACR North American Advances 17,* eds. Marvin E. Goldberg, Gerald Gorn and Richard W. Pollay (Provo: Association for Consumer Research, 1990), 669-676.

33 Omar Dewachi, "When Wounds Travel," *Medicine Anthropology Theory* 2, no. 3 (2015): 61-82.

34 Jean Baudrillard, *Simulacra and Simulation* (Ann Arbor: University of Michigan Press, 1994).

35 Didier Fassin and Estelle d'Halluin, "The Truth from the Body: Medical Certificates as Ultimate Evidence for Asylum Seekers," *American Anthropologist* 107, no. 4 (2005): 597-608.

and even the past become the 'unknown terrain' that must be relearned. [T]his relearning occurs on the terrain of the body and is expressed through what she terms 'illness talk.'"[36] In Nahr el-Bared however, the objects were used at the level of a fetish which partly takes the place of the suffering body, almost as a shield. This demonstrates that "even in the exceptional context of a refugee camp, liminality, and its attendant uncertainties, may provide a space in which refugees negotiate political and social subjectivities and identities in which they imagine certain kinds of futures."[37] These imagined objects, communities, and territories could offer a clue to better understanding the life worlds of those living in seemingly permanent transience. This poses a methodological challenge to better grasp these "unseen phenomena."

A Methodological Fetishism

The methodological approach and fieldwork experience outlined in this narrative demonstrate the challenges of carrying out ethnographic participant observation in general, but specifically in a refugee camp. Many researchers advocate ethnography to best understand the temporal, spatial and identity distortion resulting from the trauma of uncertainty and transience. To this end, Run seeks to adopt the auto-ethnographical methodology as the best way to approach new issues in diasporic identity research.[38] Khosravi adds that auto-ethnographic accounts of illegal travel across borders of Asia and Europe exemplify how autobiographical introspection on larger issues can shed new light on old problems.[39] This notwithstanding, unlike war correspondent journalists, the anthropologist is seldom witness to the full experience of forced displacement. It can be argued that, being in transition and transience, refugees are eternally in the "dis-place-ment" moment. Cabot is concerned with representing the true life of refugees,[40] and argues that "ethnographers, perhaps through attempting to enact a kind of 'cultural critique,'[41] often seek to stand outside dominant knowledge practices particularly when they focus on marginalized groups,"[42] but eventually co-opt and mobilize the very dominant categories they seek to jettison.

Application of these concerns remains relevant in refugee studies, but the crux of the paper is the revelation of things as objects for coping with transience. A methodological approach that draws on the expertise of material culture, where the relationship between people and things is central in understanding the meaning of such objects. As we know "objects and humans inform the existence of each other; they are inextricably linked in meaning."[43] People interact with things from birth, but "normally we would understand object and human to be on two different sides of an object-subject dialectic," as Descartes argued in his writings on the incorporeal mind so long ago.[44] As anthropological data, the things in the case of Palestinian refugees transcend objectivity, or "thingness," and thus pose the question "how do you reconstruct past systems of meaning (let alone changes in them) when you can neither

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[36] Elizabeth Marie Coker, "'Traveling Pains:' Embodied Metaphors of Suffering among Southern Sudanese Refugees in Cairo," *Culture, Medicine and Psychiatry* 28, no. 1 (2004): 15-39.
[37] Malkki, "Refugees and Exile."
[38] Run, "'Out of place?'"
[39] Shahram Khosravi, *'Illegal' Traveller: An Auto-Ethnography of Borders* (Basingstoke and New York: Springer, 2010).
[40] Cabot, "Refugee Voices."
[41] George E. Marcus, and Michael M.J. Fischer, *Anthropology as Cultural Critique* (Chicago: University of Chicago Press, 1986).
[42] Cabot, "Refugee Voices."
[43] Catherine Button, "Whales, Legs, Harpoons, and Other Things: Methodological Fetishism and the Human-Object Relationship in Moby-Dick" (Graduate Thesis, State Salem University, 2014).
[44] Ibid.

participate in nor directly observe the lives of people."[45] Brown's discussion of his "thing theory" argues "why not let things alone? Let them rest somewhere else – in the balmy elsewhere beyond theory."[46]

In other words, when things are viewed, or grasped through human understanding and theory, they are in essence fetishized. Appadurai suggests that we "follow things themselves,"[47] in this way to understand "objects themselves, not as created and invested with meaning by humans, but as beings in their own right, quasi-objects having the quality of 'thingness.'"[48] For this reason, Appadurai stresses that:

> Even though from a *theoretical* point of view human actors encode things with significance, from a *methodological* point of view it is the things-in-motion that illuminate their human and social context. No social analysis of things (whether the analyst is an economist, an art historian, or an anthropologist) can avoid a minimum level of what might be called methodological fetishism.[49]

To follow "things in themselves" would mean subverting the subject-object dialectic in the philosophy of dualism, thus enabling a disentanglement of the human-object relationship. But

> as a constitutional element of individuals where we define the things by adding values to them while the things define us – reciprocally working as agents in terms of value definition – more than the object itself, it is its trajectory the main component of its value definition.[50]

Things in motion are thus the crux of the argument, yet in the instance of Palestinian refugees, the "things themselves" no longer exist, in a real tangible sense, having been lost in the 2007 war. The "things" exist only in the memory and are already fetishized. Fowles, drawing on Baudrillard's definition, states: "[a]s a mirror the object is perfect, precisely because it sends back not real images, but desired ones," which gives us a sense of how Palestinian refugees relate to their lost objects.[51] Though it is in their traditional role, it is "through the subjectification of objects, that anthropologists seem to search for a new anthropological informant in order to occupy the space left by the disappearance or relocation of the typical anthropological informant of the colonial era;"[52] in other words, "things." This case study offers an opportunity to transcend methodological fetishism in the study of the imagined territory of Palestine.

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45 Appadurai, *The Social Life of Things*.
46 Bill Brown, "Thing Theory," *Critical Inquiry* 28, no. 1 (2001): 1-22.
47 Appadurai, *The Social Life of Things*.
48 Button, *Whales, Legs, Harpoons, and Other Things*.
49 Appadurai, *The Social Life of Things*.
50 Ibid.
51 Baudrillard, *Simulacra and Simulation*; Severin Fowles, "The Perfect Subject (Postcolonial Object Studies)," *Journal of Material Culture* 21, no. 1 (2016): 9-27.
52 Ibid.

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Refugee Testimony and Human Rights Advocacy: The Challenges of Interviewing Refugees "In the Field"

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Abstract
Based on semi-structured interviews with experienced researchers, this article discusses the challenges of conducting interviews about human rights matters with refugees and displaced people. It examines aspects of the practice of conducting interviews, particularly the ethical, psychosocial and cultural-linguistic issues as they present themselves "in the field" and the ways in which these issues might be approached. The article aims to be of particular value to emerging scholars and practitioners familiar with the principles of research methods but with less practical experience of conducting interviews with refugees and displaced people.

Keywords
Interviews, Research Methods, Human Rights, Refugees.

Introduction

Based on interviews with experienced researchers, this article discusses the challenges of conducting interviews about human rights matters with refugees and displaced people. Six participants from the International Refugee Rights Initiative (IRRI), a research and advocacy organisation working in Africa, took part in semi-structured interviews to inform this article. Each participant has substantial experience conducting interviews with displaced persons, for various purposes including advocacy, academic research, humanitarian assessments, and legal casework. When combining experience, the participants have conducted interviews with refugees in twelve African countries, including Angola, Democratic Republic of Congo, Ethiopia, Kenya, Rwanda, Senegal, Somalia/Somaliland, South Africa, South Sudan, Sudan, Tanzania, and Uganda, and worked with refugees from Burundi and Eritrea. This article does not dwell on the methodological

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and epistemological perspectives on interviewing to be found in research methods textbooks. Instead, it examines aspects of the practice of conducting interviews, particularly the ethical, psychosocial and cultural-linguistic issues as they present themselves "in the field" and the ways in which these issues might be approached. The article aims to be of particular value to emerging scholars and practitioners familiar with the principles of research methods but with less practical experience of conducting interviews with refugees and displaced people. It will also hopefully provide interesting reflections for more experienced researchers as well.

Terminology

In this article, the term "*interviewee*" refers strictly to a displaced person or refugee responding to questions as the subject of an interview. The term "*researcher*" refers to a person conducting any type of research, as well as to the person who asks the questions during an interview. This is distinguished from the term "*participant,*" which is reserved exclusively to refer to the specific researchers whose views informed this article. The term "*interview*" in this paper refers to qualitative semi-structured formats, where the questions are broadly determined in advance by the researcher, while embracing spontaneous digressions as they arise.

Influences on Interviews in the Field of Refugee Rights

Interviews have long been a prominent tool of social science research within a wide range of disciplines.[2] This broad appeal may stem from the intuitive ease of conducting interviews – no specialist equipment is required beyond a notebook and pencil, and the format is intelligible to most interviewees as a kind of structured conversation. Interviews are flexible and can accommodate a wide range of topics and approaches. Unsurprisingly, given the diverse application of the method across the social sciences, interviews also feature in human rights and refugee studies. However, where these two fields intersect – an area referred to here as "refugee rights" – it is possible to detect some specific influences which shape the methodological choices of researchers and the ways interviews are deployed. We will consider three of these influences, arising from some common contexts in which work on refugee rights in Africa might occur. Each of these contexts emphasizes "action research," conducted not solely for the sake of advancing knowledge, but as a means of gathering information to support some other objective.

First, many interviews with displaced people and refugees are conducted in connection with legal processes and institutions. In legal, criminal and investigative work, the interview is a vital tool for establishing legally salient facts. As Gozna and Horvath note[3], investigative interviewing of witnesses, victims and suspects by police "plays a fundamental role in the criminal justice process." Similarly, Groome states, in the specific context of investigating violent human rights violations, "witnesses are the most critical part of any case" and investigators should spend a significant part of their time identifying and interviewing them.[4] Likewise, the work of prosecutors of the International Criminal Court investigating alleged violations under their

[2] Elliot G. Mishler, *Research Interviewing* (Cambridge, MA: Harvard University Press, 1986).
[3] Lynsey Gozna, Miranda A. H. Horvath, "Investigative Interviewing," in *Understanding Criminal Investigation,* eds. Stephen Tong, Robin P. Bryant, Miranda A. H. Horvath (Chichester: Wiley-Blackwell, 2009), 115-134.
[4] Dermont Groome, *The Handbook of Human Rights Investigation: A Comprehensive Guide to the Investigation and Documentation of Violent Human Rights Abuses* (US: Human Rights Press, 2001):174.

mandate, includes "conducting interviews, collecting testimonies, and talking with NGOs and people in the field."[5] Interviews also occur in the context of legal case work, supporting particular individuals in obtaining legal and humanitarian protection, in asylum and Refugee Status Determination (RSD) procedures, or in seeking redress for human rights violations which may have caused their displacement. Here, the interview aims to gather information to inform legal processes and decision making. Yet, even outside of formal legal settings, these quasi-legal investigative approaches are important in the field of human rights, with much research informed by the field of law and applying legal analysis and concepts.

Second, interviews with refugees and displaced people often occur in the context of humanitarian processes, which influence why and how research is conducted. For instance, interviews are a formal part of the humanitarian response itself, with agencies usually conducting Humanitarian Needs Assessments to inform their interventions, including structured interviews with affected people about their humanitarian situation.[6] This humanitarian context may also influence the wider research agenda when discussing the rights of refugees, with researchers trying to frame research questions and interview topics in response to the perceived humanitarian needs of affected people. Others may wish to follow in the footsteps of Harrell-Bond,[7]Agier,[8] and others, in providing critique of the role of the humanitarian agencies themselves, perhaps viewing them as part of what Agier calls "a special regime… of humanitarian government," whose function is both to care for and control displaced people.[9]

Third, much research in refugee rights occurs in the context of advocacy, with interviews used to establish the facts of a situation and the subjective views of affected people, for the express goal of advocating for particular kinds of social and political change. For instance, interviews may aim to understand whether a particular process designed to protect refugees is actually working, or whether the statements a government has made in relation to displaced people are true. Interview data and subsequent research outputs may be used in order to influence the policies and practices of local, national and international actors; to hold duty-holders such as government or UN agencies to account; and to give a voice to refugees and displaced people.[10] Unlike many humanitarian organisations which strive to maintain the appearance of impartiality, human rights advocacy can often be more overtly engaged in political processes and may result in taking stronger positions on political matters.

These are not the only contexts that might influence the methodological choices of researchers working on refugee rights. For instance, we have not discussed the role of academic and university institutions, whether located in African countries or outside the continent. Moreover, these various contexts are not mutually exclusive – a researcher may have to contend

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5 Stephen, Wilkinson, *Standards of Proof in International Humanitarian and Human Rights Fact-Finding and Inquiry Missions* (Geneva Academy of International Humanitarian Law and Human Rights, 2012): 21.
6 ACAPS, *Qualitative and Quantitative. Research Techniques for Humanitarian Needs Assessment. An Introductory Brief* (ACAPS Assessment Capacities Project, 2012).
7 Barbara Harrell-Bond, "Can Humanitarian Work With Refugees Be Humane?" *Human Rights Quarterly* 24, no. 1 (2002): 51-85.
8 Michel Agier, *Managing the Undesirables* (Cambridge: Polity, 2011).
9 Ibid, 7.
10 Berenice Van den Driessche, and George Graham, "Humanitarian Advocacy – Training Course," *Save the Children & Open University*, Accessed April 15, 2020.
https://www.open.edu/openlearncreate/mod/resource/view.php?id=53750

with all of them. Certainly, the approaches of the participants have been influenced by each of these three contexts to varying degrees – although perhaps most strongly by the last, advocacy.

Why Interviews?

All participants regarded interviews as a vital part of their refugee rights research methods "tool kit" - unsurprisingly, as they were specifically selected for their interview experience. Some had used focus groups and quasi-ethnographic techniques, but all saw the interview as their core method. A number of reasons for this preference emerged. First – unlike quantitative methods – the interview is excellent at providing an individual story or narrative. It allows the interviewee to reflect on what they have experienced and can provide greater insight, substance, depth and human perspective about how people are making decisions, which are vital when discussing refugee rights issues and especially for advocacy, as a means of humanising particular issues.

Second, while participants felt focus groups have strengths, in terms of revealing community dynamics and the interactions between different points of view, they are sometimes dominated by particular people – often men, community leaders, or members of other privileged groups. Interviews allow those who might be excluded or marginalised in group settings the opportunity to speak more openly. Similarly, certain sensitive or taboo subjects may not be discussed at all in a group setting, but might be raised in a private interview. The confidentiality of the private interview encourages the interviewee to be candid and provides them with a better degree of protection.

Third, interviews are excellent where facts need to be established about a situation, since they allow conflicting accounts to be identified and explored further. It is for this reason criminal investigators conduct witness interviews individually, so interviewees do not have the opportunity to adjust their story to fit in with an emerging group narrative. Interviews can therefore be cross-checked against each other to improve the validity of the information captured.

One participant mentioned how interviews can be supplemented with quasi-ethnographic techniques, noting contextual observations such as social dynamics and interactions, body language, gestures, tone of voice, the environment, any observable cultural or community factors, and so on. Such observations may not be useful in legal work, since they rarely have relevance to the legal issues at stake and the interviews tend to be more tightly focussed. But in qualitative research, being prepared to open up to these wider factors can be highly rewarding, deepening the researcher's understanding of the context in which they are working. As the participant put it, "ethnographic sensitivity is hugely important in any context."

However, interviews have important limitations. It may be harder to generalize from qualitative interview data to speak about wider trends – for instance, detecting shifts in public opinion or identifying levels of access to particular public services – where quantitative approaches are likely to be more appropriate. Similarly, if a researcher hopes to understand the wider social and political context in which refugees are living, the interviewees themselves will often only be able to provide their own limited and subjective perspective on the subject. One participant highlighted that conducting interviews is time-consuming, particularly in challenging humanitarian contexts, with one researcher able to conduct no more than six good-quality interviews per day.

Handling Interview Data

Participants had similar approaches to capturing information during an interview – they all preferred handwritten notes. One participant felt taking handwritten notes puts interviewees at greater ease, while using recording devices can make them more reserved and guarded. Transcribing audio recordings is time-consuming and costly, while electronic recording devices are less reliable when working in remote or insecure areas. Generally, participants said their note-taking would focus on capturing broad themes and ideas, taking verbatim quotations where they seemed particularly salient. In addition, one participant liked to record interviews where possible and create verbatim written transcripts afterwards, to help in analysing responses, spotting issues missed during the interview itself, and aiding accurate recall. Whatever means of recording or note-taking a researcher chooses, it is always important to ensure those notes are kept securely, as they will contain confidential and irreplaceable information.

Participants were very conscious of issues which might lead to an interviewee misrepresenting them self in an interview. For instance, this could be in anticipation of receiving some benefit or to avoid possible negative consequences – an expectation that is best managed by explicitly explaining no direct benefits will arise from the interview. Interviewees might present a narrative they think is more socially acceptable, saying only what they believe is expected of them, and withholding more individual or critical views that might dissent from the norms in their group.

One distinction that affects how interviews are approached is the degree of "objectivity" required. Interviews intended to help establish the facts of a situation – as is the case with most legal work – demand a high degree of "objectivity" and awareness of the researcher's own subjective biases. The researcher may probe interviewees more firmly on certain points and seek to triangulate the interview data by checking facts from other independent sources. However, where an interview seeks to capture the perceptions, views and impressions of refugees themselves, the interviewee's subjective experiences should come to the fore. In this case, it becomes more important to identify common themes and ideas that recur across the interview responses, and to capture the voice and perspective of the respondents, rather than to rigorously fact-check every detail.

In either case, some degree of data triangulation is important, and participants highlighted several ways in which interview data can be checked. First, a researcher can check the responses given within the interview for consistency by asking the same question more than once, asking follow-up questions, rephrasing or finding a different angle on the same point. Second, interviews allow responses to be checked against each other, comparing one person's responses to those of another, to reveal inconsistencies. Thirdly, interview data can be checked against other sources, such as the reports of reputable news organisations, agencies or NGOs, or via trusted contacts in the area. One participant noted refugees sometimes have personal documents such as birth certificates, passports, ID cards, legal documents, letters, photographs and papers, which can help to validate their story and provide additional information about their lives. However, many refugees have none of these papers and this should not be seen as undermining the validity of their interview.

Dealing with Gatekeepers

The role of "gatekeepers" emerged as an important issue with potentially significant impact on interview-based research. Gatekeepers are those people, groups or organisations who, via formal or informal means, can control or influence contact with displaced people, and allow or deny researchers access to carry out their work in a particular place or with a particular group. Such gatekeepers might be government officials, UN agencies such as UNHCR, humanitarian NGOs, or community groups and leaders among the refugee populations themselves. It might be necessary for a researcher to pass through more than one gatekeeper.

Gatekeepers affect research in a number of ways. First, they can deny access to particular locations, such as refugee camps, restricting or preventing research there altogether. They may cause delays and be uncooperative in any number of ways, either in an effort to deter the researcher, or because their priorities lie elsewhere – perhaps delivering humanitarian aid. Second, gatekeepers sometimes have the ability to influence who takes part in interviews, by being selective in making introductions to certain people and certain groups. This may serve a particular agenda – for example by encouraging access only to certain ethnic groups, or to people who are unlikely to be critical of the government or humanitarian agencies. Participants were acutely aware of how this can result in the sample of interviewees being skewed towards a particular group or perspective, having an important effect on the researcher's ability to collect the information they need.

"Great Expectations" – Handling Ethical Issues

Ethical issues need careful consideration when working with refugees in humanitarian contexts. One key tool for mitigating these issues is by managing the interviewees expectations and obtaining "informed consent" for the interview. This requires the researcher to thoroughly introduce themselves and their research objective, and to explicitly request and obtain the interviewee's permission to proceed with the interview and to record or take notes. Participants noted that they tend to rely on an interviewee's verbal consent, which is then recorded in the interview notes, rather than asking them to sign a consent form. This can help put the interviewee at ease and encourage rapport and candour, especially those who may have low literacy levels. If consent is not forthcoming, the interview simply stops.

Participating in an interview with a researcher usually does not lead to any direct benefits for the interviewee. Yet, some interviewees might initially expect payment or might hope speaking to an outsider will bring about other improvements in their lives. Sometimes it is possible there could be indirect benefits to an interviewee, perhaps because the presence or actions of the researcher draw attention to the interviewee's situation – intentionally or not. However, managing these expectations is critical, including clarifying no direct individual benefits or compensation will be forthcoming for the interviewee, explaining the limits of the researcher's role, and describing clearly how the information provided will be used. As one participant stated, "transparency from beginning to end is the most important." Some more established refugee camps have what one participant called a "research economy," where people become accustomed to receiving researchers. There may be systems in place to manage interview requests, with community leaders acting as gatekeepers or demanding payment in return for access. Compensating interviewees for their time is an important ethical issue, and participants agreed this

should be avoided, since it drives up the cost of conducting beneficial research, undermines the credibility and impartiality of the research, and creates expectations subsequent researchers might not be able to meet.

Even where payment and benefits are not expected, researchers should not expect every person to be enthusiastic about taking part in their research. People may not want to participate for a range of reasons, including being tired of speaking to researchers and seeing no visible benefits from it – one participant called this "research fatigue." Researchers should be very understanding if some people do not want to talk about particular issues, or do not want to talk at all. Similarly, displaced people may be bored of hearing the same questions, suggesting researchers should try to ask something new if possible. This ideally means beginning with a good literature review, so wherever possible, the research does not repeat what others have already done.

Participants noted that during an interview, interviewees sometimes raise particular issues relating to their situation – points regarding their legal case, unmet humanitarian or psychosocial needs, unresolved grievances, or other aspects of their lives – in the hope the researcher might be able to help. These issues may be serious, confronting the researcher with a choice about whether to refer that person for further support. Most participants were reluctant to make referrals in this way, as it blurs the role of the researcher, creates expectations, and unfairly advantages the interviewee as compared to those people who have not had the opportunity to participate in interviews. Despite these issues, most participants agreed they would make a confidential referral where a case was serious. As one participant noted, sometimes having an appropriate referral mechanism in place may be a requirement for obtaining ethical approval or access for research. An alternative approach may be to make a note of any common recurring complaints and to refer those anonymously to relevant humanitarian agencies – a form of "secondary advocacy," with the objective of highlighting a wider problem rather than intervening on behalf of individuals.

It is also vitally important in human rights interviews to avoid negative consequences for the interviewee, particularly by protecting their safety, security and dignity. Many interviewees could be putting themselves at risk by speaking to a researcher, particularly if their comments are critical or highlight violations of the law by other individuals or groups. Participants noted a number of safeguards, including conducting interviews in private and discrete locations where possible, keeping interview notes in a safe place, and anonymising the responses of interviewees so individuals cannot be identified. Sometimes the researcher's ability to implement such safeguards may be limited – for example, it is not usually possible or appropriate to maintain a person's anonymity in connection with legal case work.

Participants highlighted how the responsibilities of researchers last long after the interview is finished. First, the impression a researcher leaves behind them will affect how other members of the research community who come later are perceived. Researchers owe a responsibility to one another to leave behind the best impression they can, by conducting themselves in a respectful manner and approaching the people they are interviewing with courtesy and humility. Second, researchers must ensure the personal information they have gathered is used responsibly and accurately, taking all necessary steps to protect people's personal data and security. Third, researchers should provide feedback to their interviewees where possible – ideally by going back in person to tell them about the findings or by sending copies of published reports. As one participant noted, very often research outputs collect dust in the libraries of European or American universities, or in offices in Geneva and New York, while the interviewees – whose own stories are contained in those reports – never hear from the researcher again. But more importantly, where

the purpose of an interview is advocacy, then the researcher has a responsibility "*to do the advocacy*" – that is, to use the information entrusted to them by interviewees to advocate on their behalf and press for meaningful improvements in their lives.

The Psychosocial Dimension

Participants were concerned about the possibility of psychosocial impacts upon interviewees and the risk of re-traumatising people who have been through traumatic experiences and may still live in trying and stressful circumstances. Participants noted it is important for researchers to weigh the risk of re-traumatising a person versus the benefits that person can expect from the interview. Sometimes, participants felt a higher level of risk was acceptable where an interview was part of a process leading to direct benefits for the interviewee. This might be the case where the interview aims to ascertain the facts and credibility of a person's legal case to support them in obtaining legal protection through asylum and refugee status determination procedures, or as preparation for an appearance before a tribunal or court who might be more aggressive in their questioning. For most research purposes however, it was generally felt a more cautious approach was required, because the direct benefits of the research to the interviewee are likely to be negligible. In such cases, questioning would tend to proceed more gently, and the researcher should always pause or stop if it is clear the interviewee is becoming overwhelmed.

As one participant noted, it is very difficult to know before you begin the interview what the interviewee's current emotional and psychosocial state is likely to be. People can have similar backgrounds and life experiences but respond very differently to them - one person may display remarkable resilience, while another shows the signs of deep trauma, despite having faced a similar set of circumstances. It therefore requires the researcher to have some basic awareness of the risk factors, signs and symptoms of trauma, grief, and so on, and an acute sensitivity to the interviewee's emotional state throughout the process.

Participants had some practical tips to help manage psychosocial issues. First, it is important to create as safe and comfortable an interview environment as possible. A private, quiet location, or a place the interviewee is familiar with, are often a good choice. However, this can be challenging – researchers cannot take for granted facilities such as a private interview space, shelter from the sun, or adequate seating. Researchers might carry tissues in case an interviewee starts crying. Sometimes it is helpful to have family members or friends present to support the interviewee – although this can affect the responses the interviewee gives and may even turn the interview into a family focus group.

Participants felt that, in a context where trained psychosocial practitioners might not be available, having the opportunity to speak about their experiences to an outsider can be beneficial for interviewees. This means allowing time for the interviewee to raise issues they feel are important, letting them air grievances and painful experiences in their own time and own words. Rigidly focussing on a predetermined interview schedule is at best insensitive and may be highly detrimental to this process. Finally, researchers should be aware of how conducting interviews with displaced people might impact their own emotional state and wellbeing. It can be difficult, stressful, affecting work – as one participant put it, "finding refugees who have been in camps for many years, and their situation does not seem to improve, is depressing."

Lost in Translation?

Participants were asked to identify any cultural and linguistic issues they may have encountered in conducting interviews with people from different nationalities, ethnicities or social groups. As one participant noted, this area needs careful thought, partly because discussions of African conflicts are sometimes reduced to simplistic inter-ethnic terms, either in the popular media or even by interviewees themselves. The researcher working with people displaced by conflict has a choice whether to ask about ethnicity, potentially feeding into those narratives and reinforcing those identities, or to simply not ask and therefore risk missing useful information. There may be a dominant narrative among a particular community or ethnic group – if the researcher does not ask, he or she will miss this aspect. Likewise, there are contexts where asking questions about ethnicity is highly sensitive and may even lead to difficulties with the authorities – as is the case in Rwanda and Burundi for instance. One way of handling this question is simply to allow the interviewee to mention ethnicity if they feel it is relevant.

Another key issue was the availability of interpreters with the necessary experience and training. A good interpreter tries to translate the interviewee's responses as fully as possible, rather than summarising what was said. Where a respondent gives a long answer in their native language, but the interpreter provides only a brief précis, much of the meaning of the respondent's original answer is lost. Similarly, if an interpreter has worked with the same researcher for some time, they may begin to anticipate questions the researcher will ask and jump ahead. Such issues suggest researchers should give clear briefing and instruction to their interpreters. Interpreters may also influence the interview with their own bias, perhaps trying to steer the interviewee towards particular responses, or changing and leaving out crucial information. For this reason, it is important to know the background of the interpreters and how they are perceived in the community.

There are further problems intrinsic to the act of translation which even the best interpreters cannot avoid. How does one translate particular words or expressions which may exist in one language and not in the other, or capture the nuanced connotations of particular idioms? For this reason, some participants prefer to conduct interviews in languages they speak fluently. Yet there may be important differences in the way those same languages are spoken by the researcher and by the interviewee, with distinctive variants of English, Arabic or French being spoken across Africa for example. Moreover, these languages may be spoken primarily by members of elite groups, potentially skewing the research and excluding perspectives from those who are unable to speak them. In all cases, using simple phrasing and vocabulary, with clear, direct questions, is a key way to minimize these difficulties.

Other issues can arise conducting interviews with people from other cultures or social groups. For instance, an interviewee might make reference to a cultural context or a religious practice or belief which the researcher does not understand the significance of, perhaps leading to a key point being misunderstood. Similarly, the researcher's status as an outsider may affect the interview. This might be positive, if the researcher is seen as neutral, independent or credible, allowing the interviewee to speak more candidly. Or it may be negative, with the researcher having to work harder to build trust and rapport.

One way of mitigating these cross-cultural and linguistic challenges is for researchers to learn as much as possible about the context they are working in. This typically means conducting extensive literature reviews and reading deeply about the history and culture of the place. It might

mean visiting and learning about a place before the interviews start or familiarising oneself with the local language. Such an approach sharpens the researcher's "ethnographic sensitivity" and can help them to extract deeper layers of meaning from their interviews.

Building Rapport

One way to mitigate some of the challenges above is to build some degree of rapport with the interviewee. Indeed, participants generally thought interpersonal skills are essential for successful interviews and suggested allowing the conversation to flow, without sticking rigidly to the questions on the interview guide. This means allowing the interviewee time to speak about what is relevant to them, rather than simply pursuing answers to predefined questions. Sometimes the interviewee will come to the interview with topics they want to discuss, and these may need to be worked through before the researcher can seek answers to their own questions. This means allowing enough time with each interviewee, perhaps staying a while or making several visits, and focussing on the depth and quality of dialogue, rather than seeking to undertake a greater number of more superficial interviews. Often, the understanding of a person's life and context which comes from these deeper interviews is invaluable.

The researcher should pay careful attention to the interviewee, taking care to make eye contact and listen closely to responses, even when they are in a language the researcher does not understand. This helps build trust and rapport and allows the researcher to read certain cues in body language, tone of voice, and so on, which can provide useful information to frame the interviewee's response. It can allow the researcher to see if an interviewee is becoming distressed or bored, or if a certain line of questioning is making them uncomfortable.

Participants all underlined the importance of these interpersonal skills. Moreover, they all recognised the privileged position of the researcher in comparison to the communities in which they are working – there is an inequality of power between the researcher and interviewee. Not only does the researcher control the direction of the interview and how the information gathered will be used, they will often have many privileges and life choices accessible to them which the interviewee does not – due to comparative wealth, education, social or legal status, the passport they hold, or other disparities. As one participant succinctly put it, "you can leave at the end of the day" – while the interviewee does not have that option. Understanding this fundamental inequality between the researcher and the interviewee is vital. At a minimum, researchers must be sensitive, humble, respectful, and profoundly grateful for people taking the time to talk. As one participant put it – "it's your research, but it's these people's lives."

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Critical Reflections on Conducting Elite Interviews on Forced Migration in Small Island Developing States

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Abstract

This paper considers the ethical and methodological concerns related to undertaking qualitative research on forced migration in small island developing states (SIDS). It is based on reflections on the first stages of a qualitative research project, which seeks to examine the impact of the current Venezuelan migration crisis on SIDS in the states that were colonized by the Dutch and English (Aruba, Curaçao, and Trinidad and Tobago). This paper discusses how culture, domestic politics and the geo-political environments of SIDS influences the negotiation and conduct of interviews with experts (government and non-governmental officials working in immigration and foreign policy). In discussing the effects of scale in the conduct of research into forced migration, the author also draws on her experience conducting doctoral research on undocumented migration in another SIDS, Barbados. Using a small states lens thus enables critical reflection, on the part of the researcher, towards adopting a flexible strategy to ensure appropriate ethical and methodological approaches. The research affirms debates in the literature on undertaking sensitive research with qualitative methodologies. It points out that the challenges related to elite participation in research on sensitive topics are exacerbated by small size. The paper thus contributes to an emerging dialogue regarding research in "small connected communities." In addition, the paper weighs the merit of undertaking research in the Caribbean, an under-researched setting, where policy decisions/actions vis-à-vis emerging migration crises, are being taken without clear evidence of support from data and research. It thus sheds light on this region of the world where increasing public attention is now being paid to forced migration (and displacement), signifying the need for robust methodologies of investigation.

Keywords: Small Island Developing State(s) (SIDS), Ethics, Methodology, Qualitative Research, Elite Interviews, Reflexivity, Flexibility, Sensitive Research, Scale

Introduction

Since 2015, approximately 1.6 million Venezuelans have emigrated due to the multidimensional crisis affecting the country.[2] The majority (90 percent) have travelled to

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[2] Claudia Vargas Rivas, "La migración en Venezuela como dimensión de la crisis," *Pensamiento Propio* 47 (2018): 91-128; "UNHCR and IOM Chiefs Call for More Support as the Outflow of Venezuelans Rises Across the Region," *IOM UN Migration*, August 23, 2018.

South America. Several have also travelled to small island developing states (SIDS) in the Southern Caribbean.[3] Venezuelan arrivals in this region has been met with mixed policy responses. However, a common narrative has emerged concerning states' (in)ability to manage a (substantial) increase in forced migration flows from Venezuela.[4] In order to examine the implications of the Venezuelan migration crisis for these Caribbean SIDS, I designed a multi-sited study organized in two phases. The first seeks to understand from the perspective of elites, the factors that limit the respective state's capacity to effectively respond to higher levels of inward migration from Venezuela. I had decided to focus on the forced migration contexts of the three SIDS in the Caribbean – Aruba, Curacao and Trinidad and Tobago, most impacted by the crisis.[5,6] The second, will entail an ethnographic study of migrants in at least two of these destination countries, to explore their reasons for emigrating and the challenges of integrating in the host country.

The first phase of research thus entailed "studying up" as I prioritized interviews with local political officials and international civil servants working in the areas of foreign policy, national security and migration management.[7] I sought access to those "who hold important social networks, social capital and strategic positions within social structures.[8] I thought my engagement with these individuals would be a critical entry point to other key players, since ultimately my requests would have been routed to these initial contacts, making or breaking their decision to participate. Of greater importance was the fact that I thought it essential to contextualize migrants' experiences by understanding the role of the state in the reproduction of their exclusion.[9] This paper is concerned with the challenges of completing the first phase of the study. I encountered difficulties obtaining access to elites to undertake semi-structured interviews. In attempting to understand what accounted for the low rate of participation, I drew on literature related to small state discourse, forced migration and qualitative research (elite interviewing). Were the challenges related to the fact that these were all small states defined

3 SIDS share a number of characteristics, which distinguish them from other states. These include their vulnerability to exogenous shocks, susceptibility to natural disasters, and remoteness. The grouping is constituted by sovereign and non-sovereign states in the Atlantic, Indian Ocean, Mediterranean and South China Sea (AIMS), Caribbean and Pacific regions. The Caribbean region has the highest number of SIDS. UN-OHRLLS, *Small Island Developing States: Small Islands Big(ger) Stakes* (New York: UN-OHRLLS, 2011).

4 Gregory Scruggs, "Venezuelans Fleeing to Trinidad Expose Cracks in Island Refugee Policy," *Reuters*, January 18, 2018, https://www. reuters. com/article/us-islands-trinidadtobago-refugees/venezuelans-fleeing-to-trinidad-expose-cracks-in-island-refugee-policy-idUSKBN1KD0U6; Bram Ebus, "Nearby Curacao No Safe Haven for Fleeing Venezuelans," *IRIN*, October 31, 2018; Carla Bridglal, "TT Not Refugee Camp: Rowley Buffs UN on Venezuela Deportations," *Trinidad and Tobago Newsday*, April 27, 2018; "The Hague Cannot Ignore Refugees from Venezuela," *Curacao Chronicle*, December 14, 2018; "Premier Aruba: The Netherlands 'Too Indifferent' About Refugee Flow to Venezuela," *Curacao Chronicle*, May 19, 2018.

5 Teresa Welsh, "Venezuelan Crisis is 'On the Scale of Syria' UNHCR says," *Devex*, September 19, 2018.

6 In addition to these three countries, Guyana has also seen an increasing number of Venezuelan arrivals. ("The Influx of Venezuelans in Guyana: Refugees to Some, 'Silent Invader' to Others," *Kaieteur News*, November 5, 2018) Later research will focus on this country, which is distinct from the current cases due to its land rather than coastal border with Venezuela, as well as the nature of the government's response, which has been receptive to inward migration from Venezuela ("Guyana Establishes Support Group for Venezuelans Seeking Refuge," *Guyana Times*, June 4, 2018)

7 Xu Liu, "Interviewing elites: Methodological Issues Confronting a Novice," *International Journal of Qualitative Methods* 17, no. 1 (2018): 1-9; Robert Mikecz, "Interviewing Elites: Addressing Methodological Issues," *Qualitative inquiry* 18, no. 6 (2012): 482-493; William S. Harvey, "Strategies for Conducting Elite Interviews," *Qualitative Research* 11, no. 4 (2011): 431-441.

8 Ibid.

9 Michal Ruzicka, "Unveiling What Should Remain Hidden: Ethics and Politics of Researching Marginal People," *Österreichische Zeitschrift für Soziologie* 41, no. 2 (2016): 147-164.

by a unique set of characteristics, emblematic of small states? Or were they to be explained by the more generic issues related to conducting research with elite populations?

The paper is organized into four sections. The first entails a review of the literatures on undertaking qualitative research through elite interviewing and discourse on small states. The concept of "scale" is used to unify these two disparate areas of scholarship. A brief overview of the Venezuelan crisis and a description of narratives and policy responses surrounding the increase in inward migration from Venezuela to the Caribbean is then provided. A discussion of the research project and the steps taken to negotiate access ensues. This is followed by a discussion of the factors, which explained low rates of participation of elites contacted for the research project. This section links the discourses on small states and qualitative research methodologies and includes comparative analysis of a research project undertaken in another SIDs. The paper concludes by discussing implications of the research findings for future research into forced migration in the Caribbean context. In addition to reconciling the issues faced during the research process, this paper can provide insight for novice researchers who may face similar challenges undertaking research in small island contexts.

On Scale

Scale is a contested terminology in geography;[10] it is less fraught where there has been a tendency for an operational definition which conflates scale with size.[11] There has been quite heated debate regarding the definition of scale and its various components, that is scale as size, level and relational, respectively.[12] In this paper I adopt a definition of scale which embraces these three dimensions. Specifically, I am interested in how factors related to small size are reproduced throughout the research project, as well as the extent to which the research project, undertaken in small geographical spaces, was impacted by social relations shaping the (geo) political existence of the small states being studied. It was necessary to draw on a wide range of literature in order to understand and paint a coherent picture of the relationship between scale and qualitative research. Based on the scholarship examined, scale can refer to the scope of the project, that is, the number of participants or the pool of potential participants,[13] the site of the project, that is, the spatial/geographical extent of the place being studied,[14] or a combination of both.[15] Gregory et al. (2009)[16] affirm that scale impacts research design, since

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10 Nathan Sayre, "Scale," in *A Companion to Environmental Geography*, ed. Castree, Noel, David Demeritt, Diana Liverman, and Bruce Rhoads (UK: John Wiley & Sons, 2016), 95-108; Robert B. McMaster, and Eric Sheppard, "Introduction: Scale and Geographic Inquiry," in *Scale and Geographic Inquiry: Nature, Society, and Method*, eds. Eric Sheppard and Robert B. McMaster (UK: Blackwell Publishing, 2004), 1-22.

11 Sayre, "Scale," 95 -108.

12 Sallie A. Marston, John Paul Jones III, and Keith Woodward, "Human Geography Without Scale." *Transactions of the Institute of British Geographers* 30, no. 4 (2005): 416-432; Helga Leitner, and Byron Miller, "Scale and the Limitations of Ontological Debate: A Commentary on Marston, Jones and Woodward," *Transactions of the Institute of British Geographers* 32, no. 1 (2007): 116-125.

13 Mira Crouch, and Heather McKenzie, "The Logic of Small Samples in Interview-Based Qualitative Research," *Social Science Information* 45, no. 4 (2006): 483-499; Shari L. Dworkin, "Sample Size Policy for Qualitative Studies Using In-Depth Interviews," *Archives of Sexual Behaviour* 41 (2012): 1319-1320.

14 Dheeba Moosa, "Challenges to Anonymity and Representation in Educational Qualitative Research in a Small Community: A Reflection on My Research Journey," *Compare: A Journal of Comparative and International Education* 43, no. 4 (2013): 483-495.

15 Vanessa Burholt, Thomas Scharf, and Kieran Walsh, "Imagery and Imaginary of Islander Identity: Older People and Migration in Irish Small-Island Communities," *Journal of Rural Studies* 31 (2013): 1-12.

16 Derek Gregory, Ron Johnston, Geraldine Pratt, Michael Watts, and Sarah Whatmore, *The Dictionary of Human Geography* (UK: John Wiley & Sons, 2011).

questions must be appropriate to the unit of analysis. But scale also has other consequences, as I will demonstrate below.

Does Size Matter? Scale and Place

There is a well-established literature on scale in relation to place, most notable, the discourse on small states, and within that, the scholarship on small island developing states (SIDS). This discourse spans a range of disciplines including International Relations (especially International Political Economy), Political Science and Development Studies.[17] While the definition, and contingently the methods for measuring (small) size are contested, there is consensus that SIDS share a number of characteristics which distinguish them from large(r) states, and which impact their mode of being in world.[18] For the purposes of this analysis we focus on dimensions of territory, specifically population, as this is the most frequently used quantitative metric.[19,20] I have adopted the 1.5 million threshold, which is advanced by the Commonwealth Secretariat and endorsed by the World Bank.[21]

In the literature, there appears to be a divide concerning the extent of the impact of small country size on methodology. On the one hand, there are indirect discussions on the relationship between design and scale, where research sites are chosen precisely because of their small size in order to satisfy research objectives.[22] Research into small places is also characterised by similar methodological tools employed in large(r) places including semi-structured interviews and site visits,[23] case studies,[24] online surveys using a structured questionnaire,[25] and multi-criteria choice methodology.[26] This underscores the suitability of small places as appropriate sites for scholarly investigation; indeed, islands have a special place

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17 For further information on current issues being addressed by the discourse, please see the Journal of Island Studies and the Journal of Small States and Territories coordinated by the Universities of Prince Edward Island, Canada and Malta, respectively.

18 Matthew Louis Bishop, "The Political Economy of Small States: Enduring Vulnerability?" *Review of International Political Economy* 19, no. 5 (2012): 942-960; Lino Briguglio, "Small Island Developing States and Their Economic Vulnerabilities," *World Development* 23, no. 9 (1995): 1615-1632; Commonwealth Consultative Group on the Special Needs of Small States, and Commonwealth Secretariat, Consultative Group on the Special Needs of Small States. *Vulnerability: Small States in the Global Society: Report of a Commonwealth Consultative Group (*London: Commonwealth Secretariat, 1985); Commonwealth Secretariat, *Overcoming Vulnerability: A Future for Small States.* (London. Commonwealth Secretariat, 1997); Donna Lee, and Nicola J. Smith, "Small State Discourses in the International Political Economy," *Third World Quarterly* 31, no. 7 (2010): 1091-1105.

19 Matthias Maass, "The Elusive Definition of the Small State," *International Politics* 46, no. 1 (2009): 65-83.

20 Ibid. Maass makes a useful distinction between quantitative and qualitative dimensions, the latter relating to power and influence in the international system, typically embraced by scholars of International Relations.

21 Paul Sutton, "The Concept of Small States in the International Political Economy," *The Round Table: The Commonwealth Journal of International Affairs* 100 (413):141-153.

22 Burholt, Scharf, and Walsh, "Imagery and Imaginary of Islander Identity: Older People and Migration in Irish Small-Island Communities," 1-12; Alex Arnall, and Uma Kothari, "Challenging Climate Change and Migration Discourse: Different Understandings of Timescale and Temporality in the Maldives," *Global Environmental Change* 31 (2015): 199-206.

23 Adelle, Thomas, Amelia Moore, and Michael Edwards. "Feeding island dreams: exploring the relationship between food security and agritourism in the Caribbean," *Island Studies Journal 13,* no. 2 (2018): 145-162.
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24 Phu Doma Lama, "Gendered Consequences of Mobility for Adaptation in Small Island Developing States: Case Studies from Maafushi and Kudafari in the Maldives," *Island Studies Journal* 13, no. 2 (2018).

25 Arminda Almeida-Santana, and Sergio Moreno-Gil, "Effective Island Brand Architecture: Promoting Island Tourism in the Canary Islands and Other Archipelagos," *Island Studies Journal* 13, no. 2 (2018): 71-92.

26 Anna Tsoukala, Ioannis Spilanis, Isabel Banos-González, Julia Martinez-Fernandez, Miguel Angel Esteve-Selma, and George Tsirtsis, "An Exercise in Decision Support Modelling for Islands: A Case Study for a 'Typical' Meditterranean Island," *Island Studies Journal* 13, no. 2 (2018): 185-202.

as they facilitate examination of diverse processes of migration[27]. It does not, however, settle the question of whether/how small size impacts methodology. This concern is addressed by the inter-disciplinary field of Island Studies.[28] Within the context of research into and on island states, considerations of scale influences researchers' responsibility to: (1) not objectify island spaces; (2) recognize the agency of the researched; and (3) engage multi-scalar conceptualizations of scale in order to enrich theoretical understandings.[29]

In a discussion on methodological issues, Baldachinno[30] notes that islands are characterised by closely knit and surveilled networks, which poses challenges for investigating island life. Islanders carefully guard information due to the risk of being alienated from their community. This bears special significance for those with positionality as outsider, who are unable to interpret social cues and break the "culture of silence". Within this framework, scale converges at both the territorial and societal levels. This is an important point to highlight since societal scale – the number and quality of role relationships – can be constrained in large territories as well.[31] Baldachinno does not provide a specific case study, as he uses as an auto-biographical approach based on his broad breath of experience in this field. Yet, his observations affirm the need for sensitivity to issues related to small size. They also suggest that ethical and methodological concerns can arise due to small (country) size. The links between scale and ethical and methodological considerations are more evident in the discussion on small sample frame, especially concerns regarding confidentiality and anonymity in elite interviewing.

Does Size Matter? Scale and Sample Size

There is rigorous debate in the literature on what constitutes too small a sample and the associated challenges of validity and generalizability of findings. This forms part of a larger debate between quantitative and qualitative methodologists. Justifications regarding the use of a small sample include methodological orientation, satisfying study objectives, as well as pragmatism - overcoming issues of access in hard to reach populations, or in sensitive subject areas.[32] In this regard, the debate is particularly problematic since there are recommendations for minimum cut off points for sample size, including suggestions that the sample size be

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27 Russell King, "Geography, Islands and Migration in an Era of Mobility," *Island Studies Journal* 4, no. 1 (2009): 53-84.

28 Godfrey Baldacchino, "The Coming of Age of Island Studies," *Tijdchrift voor Economische en Sociale Georafie* 95, no. 3 (2004): 272-283.

29 Godfrey Baldacchino, "Studying Islands: On Whose Terms? Some Epistemological and Methodological Challenges to the Pursuit of Island Studies," *Island Studies Journal* 3, no. 1 (2008): 37-56; Nathalie Bernardie-Tahir, and Camille Schmoll, "Opening Up the Island: A 'Counter-Islandness' Approach to Migration in Malta," *Island Studies Journal* 9, no. 1 (2014): 43-56; Jenna M. Loyd, and Alison Mountz, "Managing Migration, Scaling Sovereignty on Islands," *Island Studies Journal* 9, no. 1 (2014): 23-42.

30 Baldacchino, "Studying Islands: On Whose terms? Some Epistemological and Methodological Challenges to the Pursuit of Island Studies," 37-56.

31 Jeffrey Richards, "Politics in Small Independent Communities: Conflict or Consensus?" *Journal of Commonwealth & Comparative Politics* 20, no. 2 (1982): 155-171.

32 Julie Barnett, Konstantina Vasileiou, Susan Thorpe, and Terry Young, Justifying the Adequacy of Samples in qualitative Interview-Based Studies: Differences Between and Within Journals, Unpublished paper Bath University Conference on Qualitative Research, 2015; Bryan Marshall, Peter Cardon, Amit Poddar, and Renee Fontenot, "Does Sample Size matter in Qualitative Research: A Review of Qualitative Interviews in IS Research," *Journal of Computer Information Systems* 54 (1):11-22.

determined *a priori.*[33] Dworkin[34] for example, recommends a range of 25-30 individual interviews, as this is believed to exhaust all research questions and enhance the possibility of rigorous data collection, including testing of negative cases. These minimum (and arbitrarily assigned) points may not be pragmatic in certain settings, where small country size may impose small sampling frame. The approximation of less than 20, proposed by Crouch and McKenzie[35], seems to be much more tenable. Notwithstanding the above, there is consensus that small sample sizes (irrespective of how defined) are useful, in particular for case studies, since it encourages deep analysis.[36]

Discussions regarding challenges of a small sampling frame have arisen, especially for studies related to sensitive research topics. Diligence and sensitivity are required throughout the research process from the initial stages of contacting interviewees through to reporting data. In the case of the former, the researcher can build in protective mechanism, such as a blurb regarding how data will be reported.[37] In the case of the latter, anonymity can be counter-productive since deliberate obfuscation of identifying details does not prevent discovery of participants or place, by local or extra-local actors.[38] While the possibility exists to increase the sample size by including additional sites for data collection, this flexibility is useful only if it is feasible and appropriate to the study. Moreover, the interconnectedness of networks in specialized fields or groups, may still pose challenges to confidentiality.[39] Heightened interconnectedness of networks can lead to recommendations for further contacts, facilitating access.[40] However, the converse logic is also true, in that the participation of potential interviewees may be discouraged by those with whom initial contact has been made.[41]

Research Context

Since the death of Former President Hugo Chávez an ongoing multi-dimensional crisis has affected the Bolivarian Republic of Venezuela (Venezuela).[42] One aspect of the simultaneous

[33] Julius Sim, Benjamin Saunders, Jackie Waterfield, and Tom Kingstone, "Can Sample Size in Qualitative Research Be Determined A Priori?" *International Journal of Social Research Methodology* 21, no. 5 (2018): 619-634.
[34] Dworkin, "Sample Size Policy for Qualitative Studies Using In-Depth Interviews," 1319-1320.
[35] Crouch, and McKenzie, "The Logic of Small Samples in Interview-Based Qualitative Research," 483-499.
[36] Konstantina Vasileiou, Julie Barnett, Susan Thorpe, and Terry Young, "Characterising and Justifying Sample Size Sufficiency in Interview-Based Studies: Systematic Analysis of Qualitative Health Research Over a 15-year Period," *BMC Medical Research Methodology* 18, no. 1 (2018): 148; Margarete Sandelowski, "Sample Size in Qualitative Research," *Research in Nursing & Health* 18, no. 2 (1995): 179-183.
[37] Thecla Damianakis, and Michael R. Woodford, "Qualitative Research With Small Connected Communities: Generating New Knowledge While Upholding Research Ethics," *Qualitative Health Research* 22, no. 5 (2012): 708-718.
[38] Jan Nespor, "Anonymity and Place in Qualitative Inquiry," *Qualitative Inquiry* 6, no. 4 (2000): 546-569.
[39] Benjamin Baez, "Confidentiality in Qualitative Research: Reflections on Secrets, Power and Agency," *Qualitative Research* 2, no. 1 (2002): 35-58.
[40] Kari Lancaster, "Confidentiality, Anonymity and Power Relations in Elite Interviewing: Conducting Qualitative Policy Research in a Politicised Domain," *International Journal of Social Research Methodology* 20, no. 1 (2017): 93-103; Benjamin Saunders, Jenny Kitzinger, and Celia Kitzinger, "Anonymising Interview Data: Challenges and Compromise in Practice," *Qualitative Research* 15, no. 5 (2015): 616-632.
[41] Mihail Plamenov Petkov, and Lambros George Kaoullas, "Overcoming Respondent Resistance at Elite Interviews Using an Intermediary," *Qualitative Research* 16, no. 4 (2016): 411-429.
[42] Thomas Fridolin Legler, Andrei Serbin Pont, and Ornela Garelli Rios. "Introduction: the complex and multidimensional nature of the Venezuelan crisis." *Pensamiento Propio* 47, no. 23 (2018): 9-12; Congressional Review Services, *Venezuela: Background and U.S. relations* (Washington, D.C.: *Congressional Review Services*, 2014); Congressional Review Services, *Venezuela: Background and U.S. policy* (Washington, D.C.: Congressional Review Services, 2017); Congressional Review Services, *Venezuela's economic crisis: Issues for*

crises affecting the country, is substantial emigration, which experts have estimated has totalled 1.6 million persons since 2015.[43] Dire economic conditions have produced critical shortages in basic necessities, such as food and medicine.[44] Emigration has therefore become a means of survival. This sizeable outward migration has signalled a turning point in the socio-cultural history of Venezuela, which was once characterized as a country of *im*migration.[45] During the Chávez administration, emigration rates increased with the departure of middle-class professionals, who were disenchanted with the political regime or recruited for their expertise and skills in fields such as medicine and engineering.[46] Emigration since Maduro's assumption of office is, however, distinct from that which would have taken place under Chávez's leadership. This new wave is largely composed of the unemployed and disaffected youth,[47] who are making precarious journeys on foot or by sea, to proximate and contiguous continental and island destinations. In addition, an increasing number of Venezuelans are now claiming asylum, significantly higher than previous years, and are travelling to new destinations in the hemisphere.[48]

Research on the contemporary destinations of Venezuelan migrants is now emerging;[49] work in this area has not focused explicitly on forced migration though consideration is given to issues, which are important factors in forced migration settings, such as mental health of migrants[50] and discrimination.[51] For Venezuelans - economic migrants, individuals reuniting with family members and persons seeking asylum, SIDS in the Southern Caribbean are popular destinations due to their proximity. At eleven kilometres, twenty-five kilometres and 68 kilometres north of Venezuela, Trinidad and Tobago, Aruba and Curacao, respectively are easily accessible by boat. However, the journey by boat to these destinations is expensive, and

*Congress (*Washington, D.C.: Congressional Review Services, 2018); Congressional Review Services, *Venezuela: Background and U.S. relations* (Washington, D.C.: Congressional Review Services, 2018)

43 IOM UN Migration, "UNHCR and IOM Chiefs Call for More Support as the Outflow of Venezuelans Rises Across the Region."

44 Emma Graham-Harrison, "Hunger Eats Away at Venezuela's Soul as its People Struggle to Survive," *The Guardian*, August 27 2017, https://www.theguardian.com/world/2017/aug/26/nicolas-maduro-donald-trump-venezuela hunger.

45 Saskia Sassen-Koob, "Economic Growth and Immigration in Venezuela," *International Migration Review* 13, no. 3 (1979): 455-474; Ricardo Torrealba, Matilde Suárez, and Mariluz Schloeter, "Ciento Cincuenta Años de Políticas Immigratorias," *Demografía y Economía* XVII, no.3 (1983): 367-390.

46 Vargas Rivas, "La Migración en Venezuela como Dimensión de la Crisis," 91-128.

47 Ben Winsor, "An Exodus of Youth: Why Millennials Are Fleeing Venezuela," *SBS News*, November 3, 2017.

48 International Crisis Group, *Containing the Shock Waves from Venezuela* (Brussels: International Crisis Group, 2018); Stephania Corpi, "Far from Home: Venezuela's Neighbours Cope with Migrants Fleeing Life Under Maduro," *World Politics Review*, December 12, 2017.

49 Mario de la Hoz Schilling, "Exploring the New North of the South? A Qualitative Study of Venezuelans Migrating to Chile since 2013 and the Push and Pull Factors Influencing South-South Migration in Latin America." (MSc thesis, Lund University, 2018); Tomás Elías Castillo Crasto, and Mercedes Reguant Álvarez, "Percepciones sobre la Migración Venezolana: causas, España como Destino, Expectativas de Retorno," *Migraciones* 41 (2017): 133-163; Turid Fånes Sætermo, "Negotiating Belonging As 'Ideal Migrants': An Ethnographic Study of Skilled Migration from Venezuela to Canada," (PhD diss., Norwegian University of Science and Technology, 2016); Laura Pulido González, and Diana Carolina Rodríguez Mendoza, "Medellin: An attractive City of Destination for Venezuelan Immigrants," (Master's thesis, Universidad EAFIT, 2015).

50 Seth J. Schwartz, Christopher P. Salas-Wright, Augusto Pérez-Gómez, Juliana Mejía-Trujillo, Eric C. Brown, Pablo Montero-Zamora, Alan Meca et al., "Cultural Stress and Psychological Symptoms in Recent Venezuelan Immigrants to the United States and Colombia," *International Journal of Intercultural Relations* 67 (2018): 25-34.

51 Flavio Salgado Bustillos, Carlos Contreras Painemal, and Lorena Albornoz, "La Migración Venezolana en Santiago de Chile: Entre la Inseguridad Laboral y la Discriminación," *RIEM, Revista Internacional de Estudios Migratorios* 8, no. 1 (2018): 81-117.

at times, risky.[52] In January 2018, for example, a vessel en route to Curacao carrying approximately twenty persons broke apart. Only four of the persons drowned were recovered on a beach near Willemstad in Curacao.[53]

In local and regional media, political elites in each of the three islands expressed concerns regarding the increase in arrivals of Venezuelan migrants. In the Dutch Caribbean, it resulted in a protracted row with the Kingdom government, whom the islands maintain have a responsibility to address claims for refugee status.[54] In Trinidad and Tobago, Prime Minister Keith Rowley stated, "we cannot and will not allow UN spokespersons to convert us into a refugee camp."[55] This highlighted tensions between the Government of Trinidad and Tobago and the stationed United Nations missions, and marked the stalling of dialogue with the UN and local partners to build on the existing policy mechanism by adding a special provision that would enable Venezuelans to work. It appears that these talks have recently been reinvigorated.[56] There was reluctance across the region to classify Venezuelans as refugees, despite the endorsement of the Cartagena Declaration on Refugees (Cartagena Declaration) by Curacao and Trinidad and Tobago.[57,58,59] Countries stressed their lack of capacity to be responsive to the migrant crisis given their small size – limited land area and lack of financial resources.[60]

In the sections which follow, I discuss my approach to understanding the dynamic of forced migration in the Caribbean context, through the eyes of elites. Forced migration studies favour qualitative studies into the lived experiences of migrants. In order to obtain greater clarity on these experiences, which would have constituted a second phase of research, I sought to understand the perspective of elites who were in the process of debating and shaping the policy and legislative framework regarding protection of forced migrants from Venezuela.

Doing Forced Migration Research in Aruba, Curacao and Trinidad and Tobago

52 Kejal Vyas, and Sara Schaefer Muñoz, "Venezuela's Shortages Spur Perilous Sea Journeys," *Wall Street Journal,* June 23, 2017.
53 "Four Venezuelans Die on Boat Trip Made Despite Travel Ban to Curacao," *Reuters,* January 18, 2018.
54 Curacao Chronicle, "Premier Aruba: The Netherlands "Too Indifferent' about Refugee Flow to Venezuela."
55 Bridglal, "TT Not Refugee Camp: Rowley Buffs UN on Venezuela Deportations."
56 Melanie Teff, *Forced into Illegality: Venezuelan Refugees and Migrants in Trinidad and Tobago* (Washington: Refugees International, 2019).
57 bid.
58 The Cartagena Declaration, a non-binding agreement for the Americas, broadened the definition of refugees by including displacement caused by 'generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order' as a basis for claiming asylum (Cartagena Declaration on Refugees, BZ-CO-CR-SV-GT-HN-MX-NI-PA-VE, Nov. 22, 1984).
59 The pace of ratification of the 1951 Convention relating to the status of refugees and 1967 Protocol relating to the status of refugees has been uneven in the region, though the majority have ratified. Among the cases studies, Trinidad and Tobago has ratified both the 1951 Convention and 1967 Protocol. Aruba has ratified only the 1967 Protocol. The unevenness in terms of ratification and complicity is explained in the main by states' limited capacity to implement international treaty commitments related to human rights protection (on the case of Trinidad and Tobago, see Rochelle Nakhid, and Andrew Welch, "Protection in the Absence of Legislation in Trinidad and Tobago," *Forced Migration Review* 56 (2017): 42-44). In addition to factors stemming from weak legislative frameworks and capacities, receptivity to forced migrants is also contingent on geo-political factors (See for example, the case of Cuban migrants in Jamaica as discussed by Stephen Vasciannie, "The 1996 Cuban Asylum-Seekers in Jamaica: A Case Study of International Law in the Post-Cold War Era," *U. Miami Inter-Am. L. Rev.* 28 (1996): 5.
60 Curacao Chronicle, "Premier Aruba: The Netherlands "Too Indifferent' about Refugee Flow to Venezuela."; "Parliaments to Ask for Venezuela Action Plan." *The Daily Herald,* 2016; Nicholas Casey, "Hungry Venezuelans Flee in Boats to Escape Economic Collapse," *The New York Times, November* 25, 2016; Milena Hidalgo, "Cold Welcome for Venezuelans in Trinidad: Migrants Who Leave Their Troubled Country Face More Problems on the Caribbean Island," *Global Voices Latin America,* August 12, 2017.

Prior to the start of the research project, I had very limited contacts in the research sites, and in the absence of intermediaries, sought to establish credibility, through a letter of introduction, which had been signed by the Director of the research institute to which I am attached. The letter explained my role at the Institution and outlined the objectives of the research. Along with the letters, I also included an informed consent form, which provided potential interviewees with further details regarding the study and participants' rights. I made it optional for participants to have their names excluded from the study, unless they desired, including the option of anonymous quotations.

The letter (and accompanying documentation) was circulated in email requests for interviews, after initial contact had been made via telephone. In all cases, I spoke with the secretary/administrative assistant of the elite, with whom I wanted to engage. This was unavoidable, given their status calls are routinely screened. Unless I was probed, I did not provide significant details about the study over the phone though I did make it clear that I wished to do research on immigration from Venezuela. I did not think sharing at length would be helpful. On the one hand, it may have resulted in refusal to share contact information, bringing the project to a premature close. On the other, and especially in the cases of the Dutch islands, telephone connections were poor. In these cases, some conversations took place in Spanish, which made interacting much easier, since I do not speak Dutch.

Prior to making contact, I spent some time going through online versions of local newspapers. During this analysis I noted which individuals had issued public statements on Venezuelan immigration. While I had anticipated some challenges with gaining access, I did not expect high levels of respondent resistance. I assumed that elites (provided they had the time) would be willing to speak on matters they had already discussed in public fora. In addition, the objective of the study – to understand the factors limiting SIDS capacity to respond to the migration and refugee crisis – mirrored the language of governments' framing of the problem.

I had initiated contact at least two months in advance and hoped the fact that I would be travelling to undertake the interviews would lend itself to favourable consideration of the request. Some interviews were confirmed ahead of travel, and I remained optimistic the others would be finalized during my time in each country. For Trinidad and Tobago, where I had the least confirmations, I also made plans to do archival research so that I could maximize my time. I also intended to use the opportunity to become familiar with each country – I had not travelled to either Aruba or Curacao before this research - and intended to return to conduct the second phase of the study. Potential interviewees were provided with the option of conducting the research virtually, at a time that was convenient to them, if they were unavailable during my visit. To date, those who have declined to participate have not taken up this option.

In total, I was able to conduct eight elite interviews, three in Trinidad and Tobago and five in Curacao (see Table 1). This was below my intended target of seventeen. In the end, I did not travel to Aruba because I did not receive favourable responses to my requests. During the negotiation of interviews with government officials, I was met with the following responses:

1. Lack of acknowledgement of correspondence and no response to requests for interviews despite multiple follow-ups.
2. Outright decline to participate in the study
3. Lengthy turnaround time to respond to request (despite multiple follow-ups) to ultimately decline

4. Lengthy turnaround time to respond to request to eventually recommend contact with another expert; this expert continues the cycle of delay.
5. Promises to provide feedback, without agreeing or declining to participate.

In one instance, I was asked to forward my request to a specified email address, but I was also asked to share personal bio-data - a copy of my passport, which I felt was not only unnecessary but could possibly be used for ulterior purposes.

There were contrasting approaches of elites from staff of international organizations working on migration governance issues in the region. Two elites agreed to be interviewed. For another there was resistance to engage, despite verbal signals which suggested they were interested in the study and willing to support the research. A fourth individual in the international public sector consented almost immediately, and then retracted consent under the premise that headquarters would need to approve their participation. I was later informed that this was not possible under the current circumstances. Specific reasons were not provided but I assumed these related to shifting modalities for the registration of asylum seekers.

Table 1: Participation rate among potential elite interviewees contacted in research sites

Research Site	#	Category of Elite	Y/N	Reasons Provided for Lack of Participation
Aruba	3	Government Official 1	N	Recommended another official
		Government Official 2*	N	Current circumstances do not allow
		International Public Servant	N	Current circumstances do not allow
		Rate of participation	0%	
Curacao	6	Government Official 1	N	Recommended another official
		Government Official 2[1]	Y	-
		Retired Government Official	Y	-
		International Public Servant	Y	-
		NGO Representative	Y	-
		NGO Representative	Y	-
		Rate of Participation	83%	
Trinidad and Tobago	8	Government Official 1	N	Recommended another official
		Government Official 2[1]	N	None provided
		Government Official 3	N	None provided
		Government Official 4	N	None provided
		Retired Government Official	Y	-
		International Public Servant 1	Y	-
		International Public Servant 2	Y	-

		International Public Servant 3[2]	N	None provided
		Rate of Participation	38%	
Total	17	Rate of Participation	47%	

Author's Elaboration[61]

Without the benefit of being provided with reasons for non-participation, I must draw conclusions based on my knowledge of the region. Mikecz[62] suggests that foreigners have greater access to elites as they are not perceived as threats, especially if the research is to be published outside the country of study. My project was driven by policy imperatives and aimed at influencing dialogue on migration management in the region; thus, it was highly likely to be read by experts within the Caribbean. Notwithstanding my Caribbean nationality, my outsider status was underscored by the fact that I was unconnected to the elites directly, or to persons within their network, anathema in contexts where politics is highly impersonal and political relationships based on patronage.[63] Elites may therefore have assigned me adversarial positionality.[64] Knowledge of the research objectives could have dissuaded participants, despite promises of confidentiality. They may have feared (further) critique from the regional and international community regarding their handling of the migrant crisis facing their respective countries.

Within eight months of the start of the research project, two separate reports were published, castigating governments for lack of protection of the refugee community in Trinidad and Tobago[65] and a de facto deportation policy in Curacao.[66] The report on Curacao was published while I was still trying to negotiate interviews with government authorities in Aruba, after several months of delay. This, as well as other geo-political events including negotiations in the energy sector[67] and pressure from the Organization of American States to force the ousting of Maduro[68] were unfolding simultaneously with the research process. They highlight the importance of timing, which is an important consideration for studies with small connected communities around highly sensitive policy issues.[69] These realities also underscore the relational level of scale, in particular the reproduction of small states as weak powers in the

[61] Key: # = Total number of elites contacted; * = official recommended by initial contact; [1] = contacted separately from recommendation, at the beginning of the study; [2] = contact initiated after return from Trinidad and Tobago; Y = Yes, elite participated; N = No, elite did not participate. Two officials participated in a single interview session with an NGO in Curacao.

[62] Mikecz, "Interviewing Elites: Addressing Methodological Issues," 482-493.

[63] Robert Buddan, *Foundations of Caribbean Politics* (Kingston, Jamaica: Arawak Publications, 2001); Max Everest-Phillips, and Samuel Henry, "Public Administration in Small and Very Small States: How Does Smallness Affect Governance?" *International Journal of Civil Service Reform and Practice* 3, no. 2 (2018).

[64] Petkov, and Kaoullas, "Overcoming Respondent Resistance at Elite Interviews Using an Intermediary," 411-429.

[65] Teff, *Forced Into Illegality: Venezuelan Refugees and Migrants in Trinidad and Tobago.*

[66] Amnesty International, *Detained and Deported: Venezuelans Denied Protection in Curacao (*London: Amnesty International, 2011).

[67] "Khan: I Don't Know of Venezuela's Humanitarian Crisis," *Loop News,* August 27, 2018.

[68] Andrés Oppenheimer, "OAS Resolution Against Venezuela is Important - But Not for the Reason You Think," *Miami Herald, June 6,* 2018; Bill Faries, Jose Arrioja, and Shery Ahn, "OAS Expects Tougher Venezuelan Sanctions After Criminal Report," *Bloomberg,* May 30, 2018.

[69] Kevin G. Ward, and Martin Jones, "Researching Local Elites: Reflexivity, 'Situatedness' and Political-Temporal Contingency," *Geoforum* 30, no. 4 (1999): 301-312.

international political economy.[70] In this respect, the influence of small size was beyond research design, but nonetheless had significant impact on the outcome of the research project.

In addition to the above, elites may have declined to participate in order to distance themselves from controversial public statements regarding the migration crisis confronting their respective countries. As the research unfolded, it became very clear that the discussion had become highly politicised. It was therefore naïve of me to expect that drawing on the rhetoric of the elite, as an inducement to participation, would have been effective. It is my impression that the rhetoric regarding limitations of scale for the management of migration was strategically devised to respond to both domestic and international pressures. This did not necessarily mean, however, that potential interviewees would be open to discussing these challenges, as the low participation rate points out. I also believe, and this may explain their decision not to engage with international advocacy groups, that these small governments did not wish to open themselves to greater scrutiny. While their rhetoric was centred on limited capacity, they were not able to provide statistics regarding the number of arrivals.[71] Revealing such figures may have undermined the credibility of their assertions. If this is so, it highlights the triumph of the personal over rational-legal approaches, which is typical in small places.[72]

The above discussion highlights that the main constraints to the success of the research project concerned my positionality, lack of access to gatekeepers, and politicization of the subject under study, which is also connected to the timing of the research project. These are not unique to research in small places. However, I show below with a comparative analysis of a research project conducted in another SIDS, Barbados, that these challenges were compounded by the small state characteristics of the cases under examination.

Linking Discourses on Small States and the Challenges of Engaging Qualitative Methodologies

In 2010, I travelled to Barbados to undertake doctoral research into the lived experience of undocumented Caribbean Community (CARICOM) nationals residing in Barbados. The research took place towards the end of a highly charged policy shift regarding regularization of intra-regional migrants.[73] I had felt it important to have discussions with several experts in government and other sectors, in order to better appreciate the context. Though a Caribbean national, I was removed from the happenings in Barbados based on my physical distance from the island studying in the United Kingdom, but also due to my having interacted with the context through mediated reports. It would be my first time travelling to the island and having the opportunity to observe first-hand the unfolding situation.

In Barbados, most of the elite interviews were with individuals whose jobs did not relate directly to the management of migration and/or did not work in government. The potential for negative consequences due to their participation (reprimands, threats or job loss) was therefore marginal to none. In addition, notwithstanding reports of an anti-immigration rhetoric in Barbados, there was significant sympathy among the population for Guyanese nationals. They were to be most impacted by the ad hoc amnesty, which concluded three months prior to my

70 Andrew F. Cooper, and Timothy M. Shaw, "The Diplomacies of Small States at the Start of the Twenty-First Century: How Vulnerable? How Resilient?" in *The Diplomacies of Small States*, ed. Andrew F. Cooper and Timothy M. Shaw (London: Palgrave Macmillan, 2009), 1-18.
71 "Over 40,000 Venezuelans in T&T," *CNC3*, September 12, 2017.
72 Everest-Phillips, and Henry, "Public Administration in Small and Very Small States: How Does Smallness Affect Governance?"
73 Natalie Dietrich-Jones, "The Ma(r)king of Complex Border Geographies and Their Negotiation by Undocumented Migrants: The case of Barbados," (PhD. Diss., University of Manchester, 2014).

arrival. This may have influenced the participation of several of the expert interviewees, who consistently referenced the historical relationship between Barbados and Guyana, stemming from inter-nation migration during the post-emancipation era. Some had clear links to opposition parties in the island. There may also have been a desire to repair the negative image painted of Barbados by regional press.

I had significant success with elite interviews, as I was able to speak with pre-arranged contacts, as well as with additional participants through snowballing. For example, I spoke with two immigration lawyers who had first-hand knowledge of legal procedures and indirect experience through their clients, who had filed applications for amnesty. I also spoke with a senior official in the trade union movement, given my interest in migrants' contribution to the labour market. However, I was unable to obtain one key interview with a government official, despite having received confirmation prior to my arrival. Unlike the current project, there was no outright refusal to participate, though it did take some perseverance to obtain a confirmation about the interview's scheduling.

It is difficult to say definitively that this participant's reluctance hinged on fear of retribution from superiors, which is heightened in small places, especially as anonymity could not necessarily be guaranteed in this context. Our exchange during the limited time we interacted at the interview site indicates that power dynamics were more at play; though the individual did not interview, they used the opportunity to critique my methodological approach. I was advised that migrants' narratives are unreliable; however, I was, paradoxically, not provided with the opportunity to get feedback from an official of the state working directly in the management of migration. As an outsider, my access was further constrained as I did not have ties with gatekeepers who were connected to the current political administration.

A comparison of the experience of negotiating interviews during this study and the current research project, suggests that scale played a role. I was naturally restricted to a small sample frame, in terms of potential expert interviewees. This was further exacerbated by the specialized nature of the area, and its sensitive nature.[74] In addition, the refusal of this key interviewee to participate prevented access to other important stakeholders in this particular sector. While this can happen in larger country contexts, the high inter-connectedness of networks, which typifies small states constrained my access to other potential interviewees working in migration management. In this regard, the discussion on implications of small size for domestic politics is instructive. Public administrative systems in small states are characterised by over-extended personnel, timid decision-making, limited number of trained personnel, who carry multiple portfolio responsibilities, as well as highly personalized political systems.[75] In addition, due to close kinship ties, politicians find it difficult to distinguish between decisions taken for the public interest, and those which support kinship and affinity.[76] Finally, issues of public concern rise quickly to national prominence and can become highly politicized.[77] These characteristics, when linked with the discourse on elite interviewing, suggest that this type of research can be challenging in small places. Gaining access to elites is difficult for a number of reasons, including sensitivity of the research topic, hectic schedules, lack of trust, and broader political/ environmental factors as shown in Table 2.

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[74] Lancaster, "Confidentiality, Anonymity and Power Relations in Elite Interviewing: Conducting Qualitative Policy Research in a Politicised Domain," 93-103.

[75] Everest-Phillips and Henry, "Public Administration in Small and Very Small States: How Does Smallness Affect Governance?"; Buddan, *Foundations of Caribbean Politics*; Ina Barrett, "Administrative Problems of Small Island States with Particular Reference to the States of the Eastern Caribbean," (1986): 199-213.

[76] Deryck R. Brown, "Institutional Development in Small States: Evidence from the Commonwealth Caribbean," *Administrative Culture* 11, no. 1 (2010): 44-65.

[77] Buddan, *Foundations of Caribbean Politics*.

Table 2: Small country size and implications for elite interviewing

Characteristics of SIDS		Ethical/Methodological Considerations for elite Interviewing
Human Resource Constraints	▪ Over-extended personnel ▪ Limited number of personnel with multiple portfolio responsibilities	▪ Elite's busy schedule make it difficult toarrange meeting time (Mason-Bish 2018) ▪ Gaining access to elites inherently difficult based on their status (Mikecz 2012; Herod 1999) ▪ Elites to be engaged at their convenience and with sufficient notice (Leuffen 2006)
(Constrained) Power	▪ Timid decision-making ▪ Professionals identified with consequences of their decision	▪ Elites require endorsement of their manager to participate (Lancaster 2017)
Close Kinship Ties	▪ Culture of silence	▪ Elites are secretive (Alvesalo-Kuusi 2018) ▪ Elites do not trust outsiders (Liu 2018; Werning Rivera, Kozyreva and Sarovski 2002) ▪ Elites assign adversarial status to outsiders (Petkov and Kauollas 2016) ▪ Intermediaries essential to gain access to elites (Leuffen 2006; cf Petkov and Kaoullas 2016)

(Author's elaboration based on Everest-Phillips and Henry 2018; Brown 2010)

I resorted to use of government policy documents, speeches of political elites and local immigration legislation in the absence of engagement with political elites. While this flexibility was necessary to complete the research, it raised questions for me regarding the extent of the understanding and analysis of contextual factors impacting migrants' lived experiences. I address similar concerns for the current case studies, in the upcoming section. In both instances, while I could claim insider status based on my Caribbean identity, I was simultaneously an outsider. As a non-citizen of the countries under examination, I was far removed from the kinship ties which would have facilitated access to interviewees. Ironically, this was the case less so in the context of the Dutch islands, than in Trinidad and Tobago where it was quite

difficult to gain access to interviewees. Yet, there I could claim some affinity based on my belonging to CARICOM, as well as my position at a higher education institution supported by CARICOM governments, including Trinidad and Tobago. In addition, the power of the elites was quite stark in the process of negotiating access, a process which was not mediated but rather exacerbated by distance. For the current project, the significance of power was highlighted in a much later discussion with a quite established senior colleague, who emphasized that an introduction from the 'right' individual in leadership at the University (a male individual with significant renown and reach in government circles) may in fact facilitate access. This interaction was quite sobering for it underscored the gendered dimensions of my interactions with primarily male elites (and their female assistants), as well as the influence of my status as an emerging scholar of migration in the region.

Is There a Place for Conducting Research into Forced Migration in the Caribbean?

As a part of the process of reflexivity, I have contemplated deeply the concept of the dual imperative. In light of participants' reticence, is it essential that I pursue the research project? Obelené[78] notes that "The expert researcher has to manage relationships with powerful research subjects, and simultaneously he or she has to find a point of control in order to secure the purpose of scholarly investigation." This is critical, as I respect the imperative that participants are allowed to decline participation in an interview at any stage of the research process. However, how does one balance questions of governance and transparency as an objective of scholarly investigations into issues such as forced migration in small island contexts, where refusal to participate might well signal the demise of one's research project?

There are two contextual realities which suggest that research into forced migration in the Caribbean is important. The first, is that the region is under-researched. This might be explained in part by the small scale of incidences of forced migration, relative to other locales. This is the case despite the frequency of natural disasters, which has led to displacement in a number of countries, most recently the island of Barbuda[79,80] Research into forced migration contexts in the Caribbean thus fills a critical gap in knowledge in a geographical space that is shaped significantly by migration phenomena, and which in the context of forced displacement, fluctuates between receptivity and hostile rejection of displaced persons based on complex social, economic and geo-political factors. The absence of legislative framework to ensure protection of rights of refugees and displaced persons, presents challenges for the region.[81]

The second issue concerns the weak governance framework in the Caribbean context. Absence of quantitative and qualitative data, across all ministries/departments is one of the primary deficits of the countries' governance framework. Such data would lend credible support to existing calls for improvements in the governance framework, towards facilitating integration and protection of the rights of vulnerable migrants including forced migrants.[82] Engagement with academic policy experts is thus essential, especially in contexts where such

78 Vaida Obelenė, "Expert Versus Researcher: Ethical Considerations in the Process of Bargaining a Study," in *Interviewing Experts*, eds. Alexander Bogner, Beate Littig, and Wolfgang Menz (London: Palgrave Macmillan, 2009), 184-200.

79 "Editorial: Only a Few Barbudans." *The Daily Observer,* September 4, 2018.

80 Haiti, would perhaps be the exception to this general tendency, given the significant impact of the 2010 earthquake.

81 Estela Aragón, and Alia El-Assar, *Migration Governance in the Caribbean: Report on the Island States of the Commonwealth Caribbean* (San José, Costa Rica: International Organization for Migration, 2018)

82 Ibid.

a policy process is evolving in "real time."[83] These case studies fit this criterion. However, arguments in support of undertaking research into forced migration in the Caribbean, can be curbed by issues surrounding the feasibility of such research, as explained above. The main concern here is the timing of the research project, and whether given political sensitivities, it may be best to defer investigations in order to increase likelihood of participant engagement. Despite Lancaster's concern that this results in the investigation of past/reconstructed narratives, there is evidence that these delays may support successful completion of research projects.[84]

Conclusion

Damianakis and Woodford,[85] describe social science research investigating "small connected communities" as an "emerging dialogue." This paper has contributed to this emerging dialogue through reflection on the methodological and ethical challenges surrounding research on forced migration in three SIDS. It demonstrates that elite interviewing is an inherently difficult exercise, especially the initial stages of bargaining for access to elites. Moreover, the peculiarities of small states may exacerbate existing limitations involved in undertaking elite interviewing. By merging the disparate discourses of small size and qualitative research, using the concept of scale, I was able to provide critical insight into factors that may account for low participation rates in elite interviewing concerning forced migration in three small island contexts – Aruba, Curacao and Trinidad and Tobago.

With this reflective exercise, I have engaged in "ethics-as-process."[86] Ethical and methodological considerations raised during the process led me to question whether a project of this nature is important. Considering the paucity of data on the subject of forced migration in the Caribbean, I would conclude in the affirmative. However, researchers will need to be flexible, adapting to the vagaries of the research environment if they are to successfully complete a project. This may entail deferring real time studies, for "historical analyses", which also has disadvantages. Though the paper is concerned with negotiating access to elites, it indirectly tackles the issue of dissemination. Polzer[87] notes that one should be guided by the questions "what is this research for" and "who is this for" from the initial stages, since this impacts research design. In small spaces, however, these are complicated questions.

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I had the opportunity to return to Curacao, and visited Aruba for the first time, in May 2019. This trip took place a little over a year following my initial fieldwork visit. This time I was able to engage with staff of international organizations working with refugees, including one organization with which I had previously no success. I am grateful to these individuals who took the time to share their experiences with me as their engagement filled an important gap in the research.

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83 Lancaster, "Confidentiality, Anonymity and Power Relations in Elite Interviewing: Conducting Qualitative Policy Research in a Politicised Domain," 93-103.

84 Ward, and Jones, "Researching Local Elites: Reflexivity, 'Situatedness' and Political-Temporal Contingency," 301-312.

85 Damianakis, and Woodford, "Qualitative Research with Small Connected Communities: Generating New Knowledge while Upholding Research Ethics," 708-718.

86 John R. Cutcliffe, and Paul Ramcharan, "Leveling the Playing Field? Exploring the Merits of the Ethics-As-Process Approach for Judging Qualitative Research Proposals," *Qualitative Health Research,* 12 (2002): 1000-1010 cited in Ibid.

87 Tara Polzer, *Disseminating Research Findings in Migration Studies: Methodological Considerations,* (Johannesburg, Forced Migration Studies Programme, 2007)

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Agent-Based Modeling Within Forced Migration Research: A Review and Critique

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Abstract

The rapidly evolving landscape of data science and computational modeling has prompted social scientists and humanitarian practitioners to reevaluate in what ways these new methods can impact planning, decision-making, and scientific advancement. In the field of forced migration, there is a need to understand the computational options available and limitations of each. In this article, agent-based modeling as a computational approach to refugee-related issues is summarized. Applications of agent-based modeling within this realm are reviewed and critiqued to explain the limitations of agent-based modeling for the interest of social scientists and practitioners. The critique centers around several themes which include timeliness, computational skills and resources, data access, and validation of models. Additionally, a set of guidelines is provided for social scientists and practitioners to consider in what manner these computational models might be useful for their particular needs. Finally, we suggest that computational modeling and in particular, agent-based modeling, is a powerful tool for forced migration research where multiple factors, as well as environmental and political contexts, interact to make complex, dynamic systems. To effectively use agent-based modeling, however, it is important to be knowledgeable of the limitations and considerable effort required to develop, test, and validate such models.

Keywords: Modeling and Simulation, Agent-Based Modeling, Refugees, Forced Migration, Computational Modeling, Computational Social Science

Introduction

In his call for a cohesive sociological approach to forced migration research, Castles lists several factors related to a more formalized methodology including interdisciplinarity, historical context, comparative studies, holistic linking to broad social interconnections,

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[2] Christa de Kock developed a framework to model conflict-induced forced migration during her doctoral studies. She is, furthermore, working as a lecturer at the Department of Industrial Engineering at Stellenbosch University and her research interests is within the context of forced migration, humanitarian or social studies, and simulation.

looking across levels of analysis (local, national, regional), and participatory research methods.[3] In noting the policy-driven nature of forced migration research as well as the methodological weaknesses of many of studies in this field, Jacobsen & Landau suggest three such weaknesses that are of relevance here: 1) generalizability, potential for sampling bias, and difficulty testing causal relationships and hypotheses from data gathered in small samples; 2) difficulty of comparing cases across time and space; and 3) general reluctance in the field of refugee studies literature to describe study methodologies in enough detail to assess the policy implications.[4] These are all legitimate critiques of methodology in forced migration research, broadly. Simulation modeling, though historically less often used as a methodology in forced migration research, may help to address some of these proposed weaknesses and serve to advance theory generation and policymaker communication in the field.

Simulation modeling is not new. It has grown as a field largely in engineering and national defense, where the cost of experimentation is very high. In other words, it is much more cost-effective to first build a virtual airplane to test in a simulated environment than to build several real ones. In national defense, military decision makers adopted simulation as a way to run many varied scenarios to prepare for an unknown future operational environment. Now, simulation is also often used in training, from pilots to soldiers to nurses. Prediction is certainly one of the most common uses of simulation modeling and, as Edwards notes, has value in studying mass displacement.[5] However, there are many other reasons to model that can contribute to the wide variety of research on forced migration from anthropological and ethnographic case studies to macro-level international burden-sharing and humanitarian aid response. Epstein argues that modeling serves other purposes including explaining the problem situation, guiding data collection, examining scenarios, exploring the robustness of theory, developing new research questions, training practitioners, and focusing policy dialogues.[6] These uses of modeling speak directly to the critiques offered by Castles[7] and Jacobsen and Landau.[8]

Simulation has been promoted and used across the social sciences, including in sociology and anthropology.[9] This was part of a slow build-up of momentum arguably started with Schelling's famous segregation model[10] and subsequent works laying the ground for modeling of social processes.[11] Over ten years ago, Scott Edwards argued in the *Journal of*

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3 Stephen Castles, "Towards a Sociology of Forced Migration and Social Transformation," Sociology 37, no. 1 (2003).

4 Karen Jacobsen and Loren B. Landau, "The Dual Imperative in Refugee Research: Some Methodological and Ethical Considerations in Social Science Research on Forced Migration," Disasters 27, no. 3 (2003).

5 Scott Edwards, "Computational Tools in Predicting and Assessing Forced Migration," Journal of Refugee Studies 21, no. 3 (2008).

6 Joshua M. Epstein, "Why Model?," Journal of Artificial Societies and Social Simulation 11, no. 4 (2008).

7 Castles, "Towards a Sociology of Forced Migration and Social Transformation."

8 Jacobsen and Landau, "The Dual Imperative in Refugee Research: Some Methodological and Ethical Considerations in Social Science Research on Forced Migration."

9 Joshua M. Epstein, Robert Axtell, and 2050 Project., Growing Artificial Societies*: Social Science from the Bottom Up, Complex Adaptive Systems (Washington, D.C.: Brookings Institution Press, 1996).* G. Nigel Gilbert and Klaus G. Troitzsch, Simulation for the Social Scientist (Berkshire, England: Open University Press, 2005). Robert Axelrod, "Advancing the Art of Simulation in the Social Sciences," in Simulating Social Phenomena, ed. Rosaria Conte, Rainer Hegselmann, and Pietro Terna (Berlin, Heidelberg: Springer Berlin Heidelberg, 1997). Lawrence A. Kuznar, "High-Fidelity Computational Social Science in Anthropology," Social Science Computer Review 24, no. 1 (2006).

10 Thomas C. Schelling, "Dynamic Models of Segregation," The Journal of Mathematical Sociology 1, no. 2 (1971).

11 *Micromotives and Macrobehavior* (New York, NY: W. W. Norton & Company, 1978).

Refugee Studies for more consideration of computational models to understand patterns of displacement.[12] While a large number of modeling efforts have been undertaken since then, there still appears to be some unfamiliarity of computational simulation as a legitimate method to look at forced migration. Beyond Edwards' persuasive argument about the role of modeling in characterizing the movement of people, simulation holds the power to look at any number of theoretical and practical challenges to advance the field of forced migration.

A Case for Simulation Modeling in Forced Migration Research

Simulation modeling, and agent-based modeling in particular, holds a considerable amount of potential as an emerging methodology in the study of forced migration. As a way of thinking about problems, simulation can help to consolidate social science theories, identify gaps in data to develop future data collection efforts, and develop new research questions. The computer simulation model allows exploration of multiple variables, factors, and socio-political and economic interactions at varying levels—from individuals to institutions and states—to encompass a complex, dynamic system that can then be "set in motion" to see ripple effects through the system of policy decisions or environmental or social changes. Simulation modeling, once the model is instantiated in a computer, provides an experimental space to explore assumptions of theories, sensitivities of those assumptions, and scenarios related to policy options.

Since simulation modeling is inevitably input as code into a computer, there is a process of conceptualizing the system and environment in question, operationalizing the terms and their measurements, and conveying the observed dynamics in a distilled form. A simulation model's job is not to *be reality*, but rather to *represent a part of reality* that allows you to test the underlying assumptions, prevailing theories, and watch the dynamics set into motion. We are not advocating for simulation models in place of statistical models, ethnographic rich narrative descriptions, or other more established methodologies. Instead, we propose simulation modeling as complementary to the scientific research endeavor within forced migration. Let us take some of Epstein's points[13] and apply them to qualitative forced migration research as a way of thinking about the merits of simulation modeling in the field.

First, modeling can be used to explain a problem situation and develop new research questions. Conceptualizing a model that will later be implemented in a computer requires both operationalizing terms and defining the actors in the system, factors that affect their decision-making, and mechanisms that constrain their environment. Often these are conveyed as causal loop diagrams, with which many sociologists are familiar. In our experience, qualitative researchers often find this process of communicating their research to modelers—without yet arriving to a working computer model—to be illuminating both for realizing where they have been conceptually vague, where more data is needed, or to look at their data in ways they had not thought of before.[14] The rigorous dialogue required to conceptualize the model itself arguably adds to the rigor of any type of study.

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12 Edwards, "Computational Tools in Predicting and Assessing Forced Migration."
13 Epstein, "Why Model?"
14 Michael D. Fischer, "Introduction: Configuring Anthropology," Social Science Computer Review 24, no. 1 (2006). Jose J. Padilla et al., "Model Co-Creation from a Modeler's Perspective: Lessons Learned from the Collaboration between Ethnographers and Modelers," in Social, Cultural, and Behavioral Modeling, ed. Robert Thomson, et al. (SBP-BRiMS 2018. Lecture Notes in Computer Science. Springer International Publishing, 2018).

Second, modeling can be used to "discipline the policy dialogue."[15] Just as conceptualizing the model can enable researchers to explore their own data and topic area in a new way, a model—even just a conceptualization (not computer code) of a model—can help to ground discussions with policymakers.[16] In one of the authors' experiences working with municipality representatives, tourism board representatives, humanitarian aid workers, and refugees to understand the aid response in Lesbos, Greece, having a conceptualized model allowed everyone to focus on the question at hand, rather than veer off towards a particular agenda. This focused not only the policy discussions, but also focused the data collection efforts as researchers and policymakers all worked towards one goal. Additionally, a simulation model can be repeatedly run (unlike the ethical implications of experimenting on the real-world population) to account for a number of potential scenarios. For instance, a model of displacement could examine the impact of conflict on flight patterns looking at instances of conflict to the north, then south, then west of a major city to see to where people might flee. In response to Jacobsen and Landau's criticisms that lack of methodological rigor can lead to poor policy recommendations,[17] simulation could help to allow qualitative small sample studies to demonstrate the depth of that data and ground a dialogue that might help arrive to more robust policy recommendations, as well as test scenarios to facilitate the exercise of exploring alternative options.

Third, modeling could be a way to test the robustness of theories, both new and old. Many of the sociological, anthropological, and forced migration theories we rely on to frame and analyze our data were developed through small samples in very specific time/space contexts. Developing a simulation model creates a virtual representation of the research topic and theory. In that virtual environment, one can vary parameters to explore under what conditions the outcome aligns with the existing (or new) theory.[18] For instance, imagine that there is a model of refugees in camp-based contexts.[19] One could explore whether and how much contact with the host population might lead to shifts in place-based identity as described in anthropologic work among two populations of refugees in Tanzania.[20] The simulation provides a space to explore the limits of existing theories and study findings, generate potential new directions of research from these insights, and communicate complex research findings with policymakers in a dynamic, visual way. This process, however, comes at the cost of potential misspecifications leading to false conclusions from the modeling process.[21] To mitigate these impacts, it is imperative that modelers work collaboratively with forced migration scholars to develop models grounded in theory and data.

There are many ways to build simulations depending on the type of question, level of analysis, and type of data available. Three main paradigms are system dynamics modeling

15 Epstein, "Why Model?"

16 Olivier Barreteau et al., "Our Companion Modelling Approach," ibid.6, no. 1 (2003).

17 Jacobsen and Landau, "The Dual Imperative in Refugee Research: Some Methodological and Ethical Considerations in Social Science Research on Forced Migration."

18 Michael W. Macy and Robert Willer, "From Factors to Actors: Computational Sociology and Agent-Based Modeling," Annual Review of Sociology 28 (2002).

19 Erika Frydenlund, J. J. Padilla, and David C. Earnest, "A Theoretical Model of Identity Shift in Protracted Refugee Situations," in Proceedings of the Symposium on Modeling and Simulation of Complexity in Intelligent, Adaptive and Autonomous Systems (Virginia Beach, VA, USA: Society for Computer Simulation International, 2017).

20 Liisa Malkki, Purity and Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania (Chicago, IL: University of Chicago Press, 1995).

21 Christopher Poile and Frank Safayeni, "Using Computational Modeling for Building Theory: A Double Edged Sword," Journal of Artificial Societies and Social Simulation 19, no. 3 (2016).

(often for macro-level processes and dynamics like international burden-sharing and humanitarian response), discrete event simulation (for queuing systems like determining how many asylum processing officers are needed in a particular center), or agent-based modeling (for looking at how individual-level behaviors collectively manifest as system/community-level phenomena). Here, we introduce agent-based modeling as it has perhaps the most direct appeal to those conducting qualitative research among forced migrants and host communities. This is just one aspect of simulation modeling that could have an impact on methodological advances in forced migration research.

An Introduction to Computational Modeling and Agent-Based Modeling

Computational simulation modeling is the process of designing and replicating a real-world system for the purpose of either understanding the behavior of the system, or exploring the influence of various strategies on the system.[22] This phenomenon allows for problems which occur in reality to be solved by means of virtual investigation of real-world systems.[23] This is especially beneficial when exploration and analyses of such systems is expensive, dangerous, or highly complex in reality. Computational simulation modeling encompasses various approaches, of which agent-based modelling (ABM) is the most recently developed.

In its simplest form, ABM entails a system of autonomous and interacting agents that make decisions based on a set of rules.[24] This approach allows for the capture of a large amount of detail which is typically not achievable when employing other simulation modeling methods. It suggests a bottom-up development approach that initiates an investigation into an agent and its behavior, rather than the system in its entirety. In other words, the global characteristics of the system are not defined in ABM and the focus is rather on the agent behavior specified at an individual level.[25] An agent represents an entity such as a person, a company, an animal, an object and the like. Agents may also be modelled to represent an aggregate of individuals based on homogenous characteristics, such as demographics, in order to account for a higher level of abstraction.[26] Within ABM, agents are embedded in a dynamic environment where they may interact with one another as well as their environment. The global behavior of a system is therefore a result of collective individual decisions made by agents.[27]

A broad span of ABM applications exists and the discipline in which they are applied varies. Within the study of social behavior and interactions, such as studies in forced migration, ABM derives a set of assumptions from the real-world scenario in order to produce simulated data which can then be analyzed.[28] Social systems, such as within the forced migration realm, can therefore effectively be modelled using ABM as it simulates the interaction of individuals

22 Robert E Shannon, "Systems Simulation; the Art and Science," (1975).

23 Andrei Borshchev and Alexei Filippov, "From System Dynamics and Discrete Event to Practical Agent Based Modeling: Reasons, Techniques, Tools," in Proceedings of the 22nd International Conference of the System Dynamics Society (Oxford, England: System Dynamics Society, 2004).

24 Eric Bonabeau, "Agent-Based Modeling: Methods and Techniques for Simulating Human Systems," in Proceedings of the National Academy of Sciences 99, no. suppl 3 (2002).

25 Borshchev and Filippov, "From System Dynamics and Discrete Event to Practical Agent Based Modeling: Reasons, Techniques, Tools."

26 Elmar Kiesling et al., "Agent-Based Simulation of Innovation Diffusion: A Review," Central European Journal of Operations Research 20, no. 2 (2012).

27 Li An, "Modeling Human Decisions in Coupled Human and Natural Systems: Review of Agent-Based Models," Ecological Modelling 229 (2012). Andrei Borshchev, The Big Book of Simulation Modeling: Multimethod Modeling with Anylogic 6 (AnyLogic North America Chicago, 2013).

28 An, "Modeling Human Decisions in Coupled Human and Natural Systems: Review of Agent-Based Models."

and groups, as well as how these individuals or groups adapt based on interactions or changes in the environment.[29] It is, however, important to understand what the process of developing an agent-based model entails.

Developing an Agent-based Model in the Social Sciences

While we have talked mostly about qualitative social science research, all types of data can be used to construct models.[30] Often, quantitative measures are much easier to communicate across disciplines for conversion into models. The advancement of simulation modeling, including in particular the development of ABM, has opened the door for any number of data types to be considered as the basis for a computational simulation model.[31] Significant work has been done to incorporate ethnographic and narrative data into simulation using Grounded Theory,[32] guide data collection through semi-structured interviews to develop ABMs,[33] inform historical analytical approaches,[34] utilize participant observation data,[35] and facilitate collaborative model-building with stakeholders.[36] These various modeling efforts each serve to illustrate the potential for modeling in forced migration research: utilizing a wide array of data types, holistic thinking across levels of analysis and varying levels of social processes, inclusion of participants and stakeholders, the potential experimentation and testing of theories for robustness and transferability to other contexts, and formalizing (and uniting) disparate theories and data types in ways that can engage policy-makers and decision-makers. Regardless of the type of data or the research question, the authors believe that one key feature of model building must be that those who know the data, context, and theory closely and iteratively coordinate with the computational modelers.

Building an agent-based model is said to be more of an art than a science. Gilbert describes the various steps to follow in developing an agent-based model, especially within the social science realm.[37] An adapted version of the seven steps is illustrated in Figure 1. The first step is to clearly define the objective of the study and form a primary research question. This primary research question may lead to the formulation of further, more specific questions which should be interpreted as the main elements to be modeled. The second step is to create

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29 Charles M Macal and Michael J North, "Tutorial on Agent-Based Modelling and Simulation," Journal of Simulation 4, no. 3 (2010).

30 Marco A. Janssen and Elinor Ostrom, "Empirically Based, Agent-Based Models," Ecology & Society 11, no. 2 (2006). Lu Yang and Nigel Gilbert, "Getting Away from Numbers: Using Qualitative Observation for Agent-Based Modeling," Advances in Complex Systems 11, no. 2 (2008).

31 Bruce Edmonds, "Using Qualitative Evidence to Inform the Specification of Agent-Based Models," Journal of Artificial Societies and Social Simulation 18, no. 1 (2015).

32 Ozge Dilaver, "From Participants to Agents: Grounded Simulation as a Mixed-Method Research Design," ibid. Martin Neumann, "Grounded Simulation," ibid. Bruce Edmonds, "A Context- and Scope-Sensitive Analysis of Narrative Data to Aid the Specification of Agent Behaviour," ibid.

33 Amineh Ghorbani, Gerard Dijkema, and Noortje Schrauwen, "Structuring Qualitative Data for Agent-Based Modelling," ibid.

34 Franco Malerba et al., "History-Friendly Models: An Overview of the Case of the Computer Industry," ibid.4, no. 3 (2001).

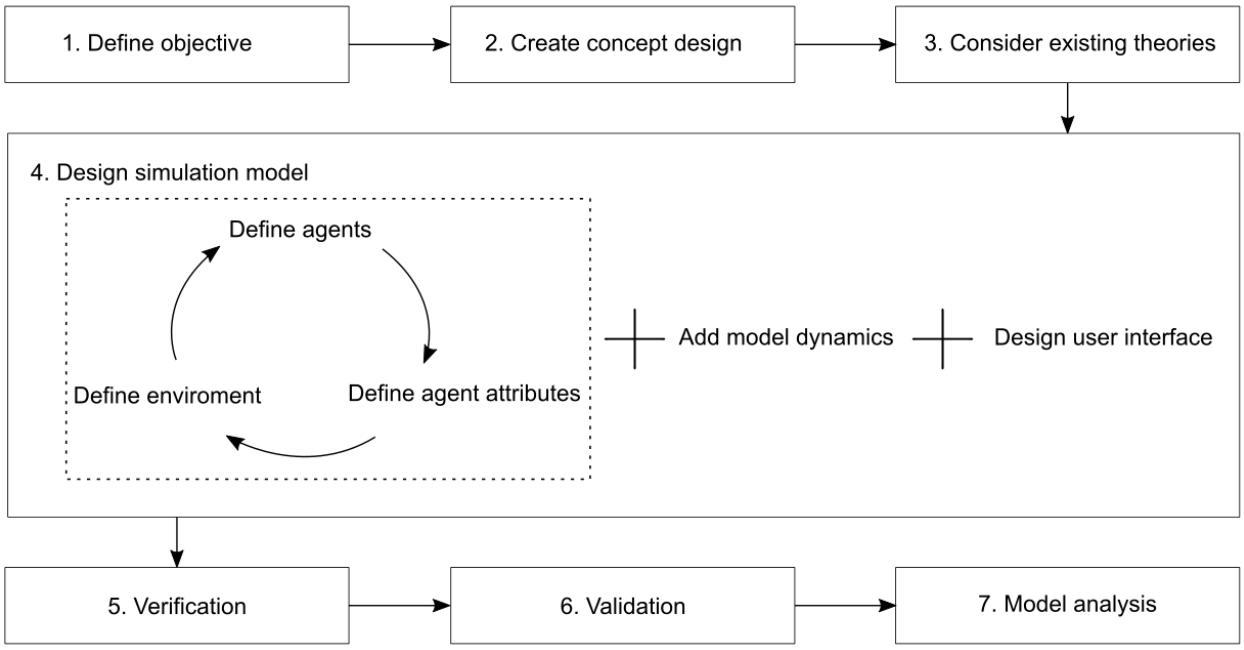
35 Tayan Raj Gurung, Francois Bousquet, and Guy Trebuil, "Companion Modeling, Conflict Resolution, and Institution Building: Sharing Irrigation Water in the Lingmuteychu Watershed, Bhutan," Ecology and Society 11, no. 2 (2006). Yang and Gilbert, "Getting Away from Numbers: Using Qualitative Observation for Agent-Based Modeling."

36 J. Gary Polhill, Lee-Ann Sutherland, and Nicholas M. Gotts, "Using Qualitative Evidence to Enhance an Agent-Based Modelling System for Studying Land Use Change," 13, no. 2 (2010).

37 Nigel Gilbert, "Computational Social Science: Agent-Based Social Simulation," (2007).

a conceptual design of the model, which could be achieved by using mind maps, diagrams, or pseudo code, to encourage the conceptual thinking behind the model. An effective strategy is to initially construct a simplified version, without losing any pertinent detail, and to gradually increase the complexity and features of the model as the modeler gains a better understanding of the dynamics and intricacies of the system. The third step is to consider existing theory or models relating to the primary research question which may assist as comparable phenomena in the development process. Before progressing to the next step, it is essential to clearly state the assumptions and limitations of the model.

Figure 1: Steps in developing an agent-based simulation model.



The Authors' adaptation based on Gilbert's model

The design of the simulation model is captured in the fourth step. The agents that will be included in the model need to be defined; in other words, who or what are the individuals or organizations that will be represented by the agents. After finalizing the different types of agents, the attributes of each agent type need to be defined. An attribute is a characteristic or feature pertaining to the agent, for example demographic information such as age and gender of a person. Now that the agent and their characteristics are specified, the environment in which the agents exist needs to be considered. The environment could be of a spatial nature, where each agent has a specific location and the agents may move within the borders of the environment. The environment could also be of a network character, where the movement of the agents are not modeled, but are rather represented as the connections between agents. The defining of agents, their attributes, and the environment is an iterative process which forms the static design of the simulation model. Thereafter, model dynamics need to be incorporated. This entails the modelling of agents interacting with one another as well as their environment. Consider each of these interactions and the different actions that an agent can take. The final part of the simulation model design is to design the user interface of the model. It should include

graphical components through which user inputs may be set (e.g. sliders, switches and buttons), as well as graphs to display the output of the simulation model to the user.

The fifth step entails the verification of the simulation model built. The aim in verifying a simulation model is to test whether the model is built correctly, i.e. whether it reacts the way the modeler intended. It ensures that the model relates to the conceptual model and conveys the outlying theories and assumptions as described by social science.[38] A series of tests should be performed in order to verify the simulation model developed. When the model is indeed working as expected, one can progress to the sixth step, which is the validation of the simulation model. Validation differs from verification in that it evaluates whether or not the model is a true representation of the actual system while having the primary research question in mind. It ensures that the simulation model and data generated from it corresponds to the real-world system of which it is an abstraction.[39] This is followed by the final step, model analysis. Different scenarios could, for example, be played out in the simulation model and the output of these simulation runs may be analyzed with the aim of attempting to understand the intricacies of the underlying real-world system, or for making recommendations to the different stakeholders involved.

Gilbert's conceptualization of the model-building process[40] is also captured in other disciplines, such as the Modeling & Simulation - System Development Framework (MS-SDF)[41] which aligns in many ways with how qualitative researchers think about data and analysis in their respective disciplines.[42] Barreteau et al. propose a similar approach whereby researchers begin by defining a problem situation/research question followed by a discussion of the assumptions and constraints imposed by the data, existing theories, and other studies.[43] These ideas are then consolidated into a reference model that can later be implemented as a computer model. This is not a trivial process, as even researchers who have been working together on the same topic for a long time can find they disagree on the assumptions and limitations, or even the research question.[44] Ultimately, however, it is critical to determine the research question and purpose of the model from the outset, as well as to delineate the assumptions and limitations, as different models and modeling paradigms work for different types of purposes.[45]

Qualitative researchers, while possibly initially averse to the idea of modeling, are actually well suited to thinking like modelers due to their attention to systems, interconnections,

38 R. G. Sargent, "An Overview of Verification and Validation of Simulation Models," in Proceedings of the 19th Conference on Winter Simulation (New York, NY, USA: ACM, 1987). Uri Wilensky and William Rand, An Introduction to Agent-Based Modeling: Modeling Natural, Social, and Engineered Complex Systems with Netlogo (Cambridge, MA: The MIT Press, 2015).

39 Sargent, "An Overview of Verification and Validation of Simulation Models." Wilensky and Rand, An Introduction to Agent-Based Modeling: Modeling Natural, Social, and Engineered Complex Systems with Netlogo.

40 Gilbert, "Computational Social Science: Agent-Based Social Simulation."

41 A. Tolk et al., "Reference Modelling in Support of M&S: Foundations and Application," Journal of Simulation 7, no. 2 (2013).

42 Padilla et al., "Model Co-Creation from a Modeler's Perspective: Lessons Learned from the Collaboration between Ethnographers and Modelers."

43 Barreteau et al., "Our Companion Modelling Approach."

44 Christopher Poile and Frank Safayeni, "Using Computational Modeling for Building Theory: A Double Edged Sword," ibid.19, no. 3 (2016).

45 Riccardo Borero and Flaminio Squazzoni, "Does Empirical Embeddedness Matter? Methodological Issues on Agent-Based Models for Analytical Social Science," ibid.8, no. 4 (2005).

and relationships between observed individuals.[46] In a truly interdisciplinary way, however, simulation modelers can facilitate the elicitation of models held within the data and analysis of all types of social science researchers.[47] Social scientists, on the other hand, are necessary not only to provide insights about data and systems, but also to keep the model grounded in theories and real-world observations. Without grounding in theory, the model is in danger of becoming nothing more than an arbitrary thought exercise.[48] Although communication between the modelers and the other stakeholders, i.e. qualitative researchers and social scientists more broadly, is often a challenge in the formulation of an agent-based model, participation is essential in developing a sound model that accurately represent the real-world system.[49] Such collaboration could assist social scientists in explaining the non-linear dynamics and intricacies of the real-world system in new and innovative ways through novel insights about their data and theories they had not yet considered. The process may also offer insights into promising agendas for future research and data collection. The modeler would also gain valuable input that could strengthen the validity of the simulation model developed.

A Review of Existing Refugee Models

ABM could be an attractive methodology in the field of refugee studies for is its ability to model complex human systems while considering the individual and their heterogeneous attributes and behaviors within a population. Agent-based models, particularly in the field of forced migration, do exist in literature and the work is mostly published within the last decade. In one such study, Gulden *et al*. modelled the dynamics of internally displaced people specific to the Eastern Africa region with the aim of predicting displacement events as well as the associated timing and magnitude.[50] They used ABM in conjunction with a hybrid spatial interaction approach which focused on the displacement of households between cities, where each household is represented by an agent. The use of ABM was effective in incorporating the individual agents' decision about which city to go to, while also using the spatial element to map this flow. ABM also allowed "uncertainty" to be modeled, as each household would reexamine their choice once they have arrived at their temporary destination. Suleimenova, Bell, and Groen developed a widely publicized model that predicts refugee destinations based on relatively known pathways of flight in a simulation model called FLEE.[51] This agent-based model takes a number of established data sources such as geospatial maps, the ACLED Database,[52] and UNHCR's database of forced migrant populations and locations. The FLEE model predicts distributions of arrivals based on locations of violence, locations of individuals and camps, and the routes and distances required to reach destination endpoints. De Kock

46 Michael Agar, "We Have Met the Other and We're All Nonlinear: Ethnography as a Nonlinear Dynamic System," Complexity 10, no. 2 (2004). Senem Güney, "New Significance for an Old Method: Cas Theory and Ethnography," Communication Methods and Measures 4, no. 3 (2010).

47 Padilla et al., "Model Co-Creation from a Modeler's Perspective: Lessons Learned from the Collaboration between Ethnographers and Modelers."

48 Rosaria Conte and Mario Paolucci, "On Agent-Based Modeling and Computational Social Science," Frontiers in Psychology 5 (2014).

49 An, "Modeling Human Decisions in Coupled Human and Natural Systems: Review of Agent-Based Models."

50 Timothy Gulden, Joseph F Harrison, and Andrew T Crooks, "Modeling Cities and Displacement through an Agent-Based Spatial Interaction Model" (paper presented at the Computational Social Science Society of America Conference, Santa Fe, NM, 2011).

51 Diana Suleimenova, David Bell, and Derek Groen, "A Generalized Simulation Development Approach for Predicting Refugee Destinations," Nature, no. Scientific Reports (2017).

52 See https://www.acleddata.com/

developed a more nuanced model that incorporates individual decision-making rather than specific routes to nearby camps.[53]

Groen focused on the early stages of the North Mali conflict and developed a simulation model to understand and predict refugee movement.[54] He argues that the use of such studies could inform governments and assist them in deploying border and/or immigration policies, while also assisting humanitarian support organizations to prepare for the influx of refugees. Others have modeled displacement using agent-based models of people's influence over one another's perceptions to move in Syria[55] and migration in response to military surge.[56] Additional studies have used crowdsourced geographic information in conjunction with ABM to study the aftermath of natural disasters, such as earthquakes, and explore the reaction of people towards the distribution of aid.[57] Kniveton, Smith, and Wood considered environmentally induced migration with the help of ABM to investigate a person's response to variations in climate.[58]

Simulation models and, in particular, agent-based models have been developed to model more than just the physical movement of people. Anderson *et al.* developed an agent-based model investigating humanitarian assistance policies of governments and support organizations with respect to the health and safety of refugee communities.[59] In another study, Hailegiorgis and Crooks used ABM to explore the spread of cholera in one particular refugee camp situated near the border between Kenya and Somalia.[60] Similar to Gulden *et al.*,[61] they utilized it in combination with a spatial element. The individuals were modelled as agents who are mobile, goal-orientated, and susceptible to disease. The daily activities of these agents were modeled, replicating the social behavior and movement of refugees in camps, which is a key component in the spread of cholera. Further, looking at the movement of refugees in camps, but with respect to safety and security, Frydenlund & Earnest (2015) modeled resource distribution sites within a camp where outside entities were trying to take resources from refugees to fuel conflict.[62]

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53 Christa de Kock, "A framework for modelling conflict-induced forced migration according to an agent-based approach" (Stellenbosch University, 2019).

54 Derek Groen, "Simulating Refugee Movements: Where Would You Go?," Procedia Computer Science 80 (2016).

55 J. A. Sokolowski, C. M. Banks, and R. L. Hayes, "Modeling Population Displacement in the Syrian City of Aleppo," in Proceedings of the Winter Simulation Conference (Savannah, GA, USA: IEEE Press, 2014).

56 Nils B. Weidmann and Idean Salehyan, "Violence and Ethnic Segregation: A Computational Model Applied to Baghdad," International Studies Quarterly 57, no. 1 (2013).

57 Andrew T Crooks and Sarah Wise, "GIS and Agent-Based Models for Humanitarian Assistance," Computers, Environment and Urban Systems 41 (2013).

58 Dominic Kniveton, Christopher Smith, and Sharon Wood, "Agent-Based Model Simulations of Future Changes in Migration Flows for Burkina Faso," Global Environmental Change 21 (2011).

59 James Anderson, Alok Chaturvedi, and Mike Cibulskis, "Simulation Tools for Developing Policies for Complex Systems: Modeling the Health and Safety of Refugee Communities," Health Care Management Science 10, no. 4 (2007).

60 Atesmachew Hailegiorgis and Andrew T Crooks, "Agent-Based Modeling for Humanitarian Issues: Disease and Refugee Camps" (paper presented at the Computational Social Science Society of America Conference, Santa Fe, NM, 2012).

61 Timothy Gulden, Joseph F Harrison, and Andrew T Crooks, "Modeling Cities and Displacement through an Agent-Based Spatial Interaction Model" (ibid.2011).

62 Erika Frydenlund and David C. Earnest, "Harnessing the Knowledge of the Masses: Citizen Sensor Networks, Violence and Public Safety in Mugunga," in World Politics at the Edge of Chaos: Reflections on Complexity and Global Life, ed. Emilian Kavalski (Albany, NY: SUNY Press, 2015).

Though there is a growing body of work related to simulation—specifically ABM—and forced migration, the vast majority still speak broadly to planning and scenario-based policymaking. Without more investment from social scientists who study forced migration from a wide variety of perspectives, lenses, and methodological approaches, we have yet to tap the full power of simulation to advance forced migration theory, practice, and policy.

Limitations of Simulation Modeling in Refugee Studies

Just as all research methodologies have limitations, so does simulation modeling. These limitations fit broadly into four categories which we will briefly discuss here: timeliness, learning curve, data, and validation. First, models take a considerable amount of time to developed, from a few months to a few years. Certainly, prototype models can be generated in much shorter periods of time but given the iterative nature of model development in coordination with social scientists (and potentially participants and stakeholders), this is not as straightforward as many other computational approaches such as statistical analysis. The timeline for developing a simulation model is an important consideration at the stage of defining the model's purpose. Not all problems are best solved with simulation models. Sometimes qualitative analysis or statistical analysis are the best fit for the research question and model purpose. When there is benefit to be gained from experimentation, varying the input variables to see how well the policies or theories hold, or viewing an analysis "set in motion" rather than as a static instance in data-collection time, then perhaps it is worth the time investment to develop a simulation model. These are all considerations necessary to confront before beginning the model development process.

While *anyone* can (and likely does) model—whether by drawing diagrams of social processes on paper or developing mental constructs of their data analysis process—it does take a particular skill set to instantiate these ideas as formalized computer models. The barriers to entry for this are being reduced considerably over time with technological advances. The OpenABM/CoMSES Network website[63] has a wide variety of educational resources to help new modelers get started, as well as openly published model code that social scientists and others can adapt to easily get started building their own models. Additionally, if one works with computer programmers who already possess the requisite skills, there is the matter of communicating ideas across disciplines which can be challenging, but very fruitful.[64] An ongoing effort between York University's Centre for Refugee Studies and Georgetown University has brought together data scientists, computer scientists, and social scientists to predict factors of forced migration,[65] that has begun to assemble best practices to bridge disciplinary divides.[66]

The idea of effectively communicating across disciplines also leads to the problem of having access to the "right" kinds of data. As discussed above, all kinds of data can be informative when building models. However, when working interdisciplinarily, these types of data may not always be accepted by the respective parties (or disciplines) involved. Early in the model development discussions—when formulating the research questions, outlining

63 https://www.comses.net/

64 Padilla et al., "Model Co-Creation from a Modeler's Perspective: Lessons Learned from the Collaboration between Ethnographers and Modelers." An, "Modeling Human Decisions in Coupled Human and Natural Systems: Review of Agent-Based Models."

65 Susan F Martin and Lisa Singh, "9 Data Analytics and Displacement: Using Big Data to Forecast Mass Movements of People," Digital Lifeline?: ICTs for Refugees and Displaced Persons (2018).

66 As presented in their talk at the IASFM 2018 Conference in Thessaloniki, Greece at which both authors were present.

assumptions, and deciding the model's purpose—it should be made very clear what data is necessary to develop the desired model and achieve the model's purpose. This process of communication can be very difficult, and there are currently no known best practices for arriving to a compromise or plan.

Finally, there is the matter of verification and validation, discussed very briefly above. This is a topic wide open in the debate in computational social sciences and social science modeling. Given the hot debate in whether, when, and how to verify models of social processes, we cannot cover this ground thoroughly here. Most often, social science ABMs with a considerable amount of quantitative data have more straightforward methods of validation, such as that described in Bianchi et al.[67] There are a considerable number of barriers if this is not the case, as in many qualitative or context-specific studies, and there are no clear answers except to perform a battery of tests and examinations to ensure the model is specified well and can add some knowledge about the real-world system.[68]

Moving Forward

Simulation modeling has much to offer forced migration research both as an innovative methodology and a potential means to communicate more effectively with policymakers. While studies using simulation modeling to explore forced migration research topics exist, there is still much work to be done. There is still no clear path on how to make the interdisciplinary collaboration between social scientists and modelers, as well as the disparate data types and simulation software options, and how they run smoothly and effectively. These efforts are still relatively ad hoc and often unique to particular research teams. Further documentation and exploration of these types of interdisciplinary research teams will add considerably to best practices in facilitating collaborative model development. Additionally, there is still work to be done to develop clear standards on whether, when, and how to verify and validate social simulation models. The debate on the issues around verification and validation will benefit from having more social scientists involved in simulation modeling drawing their own research needs and expectations into the larger conversation. The authors believe that the benefits of modeling, however, far outweigh the challenges and limitations. As more social scientists begin to embrace simulation modeling as a methodological tool, we will expand the breadth of modeling beyond those of movement and prediction in order to answer the challenges posed by contextualized, place/time specific research questions, increased demands by theorists and policymakers to test our data and assumptions, and the wide variety of data being collected globally. Forced migration has much to gain from this approach as it attempts to unite scholars, practitioners, policymakers, other stakeholders, and forced migrants' voices into the larger body of work that contributes to our policies, practices, and theories related to refugee and migration studies.

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67 Carlo Bianchi et al., "Validating and Calibrating Agent-Based Models: A Case Study," Computational Economics 30, no. 3 (2007).

68 R. B. Whitner and O. Balci, "Guidelines for Selecting and Using Simulation Model Verification Techniques," in Proceedings of the 21st Conference on Winter Simulation (Washington, D.C., USA: ACM, 1989). Franziska Klugl, "A Validation Methodology for Agent-Based Simulations," in Proceedings of the 2008 ACM symposium on Applied computing (Fortaleza, Ceara, Brazil: ACM, 2008). Paul Ormerod and Bridget Rosewell, "Validation and Verification of Agent-Based Models in the Social Sciences," in Epistemological Aspects of Computer Simulation in the Social Sciences, ed. Flaminio Squazzoni, Lecture Notes in Computer Science (Springer Berlin Heidelberg, 2009).

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From Policy Irrelevance to a Return to Relevance: Active Strategies in Forced Migration Research

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Abstract

This article traces a key logical framework in migration research: policy relevance. While many scholars and practitioners call for a closer relationship between research objectives and policy relevance, others have argued otherwise. Research which privileges the worldviews of forced migrants, rather than those of policymakers and practitioners, holds promise for moving beyond strict policy-laden and often legal categories, thereby creating new knowledge and priorities for policy itself. In this article, we unpack the denouement of this argument, that is, what has transpired in Forced Migration Studies since. Policy irrelevant research seeks to challenge taken-for-granted knowledge, and this article interrogates the politics and the imperatives, both ethical and practical, that arise from such a challenge. To that end, we look at the goals and conduct of a case study of organizations run by and for resettled refugees in the United States. This study illustrates how challenging policy-defined assumptions and categories, and raising critical perspectives drawn from forced migrants' voices, yields implications for policy. To get there, research moves beyond categories and asks new questions through a deconstructive approach; yet going from here, we argue, entails another role for forced migration research, an "active" approach that involves critical translation and application. At this juncture of forced migration research, policy irrelevant research seeks to make itself relevant and reasserts itself in policy discourses.

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Keywords: Refugee Policy, Forced Migration Research, Participatory Action Research, Grassroots Refugee Groups, Action Research with Refugees

Introduction

Research aspires to be relevant, and in forced migration studies, research seeks to find applicability and use by policy makers for policy formulation and adjustment. Scholars have observed and debated the intimacy of the connection between academic inquiry into forced migration and policy and policymakers ever since the emergence of the academic field post-World War II.[4] A problem-centered, practice-informed orientation to research that is methodologically rigorous, as well as relevant to policy, leads to funding from public and private donors. It also garners interest from bureaucratic, development, and humanitarian institutions that serve refugees and other displaced populations.[5] The policy orientation of Refugee Studies or Forced Migration Studies (FMS) went hand in hand with the institutionalization of the academic field and, in turn, with its production of knowledge.[6]

One decade ago, Oliver Bakewell problematized precisely those intimate links between forced migration research and policy.[7] He argued that in the search for policy relevance, research has taken the categories, priorities, and priorities of policymakers and practitioners as initial frames of reference, failing to move past them and rendering real-life issues and concerns – things that matter – invisible. This initial framing and referencing to policy characterizes and defines policy relevant research.[8] While the construction-in-progress of the "refugee" has been queried at least ten years earlier,[9] Bakewell's rather unique position, calling explicitly and unapologetically for policy irrelevant research, is key to the analysis presented here. Bakewell posited that the dominance of policy concerns has led to irreconcilable contradictions for academic inquiry into forced migration. Specifically, the intimate policy–research connection has constrained three things: the research questions asked, the objects of study, and methodology and analysis. At the heart of such constraints are categories; because "refugee studies" is founded upon the label or policy category "refugee," it is therefore founded upon policy-driven definitions of the "refugee." When policy definitions and labels are used uncritically in research and scholarly writing, academic independence and methodological rigor is compromised. An academic field that is too entwined in policy can represent policy-defined labels as natural and uncontested, and may obscure or entirely miss alternative perspectives.

Ten years after Bakewell's call, perspectives that question categories and problematize the research – policy link have persisted in the field of FMS. Most recently, in 2018, Crawley and Skleparis consider Europe's "migration crisis" in revisiting the "disjuncture between

4 Richard Black, "Fifty Years of Refugee Studies: From Theory to Policy," *International Migration Review* 35, no. 1 (2001): 57-78.
5 Karen Jacobsen and Loren B. Landau, "The Dual Imperative in Refugee Research: Some Methodological and Ethical Considerations in Social Science Research on Forced Migration," *Disasters* 27, no. 3 (2003): 185-206.
6 Black, "Fifty Years of Refugee Studies."
7 Oliver Bakewell, "Research Beyond the Categories: The Importance of Policy Irrelevant Research into Forced Migration," *Journal of Refugee Studies* 21, no. 4 (2008): 432-53.
8 Liisa Malkki, "Refugees and Exile: From 'Refugee Studies' to the National Order of Things," *Annual Review of Anthropology* 24 (1995): 495–523.
9 Bakewell, "Research Beyond the Categories."

conceptual and policy categories and the lived experiences of those on the move."[10] They argue that privileging dominant categories – making them the basis of an analytical approach – could limit one's understanding of migration and make them potentially complicit in a political process that has undermined the rights of refugees and migrants in Europe in recent years.[11] Indeed, given the current migration policy restrictionism, militarization, and heightened nationalism in the global north, and the worsened precarity of displaced populations and migrants globally, the old problem of "categories" gains salience anew.

"By breaking away from policy relevance," Bakewell concludes, "it will be possible to challenge the taken-for-granted assumptions that underpin much practice and in due course bring much more significant changes to the lives of forced migrants."[12] This article takes this supposition seriously. It takes account of such perspectives and their application in specific research, and then follows them through to their ethical conclusions: what research must do once data and findings are present.

Using a case study approach, this article examines two related projects on Refugee Community Organizations (RCOs). The first project was a nationally-based research study of 35 RCOs in cities across the United States, and the second project was a place-based study of RCOs of different refugee backgrounds. As a reflective and introspective analysis, this article presents an analysis of the two projects that are underway. The examination and argumentation we make here emerged as we self-reflected on our ongoing work. We employ a case study approach, following Bakewell, as it allows for contextual and in-depth exploration. Examining the goals and methods of these two projects, we consider research that cuts loose from policy relevance and confronts assumptions, and then, finally, we interrogate what happens in due course if policy relevance is not central to a project's objectives. In so doing, this paper ultimately argues for active strategies in FMS research as the preferred way forward.

Policy Irrelevant Research

Two strands of literature have emerged from Bakewell's proposition. One affirmist view champions a policy irrelevant approach to research that loosens up the categorical boundaries of FMS. This approach disconnects from legal definitions of "refugee" and posits that any movement of population in a war-affected country should be considered for inclusion in research when authors show a link to warfare, given the reality of the fluid and mixed nature of population movements during armed conflicts.[13] By veering away from a narrower scope of inclusion,[14] this method helps to correct assumptions about persons affected, identifies important data and large population groups, and decreases the likelihood of misinterpreting information and twisting casualties.[15] Further, since a host of characteristics influence mobility, research must link refugee studies with broader social scientific studies of mobility[16] and its

[10] Heaven Crawley and Dimitris Skleparis, "Refugees, Migrants, Neither, Both: Categorical Fetishism and the Politics of Bounding in Europe's 'Migration Crisis,'" *Journal of Ethnic and Migration Studies* 44, no. 1 (2018): 59.
[11] Crawley and Skleparis, "Refugees, Migrants, Neither, Both," 50.
[12] Bakewell, "Research Beyond the Categories," 432.
[13] Emilie Combaz, "Effects of Respect for International Humanitarian Law on Displacement," *Applied Knowledge Services* (2016): 1-26.
[14] Julian Lim, "Immigration, Asylum, and Citizenship: A More Holistic Approach," *California Law Review* 101 (2013): 1013-76.
[15] Combaz, "Effects of Respect."
[16] Heidi Ostbo Haugen, "Nigerians in China: A Second State of Immobility," *International Migration* 50, no. 2 (2012): 65-80.

political, economic, social, cultural, and emotional dimensions[17] in order to broaden questions asked and expand who is considered an object of study. This is also needed to counter the "symbolic violence of categories"[18] and categorical fetishism,[19] and to expand often-static abstractions of technocratic-humanitarian displacement categories[20] and even ideas such as "transit," "settlement," and "community." [21, 22]

The viewpoint that this approach takes is that policy-oriented research could constrain the objects of study. In social work research into migration, for example, the main focus of policy-oriented research has been migration as a challenge for specific migrant groups (i.e., people seeking asylum). [23] In rights-based research, because migration is more and more entwined with human rights abuses, Rivetti calls into question the bifurcation between "ordinary migrants," who were theoretically not forced to emigrate, and refugees.[24] Differences in their situations may be more theoretical rather than real. Categorizations of Internally Displaced Persons (IDP) in some border areas are also problematic, as they could exclude people from research through a rigid insistence of categories.

Policy acts as a filter, or blinder, to the methodical and analytical mind. To avoid such constraint, researchers have emphasized selecting methods that minimize categories and definitions in order to understand self-settled refugee communities.[25] Research could thus be place-based, surveying all persons located within a territory, whether migrant, refugee, or otherwise. It could also be phenomenon-based, looking for and into the lives and conditions of people affected by a certain cause of displacement regardless of location. Such approaches encourage new permutations of design and methods, with soundness and ethics of research as the only possible limitations. In policy-led research analyses, by comparison, since definitions of migration and displacement are separate and disparate, distinctions between psychic and physical displacement are necessarily highlighted. However, research that takes an irrelevance approach has alerted the differences between category and conditions, or else certain experiences may be excluded.[26] Because categories are collapsed, researchers often loosen their employment of terms, e.g., refugee or forced migrant in research follows self-identification or self-settlement or self-selection as a proxy.

A second stream of literature contests Bakewell's proposition altogether. These researchers argue that within the context of carefully designed research, deliberate and thoughtful studies can address Bakewell's concerns.[27] Moreover, employing policy terms

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17 Amanda Hammar, "Ambivalent Mobilities: Zimbabwean Commercial Farmers in Mozambique," *Journal of Southern African Studies* 36, no. 2 (2010): 395-416.

18 Koen Leurs and Kevin Smets, "Five Questions for Digital Migration Studies: Learning from Digital Connectivity and Forced Migration In(to) Europe," *Social Media and Society* (2018): 11.

19 Crawley and Skleparis, "Refugees, Migrants, Neither, Both."

20 Hammar, "Ambivalent Mobilities."

21 Inka Stock, "Transit to Nowhere: How Sub-Saharan African Migrants in Morocco Confront Life in Forced Immobility," (PhD diss., University of Nottingham repository, 2013).

22 Caitlin Nunn, Sandra M. Gifford, Celia McMichael, and Ignacio Correa-Velez, "Navigating Precarious Terrains: Reconceptualizing Refugee-Youth Settlement," *Refuge* 33, no. 2 (2017): 45–55.

23 Pat Cox and Thomas Geisen, "Migration Perspectives in Social Work Research: Local, National and International Contexts," *British Journal of Social Work* 44, no. 1 (2014): i157-i173.

24 Paola Rivetti, "Empowerment without Emancipation: Performativity and Political Activism among Iranian Refugees in Italy and Turkey," *Global, Local, Political* 38, no. 4 (2013): 305-20.

25 Charlotte Ray, "The Integration and Livelihood Strategies of 'Self-Settled' Refugees: The Case of Casamance Refugees in The Gambia," (PhD diss., Coventry University, 2012), 1-418.

26 Andrina Bowen, "Life, Learning and University: An Inquiry into Refugee Participation in UK Higher Education" (PhD diss., University of the West England, Bristol, 2014).

27 Megan Bradley, Angela Sherwood, Lorenza Rossi, Rufa Guiam, and Bradley Mellicker, "Researching the Resolution of Post-Disaster Displacement: Reflections from Haiti and the Philippines," *Journal of Refugee Studies* 30, no. 3 (2016): 381.

enables research findings to be embedded within social realities. For Lundgren, research on groups belonging to policy-led categories is necessary to increase knowledge of both particular situations and people's everyday life experiences in exile.[28] It should also invite critical thinking about the ways policies work and their impact on people affected by forced migration.[29] In other words, categories do exist and do matter, and one cannot do away with them in research.

However, the reality is that policymakers' questions and frameworks, explicit or not, still guide academics who try to offer solutions through empirical research that is structured to ignore or revisit political meanings.[30] While policy irrelevance has gained traction in the last decade, the use of policy categories in research remains; scholars either take policy irrelevance for granted or actively pursue policy-relevant research.[31] The paradox is that policy irrelevance is part of the research toolbox to achieve the purpose of affecting changes to policy and even to strict legal, conventional policy-laden categories. However, there has been little interrogation of how policy irrelevant research delivers "change to people's lives," as envisioned.[32] We highlight the dearth of explorations into this denouement in existing scholarly literature.

Policy Irrelevance in Researching Refugee-Run Organizations in the United States

In this section, we discuss our case study and reflect upon policy relevance and categories, as applicable to refugee organizations in the U.S. resettlement domain. "By breaking away from policy relevance," Bakewell concludes, "it will be possible to challenge the taken-for-granted assumptions that underpins much practice and in due course bring much more significant changes to the lives of forced migrants."[33] Taking Bakewell's prompt, we use our case study of refugee community organizations in the U.S. to conceptually analyze policy irrelevance step by step: first, breaking away from policy; second, questioning categories; and finally, interrogating outcomes and looking ahead.

"Breaking away from policy relevance"

For Bakewell, "notions of policy... tend to focus on formal organizations and their interactions with people"[34] and "policy is the domain of institutional decision-making by powerful actors, such as governments, aid agencies, and so forth."[35] Policy and categories are concerned not only with refugees and displaced persons at the individual level, but also with organizations and institutions. In the United States, there are nine federally contracted organizations, termed resettlement agencies, funded annually by the U.S. Office of Refugee Resettlement (U.S. ORR) to implement the bulk of resettlement policy and programming. They are the primary institutional actors on the ground, implementing programs and services such as reception and

[28] Minna Lundgren, "Boundaries of Displacement: Belonging and Return among Forcibly Displaced Young Georgians from Abkhazia" (PhD diss., Mid Sweden University, 2016).
[29] Cathrine Brun and Ragnhild Lund, "Researching Forced Migration at the Interface of Theory, Policy and Practice," in *Alternative Development: Unravelling Marginalization, Voicing Change*, eds. C. Brun, P. Blaikie, and M. Jones (Farnham: Ashgate, 2014), 287-306.
[30] Christina Oelgemöller, "'Transit' and 'Suspension': Migration Management or the Metamorphosis of Asylum-Seekers into 'Illegal' Immigrants," *Journal of Ethnic and Migration Studies* 37, no. 3 (2010).
[31] Holly E. Reed, Bernadette Ludwig, and Laura Braslow, "Forced Migration," in *International Handbook of Migration and Population Distribution*, ed. Michael J. White (Dordrecht: Springer Netherlands, 2016), 605-25.
[32] Bakewell, "Research Beyond the Categories," 450.
[33] Bakewell, "Research Beyond the Categories," 452.
[34] Bakewell, "Research Beyond the Categories," 433.
[35] Bakewell, "Research Beyond the Categories," 435.

placement services, housing, cultural and systems orientation, job readiness and job placement, and referral services for such concerns as physical health, mental health, and education. Resettlement agencies thus present what Bakewell calls a policy-guided set of practices and formal ways of doing business.[36]

Resettlement agencies are formalized policy-implementing agents and, consequently, the focus of considerable research. Indeed, scholars have queried and critically analyzed resettlement agencies' implementation of refugee policy, particularly work-first refugee policy, and its consequences, contradictions, and challenges. Studies find that policy mandates and policy priorities delimit services for resettled refugees. For instance, Darrow discusses how service providers engage in administrative indentureship, whereby policy operates to bind the actions of service providers and their interactions with client-refugees.[37] Similarly, Trudeau considers resettlement agencies as translation mechanisms for neoliberal state policy.[38]

Setting aside policy in research — within the context of U.S. refugee policy — this means looking beyond the resettlement agency as a policy-implementing agent and turning to other organizational actors (structured and unstructured) that operate alongside resettlement agencies. One such entity within the U.S. resettlement context that has largely escaped the attention of scholars, policymakers and practitioners alike are community-based, informal, and grassroots groups run by and for refugees themselves, termed Refugee Community Organizations (RCOs).[39] Research has traditionally focused beyond the level of the individual or the unstructured community of individuals,[40] leaving individuals themselves, households, communities, and groups of resettled refugees — RCOs precisely — unexamined in terms of policy. The little research that does focus on RCOs, meanwhile, typically examines them in terms of the solidarity, community-building, and integration support they provide, without analyzing their explicit links to policy operations.[41] Because they are state-detached and positioned outside the formal institutional domain, RCOs, particularly those in the United States, are rarely considered in analyses of resettlement policy.

Our case study, comprised of two related projects, explicitly puts the resettlement agency aside and focuses instead on RCOs. The first project was a nationally-based case study of 40 interviews with RCOs in 35 different cities in 30 states across the United States, alongside an examination of in-depth data about the types of activities conducted by RCOs of one refugee community, Bhutanese refugees.[42] The second project built upon the first one by examining how those activities of Bhutanese RCOs may be relevant and applicable for RCOs of different refugee backgrounds in one location, using interviews, participant observation, and surveys. The survey and interview protocols were based on the Guide for Organizational Profile Interviews,[43] modified to fit the context drawing from findings from the first project.

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36 Bakewell, "Research Beyond the Categories," 435.

37 Jessica Darrow, "Administrative Indentureship and Administrative Inclusion: Structured Limits and Potential Opportunities for Refugee Client Inclusion in Resettlement Policy," *Social Service Review* 92, no. 1 (2018): 36-68.

38 Dan Trudeau, "Junior Partner or Empowered Community? The Role of Non-Profit Social Service Providers amidst State Restructuring in the U.S.," *Urban Studies* 45 no. 13 (2008): 2805-927.

39 Theresa Piacentini, "Missing from the Picture? Refugee Community Organizations' Responses to Poverty and Destitution in Glasgow," *Community Development Journal* 50, no. 3 (2015): 433.

40 Bakewell, "Research Beyond the Categories," 435.

41 Marie Lacroix, Michael Baffoe, and Marilena Liguori, "Refugee Community Organizations in Canada: From the Margins to the Mainstream?" *International Journal of Social Welfare* 24, no. 1 (2015): 62–72.

42 Odessa Gonzalez Benson, "Refugee-Run Grassroots Organizations: Responsive Assistance Beyond the Constraints of U.S. Resettlement," *Journal of Refugee Studies* (March 2020).

43 Uzo Anucha, Nombuso Dlamini, Miu Chung Yan, and Lisa Smylie, *Social Capital and the Welfare of Immigrant Women: A Multi-Level Study of Four Ethnic Communities in Windsor* (Ottawa, ON: Research Directorate, Status of Women in Canada, 2006).

The case study aimed for an "oblique" approach to policy as Bakewell so described.[44] This entails using a different angle and/or broader sociopolitical lens to gain fresh perspectives on the same policy concerns or categories or on issues outside the purview of current policy. This case study of RCOs did not rely on policy-defined characterizations of RCOs nor commonly used theories of community and social capital or cultural capital, but instead used as theoretical and empirical context for analysis the institutional network of which RCOs are a part. By not discriminating between resettlement agencies and RCOs and expanding the universe of organizations to include RCOs, this research design sought new and empirically informed insights that are all too often outside the field of vision of policy relevant scholarship.

"Challenging taken-for-granted assumptions" and "stepping outside the categories"

Refugee-run groups or RCOs are typically treated as entities that are informal and function within the social and cultural domains of refugees' lives upon resettlement. "Refugeeness" precedes refugee-run groups.[45] Migration research suffers from an "ethnic lens" that can be essentializing,[46] and so, categorizing arguably follows for research on migrant organizations. The ethnic fetish that predominates migration research has been critiqued for obscuring the more particularized ways of being of migrants and social relations that emerge out of migration processes.[47] Most studies examine RCOs during the early stages of organizational life, treat them as static and uncomplicated, and neither account for internal dynamics that adapt to shifting policy and institutional contexts, nor changes in practice and constitution over the life cycle of organizations.[48] As a result, studies falsely homogenize these groups by failing to recognize complexities. They construct a fictive, collective identity of "refugeeness" that is built upon an externally created unity which, in many cases, does not reflect the aims or aspirations of the categorized groups.[49] Indeed, the labeling of refugees, and in this case their groups and organizations, entails stereotyping through disaggregation, standardization, and the formulation of categories.[50]

In the U.S. institutional context, the "bureaucratic label"[51] for refugee-run organizations are Ethnic Community-based Organizations, foregrounding them as "ethnic" and "cultural", and "Mutual Aid Associations"[52] that in turn depict their social orientation as communal and communitarian in terms of "mutual aid." Yet, its value notwithstanding, culture can swallow up the entirety of an organization's character. An over-emphasis, for instance, on the "social network attributes" of refugee-run groups has led researchers to ignore certain aspects of RCO research. When one cannot account for or readily accommodate some of the services that refugee-run groups provide, because they relate to the fact that they are also established organizations on their own right, research does not capture them.[53]

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44 Anucha, Dlamini and Smylie, *Social Capital*.
45 Piacentini, "Missing from the Picture?"
46 Nina Glick Schiller and Ayse Çağlar, "Locating Migrant Pathways of Economic Emplacement," *Ethnicities* 13, no. 4 (2013): 494–514.
47 Schiller and Ayse Çağlar, "Locating Migrant Pathways," 27- 29.
48 Piacentini, "Missing from the Picture?"
49 Piacentini, "Missing from the Picture?" 436.
50 Roger Zetter, "Labelling Refugees: Forming and Transforming a Bureaucratic Identity," *Journal of Refugee Studies* 4, no. 1 (1991): 44.
51 Bakewell, "Research Beyond the Categories," 436.
52 Lorraine Majka and Brendan Mullan, "Ethnic Communities and Ethnic Organizations Reconsidered: South-East Asians and Eastern Europeans in Chicago," *International Migration* 40, no. 2 (2002): 71–92.
53 Jenniffer Clarke, "Beyond Social Capital: A Capability approach to Understanding RCOs and Other Providers for 'Hard to Reach'" Groups," *International Journal of Migration, Health and Social Care* 10, no. 2 (2014): 62.

In examining RCOs, we tried to not "stare too hard" at them, nor "make them exceptional" or "exclude them from our 'mainstream' theories."[54] We aimed to dislodge them from the bureaucratic labels that foreground their ethnicity and mutuality in aid and view them past conventional characterizations that depict them as cultural and social or associational. We sought to distinguish the RCO as an "analytic category" rather than a "policy category,"[55] seeking to look beyond the "refugeeness" of these refugee-run organizations.[56]

What emerged in research was a reframing of labels or categories used to define refugee-run organizations or RCOs[57] which illustrated the key roles that these organizations play in filling gaps in policy and responding to structural limits of policy-specified service provision that is state-led and state-driven[58]. If the research were restricted and confined to state-ordained RCOs, it could not have accounted for the dynamics of the public-private and the role of the private sector and refugee-run organizations in providing services, public good, and their sense of responsibility towards refugee human rights. Whereas state-funded organizations have policy-specified limits and restrictions on their actions and priorities, our analysis illustrates that refugee-run groups are able to extend who is served by extending eligibility requirements specified in U.S. welfare policy (i.e., resettled refugees are eligible for services only for the first eight months after arriving in the United States) and by removing limitations from when, where, and how services are provided. Refugee-run groups are also evidenced as providing case management, crisis management, systems navigation, outreach, and prevention, akin to the service modalities and functions provided by their state-partnered and professionalized counterparts.[59,60] To be sure, refugee-run groups themselves face limitations, among which are official modes of accountability as humanitarian actors and those related to funding and mobility.

Active Strategies in Forced Migration Research

Policy irrelevance and problematizing categories are two points of departure for research that yield promise to "in due course, bring much more significant changes to the lives of forced migrants."[61] However, this denouement seems implied and supposed, rather than followed through in research or argumentation. That is, the nature and extent of such significant changes in migrants' lives remain unspecified in research. The intervention we thus present here, joining other FM scholars as discussed below, is a probing of what it means for FM research and researchers to follow through that denouement and promise.

Empirical and conceptual findings in our case study of U.S.-based RCOs offers new insights about their roles and functions vis-à-vis policy and state-funded programs and proposes new ways of categorizing such organizations. Whereas conventional labels or frames consider them as organizations that are informal, cultural-social, or "ethnic," our case study instead posits a reframing of refugee-run organizations that foregrounds their practical relevance, and thereby policy relevance,[62] much like state-contracted resettlement agencies. Arising precisely from research informed by the premise of policy irrelevance laid out by

54 Bakewell, "Research Beyond the Categories," 449.
55 Bakewell, "Research Beyond the Categories," 436.
56 Piacentini, "Missing from the Picture?"
57 Odessa Gonzalez Benson, "Welfare Support Activities of Grassroots Refugee-Run Community Organizations: A Reframing," *Journal of Community Practice* 28, no. 1 (2020): 1-17.
58 Benson, "Refugee-Run Grassroots Organizations: Responsive Assistance."
59 Benson, "Welfare Support Activities."
60 Benson, "Refugee-Run Grassroots Organizations: Responsive Assistance."
61 Bakewell, "Research Beyond the Categories," 432.
62 Bakewell, "Research Beyond the Categories," 432.

Bakewell and others, we gain new insights that can potentially have practical and policy relevance; the road leads back to policy, and, accordingly, to a reframing of refugee-run organizations. Thus, research exposes realities on the ground. Notably, we did not abandon the notion of categories per se or take an anti-category stance. Instead, we present possibilities that counter policy-defined labels or the categorizing of these important organizations.

With this, we want to consider: what's next? This question and introspective questioning related to ethics and the imperatives of research are neither new nor unique to FMS. We revisit this line of questioning, in conversation with policy irrelevance and category problematization scholarship, via Bakewell. We consider active strategies in forced migration research, which entail going beyond knowledge development towards applicability in policy and practice. Rather than issuing a prescription for active strategies in FMS, this discussion instead presents a call to question, aiming to join and help bolster the recently emerging line of inquiry within FMS that rethinks academia's classic and enduring desire and concerns over application, obligation, and ethics.

"Why (do) we bother doing it?" is one of the "quintessential questions that cannot, or should not, be separated when researching people fleeing persecution and in need of protection."[63] The heightened vulnerabilities of forced migrants demand not only methodological and ethical rigor,[64] but intentionality in application. If research were to do justice to its subjects, it must unceasingly reflect on its foundations. Ngwato, in examining data use and advocacy with migrants and displaced persons in South Africa, states that if researchers choose to explicitly ask migrants about their current problems and needs, this creates an "obligation for actions on those needs."[65] Similarly, Mackenzie and colleagues recognize the researcher's obligation to intervene and act, and thus argue for going beyond "do no harm" in FMS and for a "fundamental conceptual shift in research ethics to a model of community negotiated research that provides reciprocal benefit to refugee populations."[66] Mackenzie et al. use these perspectives more specifically for interpersonal relations between researchers and individuals or groups and contexts. Research unearths conceptual and organizational relationships that have implications on action.

Pertaining specifically to research on categories, meanwhile, scholars contend that categories could influence policy, practice, and even colloquial understandings of the concepts of FMS,[67] for academia is also influenced by policy categories.[68] Bakewell himself acknowledged the limits and ontological dilemmas inherent in an anti-category position that can be too all-encompassing; he further reflected how his own work led him back to policy terms in the end. Thus, what may be perceived as inevitable academic categorizing can either be complicit in policy-led categorizing or contest it.[69] In a recent piece that revisits categorical fetishism in refugee studies within the context of Europe's "migration crisis," Crawley and Skleparis query the processes of translating nuanced, complicated research findings into

63 Hariz Halilovich, "PAR Ethical Approaches in Research with Refugees and Asylum Seekers Using Participatory Action Research," *Values and Vulnerabilities: The Ethics of Research with Refugees and Asylum Seekers* (2013): 128.
64 Jacobsen and Landau, "Dual Imperative in Refugee Research."
65 Tara Ngwato, "Collecting Data on Migrants Through Service Provider NGOs: Towards Data Use and Advocacy," *Journal of Refugee Studies* 26, no. 1 (2013): 151.
66 Catriona Mackenzie, Christopher McDowell, and Eileen Pittaway, "Beyond 'Do No Harm': The Challenge of Constructing Ethical Relationships in Refugee Research," *Journal of Refugee Studies* 20, no. 2 (2007): 315.
67 Nicholas Van Hear, "Forcing the Issue: Migration Crises and the Uneasy Dialogue between Refugee Research and Policy," *Journal of Refugee Studies* 25, no. 1 (2012): 20.
68 Michael Collyer and Hein de Haas, "Developing Dynamic Categorisations of Transit Migration," *Population, Space and Place* 18, no. 4 (2012): 468-81.
69 Bakewell, "Research Beyond the Categories."

messages that can be legible for politicians and policymakers.[70] They offer four suggestions on how scholars can resolutely engage with the politics of bounding, that is, the process of constructing categories, their purposes, and their consequences, to reject their use as invidious mechanisms of subjugation.[71] These discussions emphasize how scholars can actively engage with policy-defined categories, in order to make research relevant and applicable, without being overrun by them.

Forward Directions in Active Strategies in FMS

Fundamental to such discussions of relevance and applicability are ethics of reciprocity that denote researchers' obligations. The ethics of immediate reciprocity entail "payback" for research participants specifically, while general reciprocity is not about direct returns for participants but instead some larger and social benefit.[72] Perhaps in between the ethics of immediate and general reciprocity are active strategies in research, including in FMS. These active strategies do not necessarily need to be conceptualized in direct, individual, immediate terms as specified by Mackenzie et al.[73] and Block et al.,[74] but they also should not be subject to abstraction, lengthy discourse, and indefinite duration, as described in Crawley and Skleparis.[75]

Active strategies in FMS, viewed as an ethics of middle-level reciprocity, are concerned with the intentional application of findings to practice modalities of organizations and/or policy. Ngwato, for instance, specifies FM researchers' obligation to integrate their findings into the work of organizations. This could increase the likelihood of the use of data and benefit surveyed populations.[76] Active strategies denote applications that entail some level of institutionalization or uptake in programming, which is one level above direct engagement with individual participants, but also at a more practical lower level than abstracted, unspecified shifts in discourse and ideologies over time.

Such ethical discussions are long-standing issues in FMS, but systematic empirical analyses and theory-building seem to be still forthcoming, as the field is yet to embrace this task of investigating implications of policy irrelevant research. In our own case study and current work, active strategies are also yet in the making, and the reflective analysis we present here has emerged from in-the-moment queries pertaining to our own ethics of reciprocity. Paralleling strategies employed by others, the active strategies we have formulated have a range; Participatory Action Research (discussed below), white papers and presentations for policymakers and practitioners, dissemination of findings, and public scholarship via online sites for research partner organizations, for example. We imagine these activities as a continuum that need to be re-focused even more to interrogate Bakewell's denouement.

In terms of active strategies, perhaps the most directly relevant research modality is Participatory Action Research (PAR), and indeed it is one that is not unfamiliar to FMS scholars. PAR seeks to do away with power relations between researcher and participants to create collectivity and relationality in the knowledge development and production of research

70 Crawley and Skleparis, "Refugees, Migrants, Neither, Both."
71 Crawley and Skleparis, "Refugees, Migrants, Neither, Both," 48.
72 Kevin Gillan and Jenny Pickerill, "The Difficult and Hopeful Ethics of Research on, and with, Social Movements," *Social Movement Studies* 11, no. 2 (2012): 137.
73 Mackenzie, McDowell, and Pittaway, "Beyond 'Do No Harm'".
74 Karen Block, Elisha Riggs, and Nick Haslam, *Values and Vulnerabilities: The Ethics of Research with Refugees and Asylum Seekers* (Bowen Hills: Australian Academic Press, 2013).
75 Crawley and Skleparis, "Refugees, Migrants, Neither, Both."
76 Ngwato, "Collecting Data on Migrants," 211.

in order to sustainably address the issues that communities face.[77,78] FMS researchers demonstrate that application of PAR can be transformative and have lasting impacts. For example, Alissa Starodub and research participants used self-exposure and other modalities of co-creating knowledge to interrogate the border zone on the Balkan route in Central Europe, towards refugee solidarity action.[79] Decolonizing methodologies, meanwhile, as emerging and promising approach for FMS, draw from indigenous epistemologies and ontologies to take power from western academia and to redistribute and reformulate knowledge and institutions via active participation of marginalized communities. Koen Leurs and Kevin Smets, along with their colleagues in their special collection on forced migration and digital connectivity, take on the question and task of de-centering Europe in digital (forced) migration studies.[80] "Engaged scholarship" has likewise gained ground across different academic fields and institutions.[81] Essentially, the engaged scholarship movement, not as action oriented as PAR, seeks to integrate communities and universities as partners in researching social issues. For instance, Darcy Alexandra used arts-based methods — digital storytelling and scriptwriting — to engage asylum seekers and refugees in Ireland to create powerful testimony, generate connections and produce knowledge.[82] The university-engaged scholarship movement is a direct reaction to the privatization of research in higher education and elitism that accompanies the claim to objectivity in knowledge production.[83]

Despite the lack of a cohesive theorizing, these lines of action-based and participatory approaches within FMS seem to converge upon the "politics of the everyday,"[84] emphasizing the integral role of migrants in active strategies in research. Such convergences draw from a range of theoretical and epistemological traditions, including feminist research, decolonizing methodologies and perhaps even the more broad-based approach of public scholarship, as discussed. Importantly, scholars extend these issues to a global perspective, whereby research from the global south is contrasted with and prioritized over research from the global north.[85] Feminist scholars make similar arguments, advocating the use of research to make a difference in the life of the researched,[86] positioning feminist researchers in a place of action alongside

77 Maggie O'Neill, Philip A. Woods, and Mark Webster, "New Arrivals: Participatory Action Research, Imagined Communities, and 'Visions' of Social Justice," *Social Justice/Global Options* 32, no. 1 (2005): 75-88.

78 Hariz Halilovich, "PAR Ethical Approaches in Research with Refugees and Asylum Seekers Using Participatory Action Research," *Values and Vulnerabilities: The Ethics of Research with Refugees and Asylum Seekers* 127 (2013).

79 Alissa Starodub, "Horizontal Participatory Action Research: Refugee Solidarity in the Border Zone." *Area* 51, no. 1 (2019): 166–73.

80 Koen Leurs, Koen, and Kevin Smets, "Five Questions for Digital Migration Studies: Learning from Digital Connectivity and Forced Migration In(to) Europe," *Social Media + Society* 4, no. 1 (2018).

81 Diane Doberneck, Chris Glass, and John Schweitzer, "From Rhetoric to Reality: A Typology of Publically Engaged Scholarship," *Journal of Higher Education Outreach and Engagement* 14, no. 4 (2010): 5-35.

82 Darcy Alexandra, "Implicating Practice: Engaged Scholarship Through Co-Creative Media," in *Digital Storytelling in Higher Education: International Perspectives*, ed. Grete Jamissen, Pip Hardy, Yngve Nordkvelle, and Heather Pleasants (Digital Education and Learning. Cham: Springer International Publishing, 2017), 335-53.

83 Jean Schensul, "Engaged Universities, Community Based Research Organizations and Third Sector Science in a Global System," *Human Organization* 69, no. 4 (2010): 309.

84 Dorothea Hilhorst and Bram Jansen, "Humanitarian Space as Arena: A Perspective on the Everyday Politics of Aid," *Development and Change* 41, no. 6 (2010): 1117-39.

85 Loren Landau, "Communities of Knowledge or Tyrannies of Partnership: Reflections on North–South Research Networks and the Dual Imperative," *Journal of Refugee Studies* 25, no. 4 (2012): 555–70.

86 Leslie Bloom and Patricia Sawin, "Ethical Responsibility in Feminist Research: Challenging Ourselves to Do Activist Research with Women in Poverty," *International Journal of Qualitative Studies in Education* 22, no. 3 (2009): 333-51.

activists.[87] Scholars argue for forced migrants not to be mere objects of others' research, but that they be active actors who formulate their own research questions and design and undertake research,[88] and then carry findings forward with application. Active strategies would bring lived experience and perspectives that can most powerfully and effectively identify categories, question them and then push their boundaries. For who lives these categories but forced migrants? From there, forced migrants' ownership of knowledge and embodiment as researchers can lead to the relevance so sought. That is, the forced migrant — with the means and mechanics of family, organization and community at their disposal and then as the owner of that knowledge — is the one who is best situated for turning theoretical implications of research into material consequences that are policy relevant.

Conclusion

The categories are now problematized, but these problematics warrant active engagement beyond mere visibility. That is, the findings and theoretical arguments of policy-irrelevant research should have application, especially given the current moment of heightened precarity for forced migrants. While we elaborated on the contribution of Bakewell's proposition to FMS discourse, we have also highlighted the importance of adopting a more nuanced approach to policy categories as they relate to research. Balancing the closures of policy categories with the need to speak in a language that is relevant to diverse audiences is of utmost importance.[89] After a policy irrelevant method of research, Bakewell himself acknowledges that policy and legal frames are needed and should be incorporated in a principled analysis "where it seemed necessary to relate the findings back to policy categories in order to challenge them."[90]

Of equal importance is the need to consider the denouement. We raise questions, both ethical and practical, about the imperatives and processes through which research that was once policy irrelevant may engage with more active components of scholarship. To be clear, this does not take policy categories at face value, but provides an avenue to engage with them and other actors critically and intentionally. The discussion of relevance reflects a certain persistent ennui that has been long-standing in FMS research. Our discussions here aim to join a line of FMS research that beckons for serious attention to the "impact" agenda of research,[91,92] "obligation for active engagement,"[93] "professional integrity" of researchers, [94] "rigorous reflexivity,"[95] and, as we now argue, "active strategies" in FMS. Particularly in the current global environment of restrictionism, nationalism, xenophobia, and militarism over borders globally, academic approaches that simply query the epistemology and power of policies and categories, important as they are, seem incomplete without grappling with the issue of relevance.

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87 Anna Carastathis, Natalie Kouri-Towe, Gada Mahrouse, and Leila Whitley, "Introduction: Intersectional Feminist Interventions in the 'Refugee Crisis'," *Refuge* 34, no. 1 (2018): 3-15.
88 Cox and Geisen, "Migration Perspectives in Social Work Research," 166.
89 Jonathan Darling, "Forced Migration and the City: Irregularity, Informality, and the Politics of Presence," *Progress in Human Geography* 41, no. 2 (2017): 178-98.
90 Bakewell, "Research Beyond the Categories," 449.
91 David McCollum and Helen Packwood, "Rescaling Migration Studies: Migration Policy-Making and Implementation at the Local Government Level," *Scottish Geographical Journal* 133 (2017): 155-71.
92 Daniel Stevens, Rachel Hayman, and Anna Mdee, "Cracking Collaboration' Between NGOs and Academics in Development Research," *Development in Practice* 23, no. 8 (2013):1071-77.
93 Ngwato, "Collecting Data on Migrants."
94 Halilovich, "PAR Ethical Approaches in Research."
95 Block, Riggs, and Haslam, *Values and Vulnerabilities.*

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Negotiating Humanitarian Aid at Europe's Borders: Lessons from Lesvos

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Abstract

The provision of humanitarian aid for migrants at Europe's borders is understood by many to be necessitated by restrictive border policies and their inhumane, often fatal consequences. Using empirical evidence from the island of Lesvos – a microcosm of 'irregular' migration – this paper considers how non-governmental organisations operate within the "everyday politics of aid". It shows that rather than being shaped by top-down policy impositions, a humanitarian space emerges from the ongoing and daily negotiations of those working directly with affected populations, as well as migrants themselves. It argues that greater academic and political attention should be paid to the detail of humanitarian practice and its outcomes if we are to improve responses to the plight of migrants, whether in Europe or beyond.

Keywords
Humanitarian Space, Lesvos, Borders, Irregular Migration, NGOs, Practice

Introduction

Long before the well-documented influx of irregular migrants[2] arriving on Europe's shores reached its peak in 2015, scholars of humanitarianism, migration and critical border studies have had to reconcile a growing disparity between theory and practice in the European context. On the one hand, a major increase in the number of empirical analyses, academic papers and overall data available has expanded understanding of the underlying causes and impacts of irregular migration, alongside a growing body of evidence exposing the inhumane, often fatal, consequences of

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[2] Migrants are defined throughout this paper as all people on the move who have yet to complete the legal process of claiming asylum. This corresponds with the International Organisation for Migration's (IOM) definition of a migrant as "any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of 1) the person's legal status; 2) whether the movement is voluntary or involuntary; 3) what the causes for the movement are; or 4) what the length of stay is." IOM, "Who is a migrant," accessed August 14, 2018, https://www.iom.int/who-is-a-migrant. Following national asylum processes, migrants may become refugees or economic migrants.

restrictive border policies. On the other hand, top-down policy responses intended to provide a so-called "solution" to irregular migration, such as the EU-Turkey Statement of 2016,[3] have had varied success. According to this statement, in exchange for initial funding of up to €6 billion as well as other political concessions from the European Union, Turkey agreed to take back all irregular migrants crossing into Greece who refuse to claim asylum or have their asylum claims rejected. Further, for every Syrian returned to Turkey from the Greek islands, another Syrian would be resettled from Turkey to the EU, taking into account UN vulnerability criteria. The deal was described by the European Commission as "a game changer"[4] in terms of reducing numbers crossing the Aegean, but there have been mixed views regarding its correlation with a reduced flow of migrants and increased number of returns and resettlements.[5,6] Further, this and other such policies stand accused of ignoring the needs of moving and receiving populations, of discriminating on the grounds of nationality,[7] of doing little to protect the rights of migrants[8] and of contributing to an increase in border fatalities.[9]

Non-governmental organisations (NGOs) regularly raise concerns that the disconnect, between policy and rhetoric[10] at the European level and the realities of irregular migration on the ground and at sea, risks lives. Prompted by an observed need for evidence-based research to focus on the work of those seeking to ameliorate the plight of irregular migrants at Europe's borders, this paper seeks to move beyond purely quantitative analyses or qualitative yet state-centric critiques of migration policies and their impacts. Instead, it draws attention to how basic services are provided to migrants by humanitarian actors working on the ground to alleviate the situation. Such attention to what Hilhorst and Jansen call the "realities of everyday aid"[11] is necessary, it is argued, to get a fuller picture of the relationship between policy and practice in a European context. By mapping a particular site of humanitarianism, localised decision-making is shown to operate separately from, at times even in spite of, or counter to, European policy and recommendations.

The island of Lesvos in the Aegean Sea was chosen as an exemplary site in which to conduct empirical research, due to the multiplicity of international and grassroots actors working

3 European Council, "EU-Turkey statement," March 18, 2016, https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/

4 European Commission, "EU-Turkey Statement: The Commission's Contribution to the Leaders' Agenda," accessed August 10, 2018, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171207_eu_turkey_statement_en.pdf

5 Thomas Spijkerboer, "Fact Check: Did the EU-Turkey Deal Bring Down the Number of Migrants and of Border Deaths?" *University of Oxford, Faculty of Law Blog*, September 28, 2016, https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/09/fact-check-did-eu

6 Ilse van Liempt et al., *Evidence Based Assessment of Migration Deals: The Case of the EU Turkey Statement* (Utrecht: Faculty of Geosciences, University of Utrecht, 2017).

7 Ibid, 28-29.

8 Amnesty International, *Turkey: No Safe Refuge: Asylum-Seekers and Refugees Denied Effective Protection in Turkey* (London: Amnesty International Ltd., 2016) https://www.amnesty.org/en/documents/eur44/3825/2016/en/

9 Thomas Spijkerboer, "The Human Costs of Border Control," *European Journal of Migration and Law* 9, (2007): 127–139; "Moving Migrants, States and Rights: HumanRrights and Border Deaths," *Law and Ethics of Human Rights* 7, no. 2 (2013): 213–242.

10 Described as 'toxic language' by then United Nations High Commissioner for Refugees Filippo Grandi, "UN's Grandi Slams 'Toxic Language of Politics' Aimed at Refugees, Migrants," *UN News*, accessed May 11, 2019, https://news.un.org/en/story/2019/04/1036391

11 Dorothea Hilhorst and Bram J. Jansen, "Humanitarian Space as Arena: A Perspective on the Everyday Politics of Aid," *Development and Change* 41, no. 6, (2010): 1117-1139.

with, and for, a large population of migrants[12] in a condensed geographical area. Drawing from interviews with NGOs of varying size, reputation and thematic focus currently operating on the island, observation (of practices, coordination meetings) and participatory fieldwork (direct involvement in humanitarian aid work), the many layers of humanitarian negotiation were examined and uncovered.[13] The case study showed that while top-down EU policies form the framework within which NGOs and other humanitarian practitioners operate, the decisions that impact upon migrants' daily lives are shaped by at times arbitrary negotiations between local stakeholders, practitioners on the ground and affected communities themselves. This is examined under the themes of humanitarian coordination, delivery of assistance and taking responsibility.

The suggestion is that as long as there remains a disconnect between evidence-based research (EBR) and the policies that academics might be seeking to change, migration-related research would do well to consider in greater depth the everyday negotiations that take place as part of the practice of aid. Such studies may provide clearer answers as to what would have the most impact in terms of improving the lives of migrants caught in the politically claimed and counter-claimed spaces or "borderscapes"[14] that constitute Europe's peripheries.

Irregular Migration into Europe

In the 1990s and early 2000s, a clampdown on unauthorised passage by air and ferry, an externalisation of border controls and the imposition of stringent visa requirements[15] saw a consequent rise in what is known as "irregular"[16] migration. As the topic was pushed to the fore of political and public debate, those affected by conflict, persecution, climate change and/or economic hardship converged, and continue to converge, at a set of constantly changing migratory routes and points dotted along the borders of Europe. Migration "management" became an inflammatory issue for European politicians, both nationally and at the EU level. In 2018, the European Council held a meeting to further consider ways to urgently stem irregular arrivals into Europe, despite, by its own admission, detected numbers going down 95 percent since the peak of

[12] Approximately 20,000 refugees and asylum seekers reside on Lesvos as of April 2020. UNHCR data accessed May 4, 2020, http://data2.unhcr.org/.

[13] Participatory observation conducted over two-month period, August-September 2017; six formal interviews conducted with NGO staff based on Lesvos island, July 2018; further information gathered from UNHCR Inter-Agency Consultation Forum meetings held monthly at the General Secretariat for the Aegean and Island Policy, Mytilini. Interviewees included an emergency coordinator, a community centre coordinator, a legal and advocacy officer, an information network officer and a supply and logistics coordinator. As identified by Monika Krause (2020) staff members holding such positions often have the most practical experience in decision-making and oversight of NGO operations on the ground.

[14] Prem Kumar Rajaram and Carl Grundy-Warr, *Borderscapes: Hidden Geographies and Politics at Territory's Edge* (Minneapolis, MN: University of Minnesota Press, 2007).

[15] Thomas Spijkerboer, "How Europe's Policies Play into the Hands of the People Smugglers," *The Guardian,* June 20, 2018, https://www.theguardian.com/world/commentisfree/2018/jun/20/how-europe-policies-accelerate-people-smuggling.

[16] The term 'irregular' rather than 'illegal' is used to describe those who cross state borders without permission, as per the advisory of former Council of Europe Commissioner of Human Rights, Nils Muižnieks, who noted: "People are not illegal. Their legal status may be irregular, but that does not render them beyond humanity" - see David Barrett, "Don't Call Them 'Illegal Immigrants', Says Europe Human Rights Commissioner," *The Telegraph,* March 23, 2016, https://www.telegraph.co.uk/news/2016/03/23/dont-call-them-illegal-immigrants-says-europe-human-rights-commi/.

1,008,616 individuals in 2015.[17] In April 2019, the European Parliament voted to reinforce the European Border and Coast Guard Agency (FRONTEX) with a new standing corps of 10,000 border guards by 2027, described publicly as "a major step forward in the EU's collective ability to protect its borders [which] will bring about a Europe that protects: a Europe that is better at managing our common external borders, fighting irregular migration, carrying out returns and cooperating with partner countries, beyond the EU's immediate neighbourhood."[18]

Existing Migration Research

It is no coincidence, therefore, that alongside such political interest much recent work has focused on developing data and extending academic knowledge in this field, with the UK's Economic and Social Research Council alone issuing a £1 million urgency grant to fund eight separate research projects looking at the "dynamics and drivers of the crisis."[19] In-depth reports produced by the International Organisation for Migration's ongoing Missing Migrants Project[20] are the result of several inter-agency collaborations with national authorities, civil society organisations and families of deceased migrants.[21] Notable academic examinations have considered policy impacts on migrant journeys,[22] the securitization of border management and resulting border deaths,[23] the delocalisation of migrant deaths and unacknowledged impacts in countries of origin,[24] impacts on and co-option of human rights discourse,[25] as well as migratory flows, fragmented journeys, and the need to rethink Europe's response more generally,[26] to name but a few. New academic fields such as critical border studies and humanitarian-focused critiques have also arisen, challenging conceptions of what and who should be territorially controlled. These contributions have all helped to stress the complexities of irregular migration both as research subject and policy issue.

Yet a substantial gap exists between this significant body of work and European policy responses, with Baldwin-Edwards et al. concluding that the latter is based on underlying

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17 European Council, "European Council Conclusions," June 28, 2018, http://www.consilium.europa.eu/en/press/press-releases/2018/06/29/20180628-euco-conclusions-final/.

18 European Commission, "From Promise to Delivery: Commission Welcomes Final European Parliament Votes Under 2014-2019 Mandate," accessed May 1, 2019, http://europa.eu/rapid/press-release_MEMO-19-2179_en.htm.

19 IMISCOE, "ESRC (UK) Urgency Grant to Fund Social Science Research into Migration Crisis," accessed August 23, 2018, https://www.imiscoe.org/news/news-from-members/497-esrc-uk-urgency-grant-to-fund-social-science-research-into-migration-crisis

20 Missing Migrants Project, "Missing Migrants," accessed August 23, 2018, https://missingmigrants.iom.int/

21 IOM, *Fatal Journeys: Improving Data on Missing Migrants* (Geneva: IOM's Global Migration Data Analysis Centre, 2017).

22 Vicky Squire et al, *Crossing the Mediterranean Sea by Boat: Mapping and Documenting Migratory Journeys and Experiences, Final Project Report* (Warwick, 2017).

23 Spijkerboer, "The Human Costs," Spijkerboer, "Moving Migrants," Spijkerboer, "Wasted Lives, Borders, and the Right to Life of People Crossing Them," *Nordic Journal of International Law* 86, (2017): 1-29.

24 Iosif Kovras and Simon Robins, "Death as the Border: Managing Missing Migrants and Unidentified Bodies at the EU's Mediterranean Frontier," *Political Geography* 55 (2016): 40-49; Iosif Kovras and Simon Robins, "Missing Migrants: Deaths at Sea and Unidentified Bodies on Lesbos," in *Migrating Borders and Moving Times: Temporality and the Crossing of Borders in Europe,* eds. Hastings Donnan, Madeleine Hurd and Carolin Leutloff-Grandits (Manchester: Manchester University Press, 2017): 157-175.

25 Paolo Cuttitta, "Delocalization, Humanitarianism, and Human Rights: The Mediterranean Border Between Exclusion and Inclusion," *Antipode* 50, no. 3 (2018): 783-803.

26 Heaven Crawley et al, *Unravelling Europe's 'Migration Crisis': Journeys Over Land and Sea* (Bristol: Policy Press, University of Bristol, 2018).

assumptions and vested interests rather than evidence, even where this evidence is funded directly by EU member state governments.[27]Academics' own attempts to link their research to evidence-based policy (EBP),[28] for example, by widening their dissemination methods, have largely gone unheeded. Indeed, many scholars have seen an *increase* in restrictive measures on migration, despite advocating for de-securitised policies and practices.[29] Discouragingly, some believe that the current situation has reached an impasse, whereby border deaths are now the norm and humanitarian responses to migration have proven ineffective in challenging the violent effects of contemporary policies.[30]

Further, the ability of academic research to come up with "solutions" for Western governments should be considered neither a given nor, necessarily, a desirable. As expressed by Crawley,[31] ideas on how to solve the so-called migrant crisis are heavily skewed towards the global north: its interests shape dominant research themes and produce a disproportionate focus on Europe and North America, which, she argues, lead to out of sight, out of mind responses. Indeed, ideas based on territorial autonomy such as Refugia, Zatopia and Refugee Nation, posited respectively by British academics at Oxford University's Centre for Migration Policy and Society, the Mayor of Amsterdam and an American real estate millionaire, would allow states to simply ship refugees elsewhere, thus side-stepping their obligations under international refugee law.[32] Without seeking to dismiss ongoing initiatives that pursue innovative, creative and potentially radical ways of addressing the issues of mass migration,[33] the author shares a scepticism with Crawley and others that the influx of irregular migrants at Europe's borders is a problem that can or should be "solved" with self-proclaimed utopian[34] ideas. As noted by over five hundred academic signatories to a call for an International Panel on Migration and Asylum, one-size-fits-all "solutions" simply do not work.[35] This paper instead posits that a localised approach is needed to draw attention to both the difficulties and possibilities stemming from an ever more restrictive policy environment on migration. It is argued that further research must learn lessons from how decisions on the provision of humanitarian aid and services are made and shaped *in practice.* An example of such research is provided below.

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[27] Martin Baldwin-Edwards, Brad K. Blitz and Heaven Crawley, "The Politics of Evidence-Based Policy in Europe's 'Migration Crisis,'"*Journal of Ethnic and Migration Studies* 30, (May 2018).

[28] Based on the premise that policy decisions informed by high-quality evidence from a variety of sources and involving rational analysis will produce better policy outcomes, see Ibid., and Louise Ball, "ODI: What Is Evidence-Informed Policy-making?" *ODI*, January 2, 2018, http://bit.ly/2EZZ6gy

[29] Vicky Squire, "Researching Precarious Migrations: Qualitative Strategies Towards a Positive Transformation of the Politics of Migration," *British Journal of Politics and International Relations* 20, no. 2 (March 2018): 441–458

[30] Ibid.

[31] Heaven Crawley, "Why We Need to Protect Refugees from the 'Big Ideas' Designed to Save Them," *The Independent*, July 28, 2018, https://www.independent.co.uk/voices/refugee-immigration-europe-migrants-refugia-self-governance-a8467891.html

[32] Ibid.

[33] Alexander Betts, "Is Creating a New Nation for the World's Refugees a Good Idea?" *The Guardian*, August 4, 2015, https://www.theguardian.com/global-development-professionals-network/2015/aug/04/refugee-nation-migration-jason-buzi

[34] Femke Haselma, "What If Refugees Now Belong Again?' [Wat als vluchtelingen er voortaan weer bij horen?] Zatopia – A Utopian Community," *NRC Online*, September 30, 2017, https://www.nrc.nl/nieuws/2017/09/30/wat-als-vluchtelingen-er-voortaan-weer-bij-horen-13232804-a1575459

[35] Thomas Piketty et al., "We Need a Paradigm Shift in the Way We Think about Migration," *The Guardian*, June 28, 2018, https://www.theguardian.com/world/2018/jun/28/we-need-a-paradigm-shift-in-the-way-we-think-about-migration

Lesvos Island

The island of Lesvos [Λέσβος] lies in the Aegean Sea with its northern shore located approximately seven miles (six nautical miles) from Turkey. Due to such proximity, the island has seen people travelling to and from the Turkish mainland for hundreds of years, seeking refuge on both sides of the Mytilini Strait. At a well-documented peak in October 2015, just over 135,000 migrants arrived by boat on the shores of the island in a single month,[36] overwhelming the local population of 86,436.[37] Since then the number of people arriving this way has significantly reduced, but in 2019 numbers increased again for the first time.[38] The Aegean Sea remains a key migratory route, despite implementation of the EU-Turkey statement and increasing numbers of irregular crossings into Greece via its air and land borders.[39] Most of these arrivals are from Afghanistan and Syria, in line with trends elsewhere in the Aegean. The average number of people arriving daily in September 2019 was 162[40], meaning 162 additional people who required needs assessment, food, water, shelter, possible medical attention, and "processing" with the Greek authorities on a daily basis.

Following 2015's often single-handed lifesaving efforts by the local population,[41] international and grassroots NGOs established themselves at key points around the island – see Figure 1. The island saw a multiplicity of humanitarian actors arrive and concomitantly offer assistance.[42] Many, though not all, continue to provide sustained relief to those arriving via the sea route into Europe, and now over 100 separate actors on Lesvos work with or for migrants. Of these, there are approximately seventy-five NGOs, twenty different state authorities, four European Union-directed organisations and two UN agencies. NGOs range from refugee-run community groups, to voluntary search and rescue teams, to NGOs backed up by international secretariats with staff and budgets surpassing those of intergovernmental organisations. All of these operate alongside other humanitarian actors, including the United Nations refugee agency (UNHCR), the European border authority (FRONTEX), and the Greek police.

36 UNHCR, "Lesvos Island Snapshot," 2015, accessed August 29, 2018, https://data2.unhcr.org/fr/documents/download/46506
37 Hellenic Statistical Authority, "2011 Housing Census," http://www.statistics.gr/el/2011-census-pop-hous
38 UNHCR, http://data2.unhcr.org/
39 FRONTEX, *Risk Analysis for 2018* (Warsaw: Risk Analysis Unit, 2018).
40 UNHCR, http://data2.unhcr.org/
41 Alex Afouxenidis et al, "Dealing with a Humanitarian Crisis: Refugees on the Eastern EU Border of the Island of Lesvos," *Journal of Applied Security Research* 12, no. 1 (2017): 7-39.
42 Polly Pallister-Wilkins, "Médecins Avec Frontières and the Making of a Humanitarian Borderscape," *Environment and Planning D: Society and Space* 36, no. 1 (2017): 114-138.



Figure 1. Lesvos Island: Key Sites of Humanitarian Intervention ©UNHCR

Principled Humanitarianism

Many NGOs assisting migrants on the island claim to carry out their activities following a principled humanitarian approach, which seeks to:

> preserve life and human dignity and to restore people's ability to choose [...] humanitarian aid does not aim to transform society but to help its members to get through a crisis period [...] humanitarian aid is implemented peacefully and without discrimination by independent and impartial organisations [...] The space for humanitarian action is thereby indicated by three markers: motivation – guided by concern for others, not the defence of interests; the context – a harsh break with a previous balance; the actors – who must be independent of political or economic or ideological agendas.[43]

Several NGOs also explicitly try to incorporate a rights-based approach into their operations, placing emphasis on migrants' rights to ensure Lesvos is "an operating environment in which the right of [affected] populations to receive protection and assistance is upheld."[44] Actors operating within a principled humanitarian space feel duty-bound to carry out their activities within

[43] Rony Brauman, "Introduction," in *Populations in Danger*, ed. François Jean (London: John Libbey, 1992): 5.
[44] Oxfam International, *Policy Compendium Note on United Nations Integrated Missions and Humanitarian Assistance* (Oxford: Oxfam International, 2008).

certain parameters, following a "deontological ethic" in order to remain above the political fray.[45] Advocates are keen to highlight the effectiveness of such an approach in preventing instrumentalization, that is, using humanitarianism as a tool to pursue political, security, military, development, economic and other apparently non-humanitarian goals.[46] Yet some critics point out that this focus on principle can "*conceal the full spectrum of real politics* in which NGOs are immersed."[47] Theoretical considerations of humanitarian aid do not always reflect the reality of humanitarian practice. Further, DeMars and Dijkzeul remind us that:

> …an assumption of homogeneity among actors in an NGO network is the single theoretical preconception that most blinds scholars to the politics in the network. […] Sociological approaches assume that all the actors in the NGO network share the same normative commitments and discourse.[48]

This paper is based on no such assumption, focusing on the *outcomes* of aid negotiations rather than the normative framework in which each NGO interviewed places itself.

Humanitarian Coordination

On Lesvos, relief efforts by disparate organisations are coordinated to ensure migrants go through as minimal distress as possible upon arrival. Assistance is split around three categories of activity or "stages." Stage one is the shoreline, where people first step foot in Greece and the European Union. Stage two describes the transitional camp, where arrivals' immediate needs are met, providing food, water, dry clothes and, usually, a night or two of shelter. Stage three are camps such as Moria where people are formally registered and become part of the state asylum system, some for an indefinite period of time. Following implementation of the EU-Turkey deal in 2016, the landscape for refugees and asylum seekers on the island changed radically. Geographic restrictions were imposed on all new arrivals, national asylum legislation was amended[49] and a new "hotspot" or confinement approach meant thousands were effectively banned from moving to the Greek mainland.[50] Very basic standards of living and protection for migrants trapped in the system as a result of the new policy were further reduced. Lack of staffing, or procedural

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[45] Zeynep Sezgin and Dennis Dijkzeul, *The New Humanitarians in International Practice: Emerging Actors and Contested Principles* (Abingdon: Routledge, 2016), 340.

[46] Antonio Donini, *The Golden Fleece: Manipulation and Independence in Humanitarian Action* (Boulder and London: Kumarian Press, 2012).

[47] William E. DeMars and Dennis Dijkzeul, *The NGO Challenge to International Relations Theory* (Abingdon: Routledge, 2015), 9.

[48] Ibid.

[49] The Ministry of Migration Policy was established as a separate Ministry in 2016 overseeing the Asylum Service, the Appeals Authority and the Reception and Identification Service. The European Asylum Support Office (EASO) also expanded activities across the islands to focus on the implementation of the EU Relocation programme, the operationalization of the EU-Turkey Statement and capacity building on the Common European Asylum System (CEAS). It also became more involved in conducting asylum interviews and managing the identification, categorization and referral of vulnerable applicants. See EASO, *Operating Plan Agreed by EASO and Greece* (Valletta, Athens: EASO, 2017), https://www.easo.europa.eu/sites/default/files/Greece%20OP%202018-13-12-2017.pdf

[50] Danaia Papachristopoulou, "Two Years After EU-Turkey Deal, New HIAS Report Puts EASO Under the Microscope," *HIAS,* March 26, 2018, https://www.hias.org/blog/two-years-after-eu-turkey-deal-new-hias-report-puts-easo-under-microscope

shortcomings of authorities carrying out asylum interviews and vulnerability assessments, led to a backlog of claims. A deterioration of mental and physical health due to excessive delays in asylum claim processing, whereby some migrants registering on the island have been waiting for over two years for a decision to be made, has raised concerns from numerous international human rights and refugee groups.[51]

Humanitarian Negotiation

Operating within such a context, NGO workers interviewed for this study provided numerous examples of the meetings, interactions, conversations, arguments and collaborations that constitute humanitarian coordination on the island. This highlighted the need to look more closely at how the everyday politics of aid are negotiated. Such negotiations ranged from the seemingly petty – e.g. arguing over whether or not to install visible rubbish bins – to the serious – e.g. where to house a group of 900 migrants escaping violent clashes. A lot of NGO time in Lesvos is spent in meetings, or attempting to arrange meetings, with local authorities, the mayors of different towns, the Mayor of Lesvos, other officials, and if lucky, one of the Ministries. Local politics was raised as an issue by all interviewees. Most NGOs are aware, and at times sympathetic, of the difficult balance Greek officials on the island have to tread between keeping various stakeholders happy, not least because NGOs often tread the same line. Included in these stakeholders are the local Greek population. Local residents' efforts to help migrants coming to the island have been laudable and were sustained long after the media frenzy of 2015 died down. Yet there is a sense of tiredness that oscillates around the islands' local population. The island is not only over-capacity in terms of number of inhabitants versus services available, but also in terms of how much longer it wants to be known as an "island of suffering." Several NGO workers interviewed talked about how this explained the Mayor of Lesvos' attitude, and his unwillingness to do anything that could risk turning Stage two transition camp, where arrivals to the north shore are initially taken, into either a larger or a more permanent site. As one of the interviewees stated:

> The main problem for the Municipality is the locals. And the locals are...the behaviour of the locals is getting a bit harsher right now. Not everybody of course but people are starting. When the Kurdish people walked out of Moria one of the solutions [suggested] was to build a new camp. But this was a real no for the municipality. Because if this happened a few locals would be really angry and probably destroy the camp or…I don't know, do something bad. So that is [the Municipality's] main fear, they don't want to extend the camp. Their main goal is to take people [migrants] to the mainland.

In May 2018 tensions between the Kurdish and Syrian communities in Moria were such that approximately 900 Kurds left the camp, despite the risk to their asylum claims, citing the untenability of living within such a violent environment. The majority walked on foot with all their

[51] Ibid; Amnesty International, *Full Briefing*; Human Rights Watch, "EU/Greece: Asylum Seekers: Silent Mental Health Crisis," accessed May 12, 2018, https://www.hrw.org/news/2017/07/12/eu/greece-asylum-seekers-silent-mental-health-crisis; Médecins Sans Frontières. "Confronting the Mental Health Emergency on Samos and Lesvos," accessed August 15, 2018. https://www.msf.org/sites/msf.org/files/2018-06/confronting-the-mental-health-emergency-on-samos-and-lesvos.pdf

belongings across the island, seeking refuge at a NGO-run Stage two site instead.[52] The incident of the Kurdish walkout was not easily resolved. The Mayor's reluctance to house migrants at the transition camp was arguably understandable in the long term, but in the short term provided no answer regarding what to do with hundreds of registered migrants refusing to stay in a site of danger and who were seeking refuge elsewhere. One NGO worker recounted the messy negotiation involving a multitude of actors, carried out as 250 people waited outside the camp to find out if they would be permitted to enter:

> So Moria camp is managed by the Reception and Identification Centre [RIC] and this is from the Ministry of Migration policy…the Greek government. Then you have the police who stop the people, so they get their orders from some other Ministry. So when I was in Stage 2 - it was my day of holiday but I was around and received a call 'we are going to receive 250 people' so I went to help - I was there when the people arrived and there was a big political fight. Because Stage 2 is managed by UNHCR and by the International Rescue Committee [IRC], but the land is managed by the Mayor of Skala Sikamineas, and the people who arrived came from Moria and so are [technically] managed by Ministry of Migration's policy. So you have the Mayor and Euro Relief[53] volunteers brought out to help the coordination even though they are not based there, they are normally in charge of accommodation in Moria. And the guy from Euro Relief was having a conference call with the Ministry and the Mayor was on another call with whoever, and they were all calling but basically the one who had the last word was Euro Relief, because they had good contacts [within the Ministry] and they said 'Ok bring the people in now'. The mayor was totally against it because it [Stage 2] is not a place to house people, it is temporary camp.

The above scenario shows how arbitrary negotiating the basics of humanitarian necessities, in this case shelter, can be. As 250 people waited outside, one NGO's ability to negotiate its interests with a state official on the phone ensured the shelter of people at risk. It should be noted, however, that the NGO "gaining the upper hand" is never a black and white issue. In the view of those NGOs present, sheltering the waiting group was a humanitarian priority. But if another boat had arrived that same night, the stage two transition camp would have been overwhelmed and emergency needs would likely not have been met. Thus, managing not only socio-political interests but also, at times, conflicting humanitarian priorities is a problem that humanitarian aid workers must face.

Blankets

Dilemmas relating to the provision of basic requirements of shelter, warmth and sustenance arose repeatedly during fieldwork and in interviews. In another example, a NGO field coordinator described their thoughts when running out of blankets to hand out:

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[52] *Ekathimerini* / Η Καθημερινή, "Hundreds of Kurds Refuse to Return to Moria Migrant Camp after Clashes," May 29, 2018, https://www.ekathimerini.com/229106/article/ekathimerini/news/hundreds-of-kurds-refuse-to-return-to-moria-migrant-camp-after-clashes

[53] A Greek NGO operating on Lesvos that is internationally funded. Euro Relief are the only NGO currently operating inside Moria camp, following a walkout by several large NGOs.

> … at one time we were running out of blankets and it was the middle of winter. So as the coordinator I had to take the decision in the camp that we would only hand out two blankets per person. But because it was so cold, people kept coming to us in the middle of the night saying they couldn't sleep, they were so cold, please give them another blanket. And I could see the look on the volunteers' faces, they wanted to give them out more, but I had to be the person that said no. It was horrible, but I had to make that decision, because if there had been another boat arriving that night there would have been no blankets for the arrivals, which would have been a catastrophe. It was really hard to make that call.

This grappling with the very basics of human need - what Pallister-Wilkins, intimating Agamben, calls "bare care"[54] - demonstrates just how difficult humanitarians personally find it when being forced to make decisions that may impact others detrimentally. Supplying migrants with items such as blankets and water remains the level of concern with which humanitarians working on the island are preoccupied.

Agency

Mention must also be made of an affected population's own ability to negotiate services for themselves, either as individuals or groups. Though interviews for this study were not conducted with vulnerable groups for predominantly ethical reasons, the author is aware of several refugee-led and community groups operating on the island who vocalise their demands for improved services, and indeed some NGOs are making efforts to incorporate affected groups into their negotiations. One NGO interviewee expressed surprise that this was a relatively new approach:

> …that is extremely surprising to me there is [was] no group where refugees are actually involved in the discussion! Why would you talk about people who are involved without involving them in the discussion, it doesn't make any sense…because they are the best people to do their own advocacy. [In Lesvos you can] really involve them [refugees and migrants on the island] in meeting the decision-makers that come to visit….it's much more impactful for advocacy efforts to have people speaking about their own stories, especially if you brief them beforehand so that they know who they are speaking with. We had this meeting with the Council of Europe's Commissioner for Human Rights… And we included the community leaders, with women from the refugee communities, and decided during the preparation meeting that they would start the meeting, not us [the NGOs]. And they had prepared their statement, so it was a really good exercise. So the EU Commissioner cried, I mean I was about to cry too to be honest, it was really impactful, and then …it sounds horrible to be happy about it but it shows it was successful…afterwards [the CoE Commissioner] did a press statement with first conclusions.

While the above cannot act as an example of how an affected population directly negotiated a specific outcome for its own benefit in terms of receiving improved services, the correlation between the agency of affected migrant populations and the response of a European policy maker

[54] Pallister-Wilkins, "Médecins Avec Frontières," 14.

is clear. At minimum, it shows the importance of migrant voices being heard by those not involved in the daily interactions on the island.

Taking Responsibility

Another key theme introduced by several interviewees was that of responsibility, in particular who should take responsibility for improving conditions or "fixing" issues raised by NGOs. Part of the issue is that there are simply so many NGOs, often grassroots and therefore small, carrying out a plethora of activities. This creates problems of coordination on the ground. A monthly UNHCR-chaired Inter-Agency Consultation Forum provides a regular point of contact for all NGOs on the island. Here, NGOs have a forum where they can air grievances or provide suggestions, as well as get a summary of latest figures from UNHCR. But attendance of state, as opposed to merely non-state, actors is an issue, as one grassroots NGO field coordinator reported:

> It's more an information meeting, not really a cooperation meeting where we can discuss [properly]. One of the main premises of the meetings is that they invite all organisations of the island but only the NGOs are going. Because UNHCR is not in charge, if an NGO has a question they [UNHCR] cannot answer because they are not in charge. So, when the winter arrived and we were like okay what are we going to do for the winter....do you have any plan they were like "We are not in charge. You need to ask the municipality. We are not in charge. You need to ask the…the Greek Army...we are not in charge." So, it brings a lot of frustration to the NGOs because you ask questions and they say...we don't have the authority to answer that.

Others also expressed a feeling that state authorities and FRONTEX were not participating in these consultation meeting and taking responsibility when they should. When asked why authorities did not attend even though they were invited, one interviewee thought it was because they would get the blame for the dire situation the migrants on the island are in. An awareness also exists amongst NGOs that UNHCR is limited in its supposed coordination role, as it is an inter-governmental agency, and as a result does not have the freedom to make decisions as NGOs might have. One coordinator said:

> I still think they [the meetings] are valuable but I have the feeling that the UNHCR cannot do that much, and the NGOs have the expectations that UNHCR should do more, but it's difficult to know what they actually can do within their framework because they are… representative of all the countries around and bound to their political leaders but also their slogan is that they are with the refugees and protect the refugees, so it's a bit difficult […] Some NGOs think that UNHCR should provide shelter for all the refugees and migrants arriving here, and I feel this as well but maybe it is difficult to do that because probably they are financially constrained or there are politics, also it is not so easy working with the government or with the asylum service… here are many actors, there is the Greek asylum service, European asylum commission, there's FRONTEX, the police, the municipality, all of them are people with different opinions, it must be hard all of them working on the same table.

While Government authorities have a legal responsibility to protect people under their jurisdiction, whether local population or registered asylum seekers, it appears that the authorities on Lesvos island are avoiding proactively engaging with this responsibility. This has had the consequence of severely limiting NGOs' ability to solve humanitarian problems with other actors in the socio-political arena that is humanitarian aid.

Humanitarian Realities

From these examples, we can see how such an arena is used strategically or tactically by various parties (recipients of aid included) to recognize respective interests or gain access. Returning to academic research, Hilhorst and Jansen describe this as an arena in which "actors negotiate the outcomes of aid."[55] Under this conception, the reality of humanitarian practice is such that a multitude of actors, not just "traditional" humanitarian NGOs, are involved in service delivery. How this service delivery is manifested depends to a large extent on everyday interactions and negotiations between actors on the ground. Power differentials are understood to have an undeniable impact on aid outcomes. Issues of inclusion and exclusion arise, with NGOs part of a "competition," whether for access, funds, expertise, supplies, or other.

Viewing a site of irregular migration and humanitarian space as a socially negotiated arena recognizes that "humanitarian action is based on a range of driving forces besides the humanitarian desire to alleviate…suffering."[56] Understanding actors as conditioned by interests rather than principles and as constantly engaging with others in the same arena, the approach becomes a pragmatic one, based on specific processes and decisions that shape the space in which they are carried out. The lack of in-depth empirical work into the daily realities of humanitarian action in practice is a key research gap identified by Hilhorst and Jansen. It is a gap that informs this paper and is a gap still waiting to be filled by further research.

Conclusion

The case study provides examples of how NGOs negotiate the "everyday realities of aid," indicating that humanitarianism can mean different things in different scenarios. It is also something that must be constantly negotiated by all actors operating within a specific site or borderscape. Unlike those migrants caught and rendered immobile by Europe's policies of control and containment, humanitarian aid itself is unfixed, shaped both by the strategies of NGOs and their donors, and by those operating on the ground. Indeed, humanitarian practice on the ground can be seen to emerge *from* such negotiations, whether effectively or not.

For academic research in this challenging and constantly changing field to have tangible value, increased attention must be paid to humanitarian aid as a practice, in order to discover what is most likely to improve the lives of irregular migrants not yet processed or granted asylum by state authorities. Embedded, site-specific research that learns from the effective decision-making of *all* actors, including affected populations themselves, is necessary so long as academics and practitioners wish to respond to the needs and claims of all-too-often marginalised people seeking a better life elsewhere.

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55 Hilhorst and Jansen, "Humanitarian Space as Arena," 1120.
56 Ibid., 1121.

Researchers should carry out more qualitative studies grounded in fieldwork at specific sites of humanitarianism. Swoop-in, swoop-out ethnographies should be avoided where possible. Academics should subscribe to the view that "the translation of principles into practice happens through the combined actions of staff members and other involved actors. It is therefore not enough to discuss principles and policy, since understanding how they [humanitarians] work requires looking at the everyday actions in the field."[57] Lessons also need to be learned from recipient-led negotiations, which can provide valuable insight into how the agency of affected populations has been and can be harnessed. If we are successful, Squire reassures us,[58] academic research may yet contribute to a positive transformation in the field of migration politics itself.

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[57] Udan Fernando and Dorothea Hilhorst, "Everyday practices of humanitarian aid: tsunami response in Sri Lanka," *Development in Practice* 16, no. 3-4 (2006): 293.

[58] Squire, "Researching Precarious Migrations: Qualitative Strategies Towards a Positive Transformation of the Politics of Migration"

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Refugee Integration in South Africa and the Challenges of International Protection Laws

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Abstract

The South African Refugee Act of 1998 is a major encumbrance to the integration of refugees, since local government authorities are allowed to take direct responsibility for the management of refugees in South Africa. A key issue here is that refugee expenditures are not captured in the budget allocations to municipal governments who generally demur in view of this. At the same time, international protection and municipal law often clash where refugee rights stretch the national economy of the host state. This paper examines the institutional challenges with respect to refugee integration in South Africa, a challenge which begins in the second chapter of the Republic's constitution which gives responsibility to the municipal government to provide services which are of immediate interest to refugees. Snowball sampling was utilized in selecting refugees and asylum-seekers to interview, which enabled the researcher to locate other potential respondents to be interviewed. The information gathered from refugees already integrated in the South African community of Cape Town details the living condition, survival and general experiences of the refugees. Findings reveal that municipal authorities and citizens of South Africa act against refugees in contravention of the provisions of the Refugee Act because the Ministry of Home Affairs in South Africa fails to manage the interaction between international protection laws and the municipal laws of the country.

Keywords: South Africa, Refugee Act, Refugees, Integration

Introduction

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It has been reported recently that 30 percent of the entire population of South Africa are refugees.[2] South Africa is host to refugees from Zimbabwe, Somalia, the Democratic Republic of Congo and asylum-seekers from Ghana, Nigeria and even from countries as far as Pakistan, India and Sri Lanka. The situation of Zimbabwean refugees and asylum-seekers is of particular interest as Zimbabweans constitute 42 percent of all the refugees and asylum-seekers in South Africa.[3] Zimbabwean refugees are generally a mixture of refugees and economic migrants, since there is a long-term and well documented influx of Zimbabweans coming to South Africa in search of economic opportunity since 2008 after the general elections in Zimbabwe.

This paper focuses on the issue of refugee integration in South Africa. Based on primary data collected between 2014- 2017, consisting of focus group discussions, in depth interviews with officials of government institutions, refugee center managers, refugees and asylum-seekers, - as also secondary material such as South African refugee laws and immigration act, this paper sets out to examine the major impediments to refugee integration in South Africa. Since refugee and asylum administrations in South Africa are difficult to access for those who do not have direct business with these institutions, the help of a research guide was needed to understand and navigate the very complex asylum system. Our research guide was a support staff of the Refugee Reception Office at Beitbridge port of entry in South Africa.

Refugee laws in South Africa are normally confused with immigration laws as was evident during the course of this research, based on interactions with a number of South African nationals. Although the majority of the middle-class South Africans were aware of the National Refugee Act, it was generally confused with the immigration law of the country. In South Africa, the Refugee Reception Offices (RROs) are responsible for attending to refugees within the country. The RROs are visible at border and port areas i.e. at the points of entry for refugees and therefore this is where the integration process begins. During this research, four such RROs were visited, namely Rosettenville RRO, Pretoria RRO, Beitbridge and Komatipoort ports of entries.

To begin with, we found that all refugee claimants are required to present a transit permit called S23 with their claims. The S23 is a non-renewable five-day asylum transit permit issued to refugee claimants and asylum-seekers by immigration officials. This practice is an established immigration procedure in South Africa as the Immigration Act No. 13 of 2002 (amended by s15 of Immigration Amendment Act No. 13 of 2011) states that:

> The Director General may, subject to the prescribed procedure under which an asylum transit visa may be granted, issue an asylum transit visa to a person who at a port of entry claims to be an asylum-seeker, valid for a period of five days only, to travel to the nearest Refugee Reception Office in order to apply for asylum.

It was observed that this permit was issued as provision to ensure that undocumented asylum-seekers are allowed safe passage into South Africa, despite them not having a travel permit issued from their own authorities, in order to register their applications at a RRO within South Africa. In principle, this provision, although an immigration act, is envisioned to aid the functions of the Refugee Act as it provides for easy accessibility to asylum in South Africa.

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2 UN Integrated Regional Information Network (IRIN), "South Africa: More Zimbabweans seek Asylum," June 21, 2006. https://reliefweb.int/report/zimbabwe/south-africa-more-zimbabweans-seek-asylum.

3 UN Integrated Regional Information Network (IRIN), "South Africa".

Through the assistance and cooperation of authorities at Beitbridge and Komatipoort RROs, this research is able to understand the current practice of the refugee admission principle in South Africa via the practices employed at these two ports of entry. The Beitbridge border port is the main port of official entry of refugees, especially those from Zimbabwe, and as a result, Beitbridge is about the most active RRO Office in South Africa. Beitbridge is also connected to the national road which directly links the border to Johannesburg, Durban, and Cape Town. The Komatipoort port of entry serves asylum-seekers from Somalia to South Africa but, in comparison, the Beitbridge RRO is a far more busy centre as a majority of the over four million refugees (an estimate provided by our research guide) from Zimbabwe use this border post as a point of entry into South Africa.

Beitbridge is locally referred to in South Africa as "foot and mouth." The first concern of this research was why the place has adapted this particular name. A Somali refugee claimant interviewed during the course of this research, explained that Beitbridge is called so because refugee claimants have to make symbolic use of their feet and mouth for a successful application. The "mouth" represents the words spoken by that person, as it could secure asylum for them. The "feet" aspect refers to the ability of the refugee claimant to be very quick on their feet in order to answer to their name on the asylum-seekers list. Otherwise they may forever miss that opportunity.

A refugee, upon approaching the first gate of entry into South Africa through Beitbridge RRO, is required to show their passport to the Immigration Officer or policemen who request to see passports of virtually every asylum-seeker in Beitbridge. If the refugee is not in possession of any passport (as it is usually the case), they would not be allowed to enter South Africa. This, of course, is a contravention of the South African Refugee Act and also the principle of non-refoulement. In the course of this research, it was observed on a particular day that 160 of Zimbabwean refugees were not allowed to enter the country and were forced to return to Zimbabwe.

Some refugees, however, made it into the RRO at Beitbridge and there they were faced with the enormous task of obtaining a S23 permit. The issuance of the S23 permit is based on the refugee's ability to establish why they are fit to seek asylum in South Africa. It was observed that most asylum-seekers from Zimbabwe were refused the S23 permit on the grounds that a functioning government exists in Zimbabwe and as such, refugees from that country are not 'truly' asylum-seekers.

The RRO at Komatipoort, although not as busy as the Beitbridge office, employs similar practices. The entry port of Komatipoort is used primarily by Somali refugees. The application process for refugee and asylum seeker appears to be stricter in Komatipoort as compared to Beitbridge. At Komatipoort, refugees with a failed asylum application are sometimes detained by the local police. They are then taken to Lindela repatriation facility and from there deported to Somalia. The situation in Komatipoort at the time this research was conducted, was quite unsuitable for refugees and asylum-seekers. One of the officials at the Komatipoort RRO explained in an interview that the strict asylum application measure was a preventive mechanism against dissidents from Somalia crossing to South Africa. He explained that because of the war in Somalia, the government of South Africa is careful not to provide protection for dissidents from Somalia. He mentioned, however, that those refugees and asylum-seekers who have genuine claims are protected once the RRO is convinced that the applicant deserves the protection of the South African government.

The influx of refugees to South Africa has placed an enormous burden on South Africa. The authorities in South Africa often applied immigration laws to refugee and asylum processes in order to check the influx of refugees. The view that refugees who enter South Africa are economic migrants rather than refugees has gained widespread acceptance in the country, to the extent that the media often refer to refugees as "a human tsunami, illegal immigrants" or "border jumpers."[4] The government's approach to this influx is to label refugees as voluntary economic migrants.

The government of South Africa believes that economic migrants are not, strictly speaking, refugees and this often pits government agencies against advocacy groups that provide technical support for them in their centres. This research however reveals that a strong resentment of economic migrants and refugees alike fuels the incidence of xenophobia in South Africa.

Local Government and Integration of Refugees in South Africa

Local government administration has no statutory responsibility toward refugees in South Africa. However, the Refugee Act states that all refugees are entitled to health care, employment and education. Most of these services are the primary functions of municipal authority according to chapter two of the South African constitution. Yet, a local government official interviewed for this research was of the view that they have no statutory duties to refugees and affirmed that provision of services for refugees should be the responsibility of the Department of Home Affairs (DHA) at the national level. In view of this assumption, local governments in South Africa have put in place control measures which suggest that xenophobia in South Africa is patronized by official support.

Indeed, local government involvement in refugee integration is the inadvertent consequence of the Refugee Act which provides for the integration of refugees into South Africa, although it does not clearly state how this may affect the work of municipal authorities. As refugees are left at the mercy of the city (local) government officials, they are denied access to schools, clinics, housing, and many other services.

A major problem encountered by refugees is the implementation of the refugee protection policy by the Ministry of Home Affairs. This creates a policy stalemate as there is no clear direction as to whom, why and how should protection be offered. As a consequence, the pace of processing applications for asylum, in particular, is very slow. The inefficient manner in which asylum applications are processed is a key concern for refugees. There is a long period between when a refugee application is filed and when refugee status is decided. As a local administration officer at the Cape Town Municipal Office reported, this process takes anywhere between six months and several years.

In a bid to survive without receiving an income (since status has not yet been decided), asylum seekers work as street traders, car guards etc., and may often get into trouble as such vocations are prone to frequent security checks and scrutiny. In any case, most refugees are refouled (repatriated) in South Africa, not because they have not satisfied South African refugee provisions, but because the law enforcement agencies have issues with them, as a refugee claimant explained to us in the course of this research. The way refugees are often pronounced guilty raises the suspicion that some of these offenses are staged to provide grounds for their refoulement and non-integration. Most refugees interviewed for this research viewed South African authorities as presenting two faces; one, where South Africa was assumed to be a refugee-friendly country due

[4] Craig Smith, Radio Interview, Voice of the Cape, Radio FM 91.3, "Migration Policy in South Africa," November 2, 2016.

to the Refugee Act and, two, where South Africa in practice denied refugee rights with impunity. In addition, refugees believed that there was a strategic reason for the DHA to process asylum applications slowly. Some of the refugees believed that the slow processing of applications is to quicken their refoulement while others believed that it was meant to provide cheap labour as the refugees are exploited for minimal wages.

At the same time, it was also observed during the research process that the RROs often lacked the necessary equipment to achieve more efficient services. For example, laptops and other machines would break down and be inactive for weeks without repair. This adds to the waiting time and vulnerability of applicants having to go for weeks or months without the necessary documents. In response to the delay and complaints of refugees, the DHA introduced refugee smart cards, similar to that of a driver's license. The smart card is an innovation by the UNHCR to the refugee community in South Africa. The idea is for refugees to use smart cards to apply and do any business relating to their status as refugees. They can also use it to open a bank account anywhere in the country. However, refugee participants of the study reported that the DHA has used this smart card and the entire refugee system to facilitate corruption. Refugees say bribes are extracted from them for any service rendered by officials in charge of refugees in South Africa.

During this research, it was discovered that the DHA is critical to any meaningful study of refugee laws in South Africa. As a follow up to this observation, interviews were conducted with eighteen refugees specifically on how the DHA processes asylum claims. All the respondents mentioned various difficulties encountered in the process of acquiring asylum; a chief concern that emerged was that the asylum process was rarely completed within the five days allowed by the Refugee Act. In effect, most of the respondents said they processed their asylum from one to three months.

It should be noted that the DHA makes a difference between asylum-seeker and refugee and there are different methods and periods of application for the two. An asylum-seeker is, "a person who is seeking declaration of status, while on the other hand, a refugee is someone whose application is still under consideration (for integration) by the government." According to the South African Refugee Act, a refugee "can apply for permanent residences after five years of continuous residence since date of asylum being granted, and only recognized refugees can apply for identity documents and an asylum application should be adjudicated within 180 days, including the appeal". The Act further states that, "…to apply for refugee status, you need an asylum seeker permit from a Refugee Reception Office in South Africa."[5]

It was observed that four of the eighteen respondents were still on an asylum permit at the time of the study. Some applied for refugee status in 2006 and were yet to have their status decided. The gross effect of this is that respondents were denied refugee status and rights because they do not have the correct documents. This situation heightens the possibility of forcible return to their countries whenever there are routine checks of documents of migrants by the security agents in South Africa. One of the respondents, who said he arrived in South Africa in 2004, claimed to have escaped the war in the Democratic Republic of Congo. He had been on asylum-seeking status since then, despite his glaring refugee conditions. He concludes:

> There are implications of being on asylum-seekers status for such a long time before getting refugee status. This is done deliberately to prevent integration

5 Section 24 of the South African Refugee Act.

> and respect refugee rights. Asylum-seekers are given identification for easy identification but that is a clever form to return you to your country.

The officials of the DHA, however, defended the Ministry and remarked that the challenges of the Ministry were due to the unprecedented number of asylum-seekers who have entered the country amidst false asylum claims. One of the officials at the Cape Town DHA explained that it is asylum-seekers who are responsible for this prolonged situation as most of the people who applied for refugee status were, in fact, not refugees. These large numbers of asylum-seekers put a lot of pressure on the DHA and this pressure, he said, had been interpreted to be the fault of the DHA.

The issue of corruption is identified as the main challenge for refugees in South Africa. In fact, the DHA inadvertently confirmed it. Within the DHA office and RROs, there were bills on the walls which read "REPORT CORRUPTION" and a telephone number given to report the same. The bill carries a rider which stipulates "SAY NO TO GIFTS or PAYMENTS" with an instruction that reads:

> It is the policy of this Department that no official may accept a gift. You are therefore kindly requested not to offer any "token of appreciation" or gift to any Home Affairs Officials.
> …any official who accepts a gift is in contravention of the code of conduct for the public servant as well as the Department's policy on gifts and this is regarded as a serious transgression, which could lead to a charge of misconduct.

South Africa, in theory, has made efforts to address the challenges of corruption in affected government departments. Nationwide complaints from civil societies and state anti-corruption agencies snowballed into the drafting of the Anti-corruption Act on April 27th, 2004, when then President Thabo Mbeki signed the Preventive and Combating of Corrupt Activities Act 12 of 2004 into law. The Act, according to a Cape Town DHA official, is to be a preventive instrument for offenders and a deterrent for those contemplating corrupt activities.

In practice, efforts to fight corruption were limited as per the information gathered from asylum-seekers. The researcher asked respondents whether they had bribed officials of the department. Only one of the respondents mentioned that he did not bribe any official before getting his permit. The other seventeen said that they paid between R500 to R1500 ($10- $28) to get their permits. During a Focus Group Discussion (FGD) conducted at the Cape Town DHA, respondents explained that payments were made to ensure that they received their refugee status within two months.[6] This study generally observes that the problem of the DHA is structural because of the over bureaucratic method of service and the nature of service the department provides. Refugees are in need of protection and are thus susceptible to all forms of exploitation. The net result of the DHA's challenges raises concern for the principle of non-refoulement, according to Fatima Khan of the Refugee Law Clinic, who observes that:

> Though some progress had been made to reduce corruption in the department, there is still incidence of perpetual bribery and corruption which have affected the system adversely. This is very chronic and

6 FGD conducted by the researcher at Cape Town DHA, April 2015. Two sessions conducted with 17 asylum-seekers.

> difficult to eradicate as some corrupt officials benefit from the system and will prefer the trend for their own advantage. Those include asking refugees and asylum- seekers for money before granting or renewing their permits. If they did not give the bribe either their papers are denied or not renewed which makes them more vulnerable to arrest or deportation or to remain in the country illegally.[7]

The principle of non-refoulement is fundamentally impaired in South Africa because the DHA appears to be staggering in view of the refugee influx to South Africa. This issue of rising numbers is further exacerbated by the existence of various ports of entry to South Africa. The net result of such challenges is the widespread disregard of refugee protection laws and non-integration of refugees.

The Cape Town Refugee Centre (CTRC) reported that the issuance of the asylum-seeker permit follows a strict process where applicants are required to submit themselves for fingerprints, provide passport-sized photos and other basic information which will be valid for three to six months. On the expiration of the permit, they are required to return to the RRO where they initially got the permit in order to be granted refugee status which is usually valid for four to five years. This process is simple in theory, but in practice, is riddled with administrative problems. Refoulement and non-integration of refugees in South Africa thrives on the numerous problems that refugees encounter in this chain of application for refugee status.[8] According to Fatima Khan, "The success of the non-refoulement (integration) principle in South Africa Refugee Act can only be measured in how well the system of red tape has been eliminated at the Refugee Reception offices."

The red tape system refers to lack of resources (both human and material) to attend to the large volume of refugees in the asylum-seekers system. The resources take even more strain when the staff of the RRO must check identity and reasons for seeking asylum of all applicants. As a result, asylum status of refugees is left unresolved for a long time and several people must return to their states of origins where they fear persecution. According to an official of Cape Town Refugee Centre (CTRC), in the month of February 2013, about 75,000 unresolved cases of refugees were recorded in Beitbridge alone.

The CTRC official was of the opinion however that South Africa's mistrust towards refugees is due to the fact that they are assumed to be economic migrants who seek asylum to gain benefits. The consequence of this is that the process of integration is sufficiently impaired and the *non-refoulement* principle is inhibited since refugees are not provided protection due to red tapeism resulting in a very slow asylum administrative procedure. A Congolese refugee working for a local NGO explained that the idea of refugee integration is not effective when the government of South Africa does not accommodate refugees. According to him:

> Each new law surrounding immigration is worse than the previous one… I cannot understand for example why I have to go back to the same Reception Office where I got my first asylum-seeker permit… Although the permit grants me the right to work, I started working with the NGO only six months ago, after eleven years here.

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7 Interviewed with Fatima Khan, University of Cape Town Refugee Law Clinic, September 2014.

8 Bonaventure Rutinwa, "Asylum and Refugee Policies in Southern Africa: A Historical perspective," Commonwealth Secretarial London for the Summit of the Commonwealth Heads of State and Government, 2002.

The present study also observed that some asylum-seekers in South Africa, especially those from Zimbabwe, came to South Africa to seek medical attention to some of their ailments. This of course is exacerbated by the ruination of the medical infrastructures in Zimbabwe. Therefore, a research participant reported that the increasing number of people seeking asylum in South Africa are actually despondent medical patients in garb of refugee protection. The research participant further reported that many refugees from Zimbabwe were suffering from diseases like tuberculosis and HIV/AIDS and were over stretching the medical infrastructure of South Africa. The South African Refugee Act (Act No. 130 of 1998) Chapter 5 on *Rights and Obligations of Refugees Protection and general rights of refugees* provides that a refugee is:

> "is entitled to the same basic health services and basic primary education which the inhabitants of the republic receive from time to time". This study however observed that medical institutions in South Africa derived their lacklustre attention to refugee patients from the South African Immigration Act (Act No. 13 of 2002) which provides, under, *Exclusions and Exemptions Prohibited persons* that, "those infected with infectious diseases as prescribed from time to time", may not, among other foreigner types, "qualify for a temporary or a permanent residence permit".

The research participant observations are corroborated in a 2008 Human Rights Watch publication titled 'Neighbors In Need: Zimbabweans Seeking Refuge in South Africa' that reports that, as of December 2007, an estimated 1.7 million out of 13 million Zimbabweans were diagnosed with HIV/AIDS and were in need of anti-retroviral treatment (ART). Since the facilities in Zimbabwe could only cater for 90,000 people living with HIV/AIDS, the rest were fleeing to neighbouring countries and, in particular, to South Africa.[9] In addition, the 2007 global tuberculosis control reports from the World Health Organization (WHO) ranked Zimbabwe among the twenty-two countries with the highest tuberculosis burden in the world.[10] There was also a reported incidence of cholera in Harare and Bulawayo (Zimbabwe) in 2007.[11] The South African government thus justifies the harsh application of non-integration of Zimbabwe refugees due to the health threat they allegedly pose to South African society.From a refugee's perspective, however, the health system of South Africa is presented as discriminatory. Refugees claim that their health is not a priority, even when they are in danger, as health workers refuse to provide them with the necessary treatment. According to an asylum claimant interviewed for this research, public services like hospitals do not have enough money and/or staff to serve everyone in need and, often, they choose to treat South African citizens only.

The Theory and Practice of International Protection Law in South Africa

Although refugees and asylum-seekers from Zimbabwe in South Africa are found in Messina, Polokwane, the capital of Limpopo province, they enter mostly through the Beitbridge port of

[9] Human Rights Watch, "Neighbors In Need: Zimbabweans Seeking Refuge in South Africa," June 19, 2008, https://www.hrw.org/report/2008/06/19/neighbors-need/zimbabweans-seeking-refuge-south-africa.
[10] Ibid.
[11] Ibid.

entry. As already noted, refugees from Zimbabwe are often not regarded as refugees because of the widely held belief that they are economic migrants. This is why Zimbabweans and most economic migrants in South Africa are often targets of overreaching migration controls of South African authorities.[12] Asylum-seekers from Zimbabwe however, perceived the South African authorities as high-handed and thus seek redress in refugee right-based advocacy groups who file asylum rights on their behalf. To understand refugee integration in South Africa, it is critical to document how would-be refugees are treated at ports of entries since refugee admission is the most critical point toward attainment of refugee integration. For this study, interviews were conducted at the Beitbridge port of entry around three key themes. First, the individual's motivation for leaving Zimbabwe and expectations of life in South Africa. Second, the individual's experiences while seeking asylum to South Africa, and finally, the individual's experience since arriving in South Africa. Questions were asked about both personal and witnessed experiences. To achieve this, a semi-structured focus group discussion format was adopted.

All the respondents reported that the lack of basic resources combined with unemployment was a major reason for leaving Zimbabwe. Resources such as food, water, and shelter were said to be very scarce thus making it extremely difficult to remain in Zimbabwe. Again, it was reported that lack of employment made it difficult to purchase what resources were available. One of the female respondents reported, "I came here because I was running away from hunger and my husband was not employed there. The company was closed and he came here and looked for work. I followed my husband."[13] According to the respondents, other factors for leaving Zimbabwe were lack of health care and medication, political, civil unrest and violence and, together, they all act as push factors. A male respondent reported:

> I have worked in Zimbabwe for close to twenty-seven years, but the political situation was getting worse and the government fired me for my political views. I worked for private companies later but they were watching me. My life was in danger. My passport was stolen so I forced myself into this country without relevant papers. My entire village and children were beaten because of me.[14]

The respondents identified various challenges they experienced on their way to South Africa, the most critical being witnessing and experiencing physical violence. Some even lost their lives on the way to South Africa. In addition, several female respondents reported sexual assaults and situations where sexual favours were demanded in exchange for resources and services. A female respondent reported:

> There were some guys helping us to cross we gave them money so that they (would) help us cross through Limpopo bush to Beitbridge to Messina. We found some lady lying. We don't know whether she was dead or what. But the guy said "No don't move near! Let's just go where we are going because this place is dangerous."[15]

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12 Audie Klotz, "International Relations and Migration in Southern Africa," *African Security Review* 6:3, (2010): 38-45.

13 Focus Group Discussion (FGD), conducted by the researcher at Beitbridge port of entry, June 2016.

14 FGD, June 2016.

15 FGD, June 2016.

The challenges which these refugees faced since arriving in South Africa holds significant relevance to the application of refugee law and the principle of integration of refugees in South African protection law. The participants reported minimal access to water, food, and shelter. Many of them said that there was little difference between their plight in Zimbabwe and what they faced in South Africa as refugees. They reported payment of ten Rand ($0.5) per night for accommodation. Since most refugees have financial challenges, it was gathered that most of them who could not afford that sum ended up sleeping on the streets. The immediate reaction of South African police is usually to arrest such refugees under the South African vagrancy by- law. The participants reported that for such unfortunate refugees there were two options, namely, either bribing the police or facing forced return to Zimbabwe.

Many participants reported that they were vulnerable to harassment and extortions of South African security agents because their refugee status was not yet decided. The participants reported cases of exploitation for the few fortunate refugees who managed to get jobs. There were issues raised regarding non-payment for work done by farm owners. One female participant reported that:

> We worked for almost two or three hours on the farm and we agreed that he is going to pay us seventy Rands ($3.7). And when we were almost done, the man started complaining that we did not do the farm work well and chased us with his dogs. We ran and trekked about six kilometres back to our station.[16]

Interactions with the participants also revealed the gap between theory and practice of refugee law in South Africa. The South African Refugee Act gives refugee determination responsibilities only to DHA which in turn establishes RROs for that purpose. In practice however, according to the participants, all para-military forces are involved in the process of status determination of refugees. There were reports of even South African soldiers getting involved in the process. The soldiers were reported to use helicopters to chase the refugees around the Limpopo River and when refugees were caught, they were either forced to pay for their release or risk return to Zimbabwe.

South African Refugee Act, Municipal By-laws and the Integration of Refugees

Although the South African authorities promulgated the Refugee Act in 1998 as national reference for asylum administration, there were silent provisions in the municipal laws which inhibit the Refugee Act or altogether prevent refugees to access the benefits of the Refugee Act.[17] For instance, most municipal governments have established by-law enforcement units to deal with vagrancy and evictions of people settling illegally, especially on council-owned land. According to these by-laws:

> If an unlawful occupier has occupied the land in question for less than six months at the time when the proceedings are initiated, a court may grant an order of eviction, if it is of the opinion that it is just and equitable to do so, after considering all the relevant

[16] FGD, June 2016.

[17] Ingrid Palmary, "Refugees, Safety and Xenophobia in South African Cities: The Role of Local Government," *Johannesburg: Centre for the Study of violence and reconciliation* (2002).

> circumstances including the right and needs of the elderly, disabled persons and households headed by women.[18]

Those working in the vagrancy unit have been trained on how to identify 'illegal immigrants'; however, they do not take cognizance of the international protection law in the execution of their duties. According to a local official at the Cape Town DHA, the vagrancy unit detains all undocumented migrants they come across and hand them over to the police. It was observed that the training of this unit depicts refugees and other non-nationals as a burden on local authorities, who further contribute to land shortage in the country. Although Section 27 of the Refugee Act entitles refugees to apply for low-cost housing, the by-law prevents refugees from applying as it is believed that doing so will create hardship for South Africans. The net implication of this is that refugees are systematically excluded from housing and frequently evicted from lands in South Africa. Refugees are thus inevitably forced to return to their country.[19]

The challenges faced by refugees in South Africa begin with the slow pace of their applications. Further complications may arise when their status is not decided and when they do not have official permission to work. Refugees resort to trading in order to provide for themselves pending the determination of their status. The City Vagrancy Unit, however, prohibits trading by foreigners. To ensure this, the City Vagrancy Unit established the Business Areas Management (BAM) team which is responsible for the management of all business and also the registration of both formal and informal businesses. BAM also gives trading sites to applicants. BAM, however, requires that applicants who desired trading sites should show identification. Since most refugees are without identification, they are denied trading sites as they do not have the kind of identification required by the BAM. According to an asylum seeker who participated in this study, there is also an implicit assumption (by South African authorities) that trading sites should be given to South Africans in the first instance.

Discussion

The South African Refugee Act is generally developed in compliance with international protection laws. This sometimes encourages mass refugee flows to South Africa. To forestall this, a more restrictive approach to refugee administration is adopted in the country. To understand the factors affecting smooth integration of refugees in South Africa, respondents of this study were asked why refugee integration was not applied. Out of a total of 110 respondents, 78 percent said because they were not citizens, fifteen respondents (14 percent) said because they were unskilled and nine respondents (8 percent) said they did not know why. The FGD further affirmed that the principle of integration of refugees, from the point of view of respondents, was completely disregarded.

The officers in charge of the application of the principle were interviewed and all of them were aware that the Refugee Act of South Africa allows for the integration of refugees. To discover the factors responsible for the failure of its implementation, twenty-three respondents were interviewed. Twenty respondents (87 percent) admitted the impracticability of the principle, and three respondents (13 percent) disagreed and maintained that integration of refugee is practicable.

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[18] Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998.

[19] Jonny Steinberg, *Mozambican and Congolese Refugees in South Africa: A Mixed Reception* (Institute for Security Studies, 2008).

Different reasons were adduced for the failure: 60 percent of respondents blamed the lack of resources, 28 percent of respondents accredited it to false refugee claims, and 12 percent of the respondents gave the national Refugee Act as reason for the failure of refugee integration.

Conclusion

Lack of resources, human, as well as material, is a serious obstacle to the implementation of local integration of refugees in South Africa. The issue of local integration of refugee is firmly incorporated in the OAU/AU Refugee Convention of 1969. Article 2 (3) on asylum states:

> "No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article I, paragraphs 1 and 2".

Article 5 (1) on voluntary repatriation states: "The essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will". Both these articles promote obligations that ease refugee integration in member states.

Although most countries in Africa have adopted the OAU/AU Refugee Convention of 1969, they lack adequately trained personnel to attend to the implementation of the convention. Agencies entrusted with the responsibility of implementation are, paradoxically, the very institutions responsible for the plight of refugees. Most African states use the police, immigration officers and even the army to carry out refugee management functions. In South Africa, the major challenge to the integration of refugees is partly the inadequacy of officials to attend to status determination effectively due to red-tapeism such that leads to refugees and asylum-seekers becoming vulnerable. The road to integration of refugees is sloppy especially since status determination processes are arduous. This provides leeway for law enforcement agents to interfere and thus immigration becomes criminalised. In South Africa refugee administration, it is safe to conclude that local integration of refugees suffers because of the nation's overt effort to protect its refugee act.

Note

All refugee and asylum-seeker respondents in this research already possessed the S23 permit. In order not to jeopardise their asylum applications and in keeping with research ethic, no names of refugees and asylum-seekers have been used.

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Extraterritorial Application of *Non-Refoulement*: Triggering the Prohibition on the High Seas

JENNY POON[1]

Abstract

This article challenges the conventional argument that *non-refoulement* obligations do not apply unless and until an individual is within the territory of a State and that formal asylum procedures seeking refugee status have commenced. In order to challenge this assertion, this article examines the extraterritorial application of the principle of *non-refoulement* on the high seas. This article argues that, regardless of the proximity of an individual to the border or territory of a State or the individual's legal status as determined by law, States are nonetheless responsible for complying with *non-refoulement* obligations, even if that means a duty not to *refoule* asylum claimants and refugees on the high seas.

Keywords: *Non-refoulement,* Extraterritoriality, High Seas, Asylum, Refugees, Responsibility

Introduction

Individuals seeking asylum continue to risk their lives to cross the Mediterranean Sea. These individuals make perilous journeys across the sea because they are unable to seek asylum through legal routes as a result of so-called *non-entrée* policies as well as internal migration and border controls by States that attempt to discourage asylum claimants from accessing asylum procedures. The tragic story of Alan Kurdi's death just over two years ago serves as a painful reminder of the reality of deaths that continue at sea and the inaction by the international community to improve the situation. The lack of political will by States may be attributable to more clarity which is needed in international law surrounding the triggering of State responsibility at sea. A question of state responsibility entails an examination of jurisdiction and the relationship of that with international law obligations such as *non-refoulement*. This article begins by discussing the principle of *non-refoulement* under international refugee and human rights law as well as under European Union (EU) and *European Convention for the Protection of Human Rights and Fundamental Freedoms* (ECHR) law. Next, this article argues that international law prohibits *refoulement* on the high seas

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and that a State's effective authority and control triggers *non-refoulement* obligations. Thus, the principle of *non-refoulement* requires States to evaluate future risks upon return. Finally, this article ends with a suggestion that States should adopt a rights-based approach when complying with international obligations such as *non-refoulement*.

Non-refoulement has been described as the cornerstone of international refugee law.[2] The principle itself originates from before World War II, when massive numbers of people were fleeing from the war and claiming asylum.[3] The most widely-accepted definition of the norm in international refugee law is found under Article 33(1) of the 1951 *Convention Relating to the Status of Refugees* (Refugee Convention), which states that:

> no Contracting State shall expel or return ('*refouler*') a refugee in any manner whatsoever to the frontiers of the territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.[4]

The norm itself is codified under a number of other international instruments such as the *Cartegena Declaration*, the *American Convention on Human Rights*, and the *OAU Convention*.[5] There is a wide consensus that the norm has entered customary international law, and has been regarded by some scholars as a *jus cogens* norm, from which there is no derogation, is universal, and is a higher norm than a treaty norm.[6] Under international law, *non-refoulement* may arise in two different contexts, the first being the refugee law context, and the second being the human rights context. Under the refugee law context, the burden of proof is upon the asylum claimant to prove a "well-founded fear of persecution" on the basis of race, religion, nationality, membership of a particular social group or political opinion.[7] After refugee status is granted, the State would be the one with the onus of proof pursuant to Article 33(2) to rebut the presumption that *non-refoulement* obligations apply, where it can be shown that the refugee is a national security risk or a danger to the community.[8] Where the State is able to prove that the refugee is a national security risk or a danger to the community, the exception to *refoulement* applies except where there are substantial grounds for believing that there is a real risk that the refugee may be exposed to torture or other cruel, inhuman, or degrading treatment or punishment on return.[9]

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2 United Nations High Commissioner for Refugees, "Note on the Principle of Non-Refoulement," 1997, accessed September 4, 2017, http://www.refworld.org/docid/438c6d972.html.

3 See, for example: United Kingdom, "An Act to Amend the Law with regard to Aliens (Aliens Act), 5 EDW 7 (1905)," Chapter 13, accessed September 4, 2017, http://www.uniset.ca/naty/aliensact1905.pdf ; See, also: Guy S. Goodwin-Gill and J. McAdam, *The Refugee in International Law* (Oxford: Oxford University Press, 1996) 117-119.

4 United Nations, "Convention Relating to the Status of Refugees", UN Treaty Series Vol. 189, art. 33(1). (Refugee Convention).

5 Organization of African Unity, "OAU Convention Governing the Specific Aspects of Refugee Problems in Africa", art. II(3); "American Convention on Human Rights", art. 22(8); Organization of American States, "Cartagena Declaration on Refugees", OAS Ser L/V/II 66, doc 10, rev. 1, III(5); For jus cogens nature of *non-refoulement*, see: Jean Allain, "The Jus Cogens Nature of Non-Refoulement," *International Journal of Refugee Law* 13, no. 4 (2002): 533, 538.

6 Ibid.

7 Refugee Convention, *supra* note 3, at art. 1A.

8 Ibid, art. 33(2).

9 For the prohibition against torture or other cruel, inhuman or degrading treatment or punishment, see: United Nations, "Convention Against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment", art. 3 (CAT).

The threshold or standard of proof for the asylum claimant is to prove a) a threat of persecution; b) real risk of torture or cruel, inhuman, degrading treatment or punishment; and c) a threat to life, physical integrity or liberty.[10] Under international refugee law, the beneficiaries of *non-refoulement* protection are asylum claimants and refugees. Under the international human rights context, *non-refoulement* is formulated as the prohibition against torture and the right to life as captured in the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT) and the *International Covenant on Civil and Political Rights*.[11] In the human rights context, the individual claimant has the burden of proof to establish a *prima facie* case that there is a real risk of torture upon return.[12]

The Principle of *Non-Refoulement* under EU and ECHR Law

This section provides important context to this article by exploring the nature as well as scope and content of the principle of *non-refoulement* under EU law and ECHR law. First, the nature of the principle of *non-refoulement* formulated as the prohibition against torture is absolute. Second, *non-refoulement* applies both within the territory of the sending State and outside of the territory of the State (extraterritorially).

Nature and Scope of *Non-Refoulement* Under EU and ECHR law

The EU is itself not a contracting party to the Refugee Convention or the 1967 *Protocol Relating to the Status of Refugees* (Refugee Protocol). However, all of the EU member states are signatories to both treaties and, more importantly, the EU itself, is bound by *the Treaty on the Functioning of the European Union* (TFEU).[13] Article 78 of the TFEU provides the legal basis for EU to comply with the principle of *non-refoulement*: this article obliges EU member states to establish a common European asylum policy which complies with the Refugee Convention and the Refugee Protocol. Additionally, the principle of *non-refoulement*, as a prohibition against torture, is found in Article 19(2) of the *Charter of Fundamental Rights of the European Union* (EU Charter), which states that "no one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment."[14] The principle is violated when a State removes a person, if there is a real risk of ill-treatment in the receiving State, whether or not the removed person is actually ill-treated in the

10 Elihu Lauterpacht and Daniel Bethlehem, "The Scope and Content of the Principle of Non-Refoulement: Opinion," in *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection*, eds. Erika Feller, Volker Turk, and Frances Nicholson (Cambridge: Cambridge University Press, 2003): 133.

11 CAT, *supra* note 7, at art. 3; International Covenant on Civil and Political Rights at art. 6 and 7, *adopted* 16 December 1966, 999 UNTS 171.

12 See, for example: United Nations, Human Rights Committee, "*Jonny Rubin Byahuranga v Denmark* (2004) UN Doc CCPR/C/82/D/1222/2003, §4.4," accessed September 1, 2017, http://www.refworld.org/cases,HRC,421f00260.html.

13 European Parliament, "Briefing Paper: Current Challenges for International Refugee Law, with a Focus on EU Policies and EU Co-Operation with the UNHCR, 6" 2013, accessed September 4, 2017, http://www.europarl.europa.eu/RegData/etudes/note/join/2013/433711/EXPO-DROI_NT(2013)433711_EN.pdf ; European Union, "Treaty on the Functioning of the European Union (Consolidated Version), 26 October 2012, OJ L326/47-326/390," accessed September 4, 2017, http://www.refworld.org/docid/52303e8d4.html.

14 "Charter of Fundamental Rights of the European Union, 26 October 2012, 2012/C326/02, art. 19(2)," accessed November 12, 2016, http://www.refworld.org/docid/3ae6b3b70.html.

receiving State.[15] Article 15(b) of the Qualification Directive of 2011/95/EU similarly recognizes the importance of *non-refoulement*, and qualifies subsidiary protection for asylum claimants who do not meet the refugee definition under the Refugee Convention.[16] Under Article 15(b), serious harm consists of "torture or inhuman or degrading treatment or punishment of an applicant in the country of origin."[17]

The Council of Europe, an international organization and a separate entity from the EU, consists of 47 member states that acceded to the ECHR.[18] The European Court of Human Rights (ECtHR), on the other hand, is a body of the Council of Europe that monitors Council of Europe member state compliance with the ECHR.[19] The Council of Europe also provides for the prohibition against torture under Article 3 of the ECHR, and the ECtHR case law have developed *non-refoulement* under this Article.[20] For example, in the case of *Soering v. the United Kingdom*, the Strasbourg court decided that although States parties to the ECHR has the right, under domestic legislation, to control the entry, residence and expulsion of aliens, this right is not absolute and is restricted by their obligations under the ECHR, such as the requirement to comply with the prohibition against torture under Article 3.[21] This prohibition against torture has been ruled by the ECtHR as an absolute prohibition in other cases such as *Ireland v. the United Kingdom*.[22]

It has also been held by the ECtHR that the obligation of *non-refoulement* under Article 3 of the ECHR extends to cases where there is a real risk of cruel, inhuman, degrading treatment or punishment in the receiving State.[23] The protection against *refoulement* under Article 3 of the ECHR as developed by Strasbourg case law is wider than that provided by Article 33(1) of the Refugee Convention.[24] Subsequent expulsion cases by the same court have reaffirmed this position.[25] The protection from *refoulement* guaranteed under Article 3 of the ECHR is also wider than the protection against torture as required under Article 3 of CAT, in that Article 3 of the ECHR protects individuals not only from being returned where a real risk of torture exists, but also

15 Eman Hamdan, *The Principle of Non-Refoulement under the ECHR and the UN Convention Against Torture* (Netherlands: Brill, 2016), 16.

16 Directive 2011/95/EU of the European Parliament and of the Council of 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 (recast) (2011) OJ L337/9, at art. 15(b) (Qualification Directive).

17 Ibid.

18 Council of Europe, "A Convention to Protect Your Rights and Liberties," accessed August 31, 2017, http://www.coe.int/en/web/human-rights-convention.

19 Council of Europe, "European Court of Human Rights," accessed August 31, 2017, http://www.coe.int/t/democracy/migration/bodies/echr_en.asp.

20 European Court of Human Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols 11 and 14, *adopted* Nov. 4, 1950, ETS 5, at art 3 (1950); European Court of Human Rights, MSS v. Belgium and Greece App no 30696/09 (2011); European Court of Human Rights, TI v. The United Kingdom App no 43844/98 (2000).

21 European Court of Human Rights. Soering v. the United Kingdom App no 14038/88 (1989) 85.

22 European Court of Human Rights. Ireland v. the United Kingdom, App no 5310/71 (1978) 163.

23 Soering, *supra* note 19, 88 and 91.

24 European Court of Human Rights, Ahmed v. Austria App no 25964/94 (1996) para 41; European Court of Human Rights, N v. Finland App no 38885/02 (2005) 159.

25 See, for example, European Court of Human Rights, D v. the United Kingdom App no 30240/96 1997) 48.

offers individuals protection from being expelled where there is a risk of cruel, inhuman or degrading treatment or punishment.[26]

The obligation of *non-refoulement* arises at the moment in time when an asylum claimant is at the border of an EU member state, which includes both territorial waters and transit zones.[27] However, this obligation does not arise unless the State exercises jurisdiction.[28] A State may exercise its jurisdiction over a person or a territory.[29] Article 1 of the ECHR guarantees its rights and freedoms to "everyone."[30] The protection against *refoulement* therefore is guaranteed to all individuals regardless of their status under the law, in contrast with Article 33(1) of the Refugee Convention, which protects only asylum claimants and refugees from *refoulement*.[31] The Committee Against Torture and ECtHR case law apply the principle to protect those without status under the law, including refused asylum claimants and those deprived of protection under Article 1F of the Refugee Convention.[32]

In the case of "safe" third countries, the specific case of Greece may illustrate how the use of "safe" third country concepts may be a ground for inadmissibility for refugee status, yet at the same time the use of such concepts may increase the potential for risk of *refoulement* for the claimant. "Safe" third country concepts involve the sending back of a claimant to a country deemed "safe" which he or she has passed through and where he or she should have applied for asylum but did not.[33] The criteria as laid down under the "safe" third country concept for Greece is based on, *inter alia*, compliance with the principle of *non-refoulement*.[34] Although the law provides for compliance of the "safe" third country concept with the principle of *non-refoulement*, instances of misuse of this concept continues to take place.[35] Instances of returning claimants to countries deemed "safe" continue to take place, but in reality no monitoring has taken place to ensure that the country the claimants are being sent to in fact complies with relevant international human rights law or *non-refoulement* obligations.[36]

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[26] David Weissbrodt and Isabel Hortreiter, *The Principle of Non-Refoulement: Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Comparison with the Non-Refoulement Provisions of other International Human Rights Treaties* 5:1 B.H.R.L.R. 1-74, 50 (1999); Aoife Duffy, "Expulsion to Face Torture? Non-Refoulement in International Law," *International Journal of Refugee Law* 20, no. 3 (2008): 373-390, 379.

[27] Council of Europe, *Handbook on European Law relating to Asylum, Borders and Immigration* (Luxembourg: Publications Office of the European Union, 2014) 35.

[28] Hamdan, *supra* note 13, at 35.

[29] James Crawford, *Brownlie's Principles of Public International Law* (Oxford: Oxford University Press, 2012), 462.

[30] ECHR, *supra* note 18, art. 1.

[31] Hamdan, *supra* note 13, 36-37.

[32] See, for example: European Court of Human Rights, Committee Against Torture, SV et al v. Canada App no 48/1996 (2001); European Court of Human Rights, Jabari v. Turkey App no 40035/98 (2000).

[33] European Commission, Migration and Home Affairs, "Safe Third Country," accessed April 28, 2020, https://ec.europa.eu/home-affairs/content/safe-third-country_en; See, also: European Parliament, and the Council of Europe. Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on Common Procedures for Granting and Withdrawing International Protection, art. 38. (2013)

[34] Asylum Information Database, Safe Third Country: Greece L4375/2016, art. 56(1)(b).

[35] See, for example: United Nations High Commissioner for Refugees, "Legal Considerations on the Return of Asylum-Seekers and Refugees from Greece to Turkey as Part of the EU-Turkey Cooperation in Tackling Migration Crisis under the Safe Third Country and First Country of Asylum Concept," 2016, accessed April 28, 2020, https://www.refworld.org/docid/56f3ee3f4.html.

[36] Ibid., 6; See, also: European Council, "EU-Turkey statement," March 18, 2016, https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement.

In sum, the principle of *non-refoulement* under EU law and ECHR law, formulated as the prohibition against torture, is absolute in nature so that no derogation from the principle is permitted. However, despite this prohibition of non-derogation, in practice especially in the case of "safe" third country concepts, the misuse of such concepts may often lead to cases where the *non-refoulement* principle is violated. As will be shown, the principle is also applicable both within the territory of the sending state, as well as extraterritorially, as an exception to the general rule provided for under Article 1 of the ECHR.

Extraterritorial Application of *Non-Refoulement*

The EU Agency for Fundamental Rights (FRA), an EU agency tasked with providing EU institutions and member states with independent, evidence-based advice on fundamental rights, produced a 52-page report on the "*Scope of the principle of non-refoulement in contemporary border management: evolving areas of law.*"[37] In this report, the FRA detailed the obligations of EU member states when they comply with the principle of *non-refoulement* including questions of jurisdiction.[38] The report indicates that jurisdiction under "public international law and human rights law is presumed to be exercised within a state's sovereign territory."[39] This is illustrated in the case of *Bankovic et al. v. Belgium and 16 other States parties* in which the ECtHR held that:

> Article 1 of the [ECHR] must be considered to reflect this ordinary and essential territorial notion of jurisdiction, other bases of jurisdiction being exceptional and requiring special justification in the particular circumstances of each case.[40]

This case also affirmed the extraterritorial application of *non-refoulement* under Article 3 of the ECHR.[41] In the case, the ECtHR held that there are two grounds for extraterritorial application of *non-refoulement*, namely: the State, through its agents, over an individual outside its territory, and the State over an area outside its national territory.[42] The jurisdiction clause under Article 1 of the ECHR establishes the norm, which states that "the High Contracting Parties shall secure to everyone *within their jurisdiction* the rights and freedoms defined in Section 1 of this Convention" (emphasis added).[43] Despite the jurisdiction clause, there are three exceptions to Article 1 of the ECHR as interpreted by the ECtHR. The extraterritorial applicability of *non-*

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37 European Union Agency for Fundamental Rights, *Scope of the Principle of Non-Refoulement in Contemporary Border Management: Evolving Areas of Law* (Luxembourg: Publications Office of the European Union, 2016).
38 Ibid., 1.3.
39 Ibid.
40 European Court of Human Rights, Bankovic et al v. Belgium and 16 Other Contracting States App no 52207/99 (Admissibility Decision) 61 (2001).
41 Ibid., 132.
42 Ibid.; See, also: Ralph Wilde, "Compliance with Human Rights Norms Extraterritorially: 'Human Rights Imperialism'?" in *International Law and the Quest for its Implementation*, eds. Marcelo Kohen and Laurence Chazournes (Netherlands: Brill, 2010) 324; For more on jurisdiction through proxy, see: James C. Hathaway and Thomas Gammeltoft Hansen, "Non-Refoulement in a World of Cooperative Deterrence," *University of Michigan Law School Scholarship Repository* 53, no. 2 (2015): 235-284.; European Court of Human Rights, Al-Skeini et al v. United Kingdom App no 55721/07 (2011).
43 ECHR, *supra* note 18, art. 1.

refoulement is also in line with the view of the United Nations High Commissioner for Refugees (UNHCR) and is supported by leading academic commentators.[44]

First, a State exercises jurisdiction extraterritorially through its diplomatic and consular agents.[45] Where a State's diplomatic and consular agents exercise authority and control over individuals, that State then has jurisdiction over those individuals, through the acts or omissions of the State's agents.[46] Whether the act or omission of a State's agent constitutes effective control is a matter of fact, determined in light of the circumstances of each case.[47] Second, in some cases, the use of force by a State's agents outside of the State's territory may bring an individual under the control of these agents into the State's jurisdiction.[48] For instance, where an individual is in the custody of a State's agent extraterritorially, the State's jurisdiction extends to the acts of the State's agent, so that the State is under an obligation not to *refoule* the individual in custody to torture or other cruel, inhuman, or degrading treatment or punishment.[49] Third, through consent, invitation or acquiescence of a foreign State's government, a State may exercise all or some of the public powers normally exercised by that foreign State's government.[50] For example, the jurisdiction of the State will extend to the acts or omissions of immigration border officers checking travel documents for asylum claimants outside the State's territory.[51]

While some States argue that *non-refoulement* obligations do not begin until and unless the individual concerned has arrived within the territory of a State and has sought entry into the State's territory, this article argues that *non-refoulement* obligations apply regardless of whether or not the individual concerned is seeking asylum and/or has begun the formal application for refugee status.[52] Further, *non-refoulement* obligations apply as soon as the individual concerned is within the jurisdiction of the State, as evidenced by the test of effective control and authority under international law, so that the individual need not be on the State's territory, in order to benefit from *non-refoulement* protection. This claim is substantiated in three ways. First, international human rights law requires that all individuals be protected from *refoulement.* Second, as evidenced by Strasbourg case law, *non-refoulement* is triggered when the State exercises effective control or

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[44] See, for example: United Nations High Commissioner for Refugees, "Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol," 2007, accessed August 30, 2017, http://www.refworld.org/docid/45f17a1a4.html; See, also: Violeta Moreno-Lax, *Policy Brief 4: The Interdiction of Asylum Seekers at Sea: Law and (mal)practice in Europe and Australia (*Sydney: Andrew & Renata Kaldor Centre for International Refugee Law, 2017), Accessed April 28, 2020, https://www.kaldorcentre.unsw.edu.au/publication/policy-brief-4-interdiction-asylum-seekers-sea-law-and-malpractice-europe-and-australia.

[45] European Court of Human Rights, WM v. Denmark App no 17392/90 (1992).

[46] ECHR, *supra* note 38, 73; ECHR, *supra* note 40, 134.

[47] European Court of Human Rights, Hirsi Jamaa and Others v. Italy App no 27765/09 (2012) 73.

[48] ECHR, *supra* note 40, 134.

[49] Hamdan, *supra* note 13, 48; See, also: European Court of Human Rights, Ocalan v. Turkey App no 6221/99 (2005) 88.

[50] ECHR, *supra* note 38, 71.

[51] Hamdan, *supra* note 13, 50.

[52] Australia, for example, cites *non-refoulement* of the Refugee Convention has not taking into account the potential impact on receiving countries, and interprets the obligations of the Refugee Convention, including the principle of *non-refoulement*, to come into effect after an asylum seeker enters the signatory country in Adrienne Millbank, "The Problem with the 1951 Refugee Convention," 2000, accessed September 1, 2017, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp0001/01RP05.

authority over the individual asylum claimant. Third, States are obliged to fully evaluate the future risk that an individual face before it makes the decision to return the individual.

International Law Prohibits *Refoulement* on the High Seas

International human rights norms such as the prohibition against torture, or other cruel, inhuman, or degrading treatment or punishment, necessarily entail that all individuals (regardless of status) should be guaranteed the right against *refoulement.* This notion that all individuals, regardless of status, should benefit from *non-refoulement*, mean that even individuals who are not seeking asylum or, who have not yet formally initiated the refugee status determination process, would benefit from this protection. In the context of the high seas, once it can be shown that a State is exercising effective authority and control, by extension through the actions or omissions of that State's agents, over the asylum claimants arriving in boats towards the shore of a State's territory, *non-refoulement* obligations are triggered.[53]

The *United Nations Convention on the Law of the Seas* (UNCLOS) governs State jurisdiction in relation to the sea. Article 2 of UNCLOS states that "sovereignty of a coastal State extends, beyond its land territorial and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of the sea, described as the territorial sea."[54] "Territorial sea" is defined as "12 nautical miles, measured from baselines determined in accordance with [UNCLOS]."[55] According to this definition, coastal States do not have jurisdiction on the high seas. In fact, Article 87 of UNCLOS provides that "the high seas are open to all States, whether coastal or land-locked" and further, under Article 89, "no State may validly purport to subject any part of the high seas to its sovereignty."[56] "High seas" is defined as "all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State."[57]

While the law is clear that *non-refoulement* obligations apply when vessels or "boat people" arrive on the territorial sea of a coastal State, the law is less clear with regards to when and how *non-refoulement* obligations would trigger on the high seas. Some States may argue that *non-refoulement* obligations do not trigger on the high seas where the nearest coastal State does not have jurisdiction over the individual in question, and without jurisdiction, the State in question cannot be held responsible under international law.[58] Other States may argue that even where *non-refoulement* obligations may trigger on the high seas, it would be difficult to know which coastal State would have jurisdiction over the individuals in question, much less whether responsibility would be shared, and if so, how to determine that shared responsibility, where there are multiple nearby coastal States potentially liable.[59] It is argued, however, that policies that prevent asylum claimants and refugees from arriving at coastal States in so-called *non-entrée* migration control

[53] For the test of effective authority and control, see: ECHR, *supra* note 38, 37-38.
[54] United Nations, Convention on the Law of the Sea art. 2, adopted Dec. 10, 1982, 1833 UNTS 3 (UNCLOS).
[55] Ibid, art. 3.
[56] Ibid, art. 87 and 89.
[57] Ibid, art. 86.
[58] Australia and United States for example, follow a more 'positivist' approach to the interpretation of *non-refoulement*, as can be seen in US Supreme Court, Sale v. Haitian Centers Council, Inc, 509 US 155 (1993).
[59] For more on shared responsibility between States for migration control at sea, see: Thomas Gammeltoft-Hansen and Jens Vedsted-Hansen, *Human Rights and the Dark Side of Globalisation: Transnational Law Enforcement and Migration Control* (New York, London: Routledge, 2017).

would amount to *de facto refoulement*, since precluding vulnerable individuals from accessing territorial asylum would in effect be a rejection that leads to a refusal of international protection for potential claimants.[60]

The shipmaster of the flag State has a duty to render assistance to a boat in distress in accordance with UNCLOS. Article 98(1) of UNCLOS specifically requires a State, through the shipmaster flying its flag, to render assistance to "any person found at sea in danger of being lost" and "to proceed with all possible speed to the rescue of persons in distress."[61] The duty to rescue, on the other hand, is an obligation of the coastal State, pursuant to Article 98(2) of UNCLOS, which states that "every coastal State shall promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea."[62]

Both the law of the sea as well as the maritime law on the duty to render assistance and to rescue indicate a positive duty upon the flag State as well as the coastal State to offer assistance to individuals and vessels found in distress. A positive duty to render assistance and to rescue would also correspondingly entail a duty not to send back, expel, or remove individuals under distress when the flag State or coastal State exercise their jurisdiction extraterritorially. This assertion is in line with international law since asylum claimants and refugees are not to be penalized for illegal entry pursuant to Article 31 of the Refugee Convention.[63] Furthermore, a right to (access) asylum and international protection would mean a corresponding right not to be *refouled* since an individual is not safe until and unless he or she is not sent back to face persecution.[64]

A State's Effective Authority and Control Triggers *Non-Refoulement* Duties

Since the test determining whether a State is obliged to offer protection to an individual under international human rights norms is based on jurisdiction, and state responsibility is not triggered until the State has jurisdiction over a certain individual or territory, the triggering of the obligation of *non-refoulement* necessarily entails the State to first have jurisdiction over the individual concerned. This test to determine when State responsibility over an individual is triggered, and thus the beginning of the obligation of *non-refoulement*, as determined by the ECtHR in *Hirsi Jamaa and Others v. Italy*, is whether the State in question has effective control and authority over the individual in question:

> under international law concerning the protection of refugees, the decisive test in establishing the responsibility of a State was not whether the person being returned was on the territory of a State but whether that person fell under the effective control and authority of that State.[65]

The effective control and authority test mean that even where the individual has not yet reached the territory of a State, the State is deemed, pursuant to this test, to be exercising effective control and authority over the individual in question, and therefore would be subjected to the

60 For more on *non-entrée* practices and how they can potentially violate *non-refoulement* obligations, see: Hathaway, *supra* note 40.
61 United Nations, *supra* note 52, art. 98(1).
62 Ibid., art. 98(2).
63 Refugee Convention, *supra* note 3, art 31.
64 UNHCR, *supra* note 1
65 European Court of Human Rights, Hirsi Jamaa and Others v. Italy App no 27765/09 (2012) 69.

obligation to comply with *non-refoulement*.

States are Required to Evaluate Future Risks on Return

Although neither international law nor the Refugee Convention contains an explicit right to asylum, States are not free to simply reject individuals at their border without first assessing whether returning the individual would lead to substantial grounds for believing that there would be a real risk of the individual being subjected to *refoulement*. This interpretation is consistent with various international instruments such as the *United Nations Declaration on Territorial Asylum* and the *OAU Convention*, as well as developing international human rights norms.[66] Further, *non-refoulement* is a forward-looking responsibility and requires the State to access whether there would be a future risk of *refoulement* where the individual is forcibly removed from a State's exercise of authority and control.[67]

Towards a Rights-Based Approach to Extraterritorial Application of *Non-Refoulement*

It has been asserted by some scholars that State sovereignty and individual rights paradigms are contradictory.[68] On the one hand, State sovereignty permits migration controls and internal immigration policies which curtail individual rights such as the right to access territory and asylum procedures. On the other hand, international law requires States to also respect individual rights in the implementation of those sovereign rights. When exercising extraterritorial migration controls through interdiction on the high seas, States should be cautious to provide at least the bare minimum human rights standards in line with the letter and spirit of the Refugee Convention and relevant international human rights norms. Although *non-refoulement* obligation itself does not entail access to asylum procedures, it is intrinsically related to the concept of asylum, since the corpus of international protection requires that individuals are not forcibly removed to a place where their life or freedom would be threatened on any of the Refugee Convention grounds.[69]

Non-refoulement, therefore, hinges not on its extraterritoriality but on its strong human rights basis. In other words, the norm of *non-refoulement* is considered a cornerstone of refugee protection not because of its wide scope of applicability both inside and outside of a State's territory, but because proper compliance may potentially elevate individual rights over a State's sovereign prerogative. For instance, *non-refoulement* does not permit a State to *refoule* an individual interdicted on the high seas even if the State decides not to grant the individual access to its territory. Despite the tensions between the State and the individual, a strong rights-based emphasis when implementing international law norms such as *non-refoulement* may permit individual rights to triumph while prohibiting *refoulement* at sea.

Based on the above understanding of *non-refoulement*, it is suggested that States should follow a rights-based approach when implementing international law obligations such as *non-refoulement*. This rights-based approach to complying with *non-refoulement* is derived from three

66 Lauterpacht, *supra* note 8, 77 and 86.
67 Fanny De Weck, *Non-Refoulement under the European Convention on Human Rights and the UN Convention Against Torture* (Netherlands: Martinus Nijhoff Brill, 2016), 263.
68 See, for example: Chantal Thomas, "Regimes and Doctrines, Ch.43 Transnational Migration, Globalization, and Governance: Theorizing a Crisis," in *The Oxford Handbook of the Theory of International Law*, eds. Anne Orford and Florian Hoffman (eds) (Oxford: Oxford University Press, 2016) 882-923.
69 United Nations, Refugee Convention, *supra* note 3, art. 1A.

principles, namely: the universality of human rights, the collective duty to protect, and the balance of State interests and individual rights.

Universality of Human Rights, Duty to Protect, and Balancing of Interests

The universality of human rights entails a set of guiding principles for States to follow. The universality and immovability of human rights are firstly reflected in the *Charter of the United Nations* and secondly within the *Universal Declaration of Human Rights*.[70] The principles laid down in both international instruments are both universal and applicable. Universal and inalienable human rights require States to observe these fundamental and non-derogable rights even when exercising their sovereignty at sea. In particular, the principle of *non-refoulement* encompasses the right to life and the right to be free from torture of all forms.[71]

All States enjoy universal jurisdiction of the high seas.[72] Such freedom of the high seas is to be exercised "with due regard for the interests of other States […] and also with due regard for the rights under [the UNCLOS]."[73] In other words, States have corresponding duties along with their enjoyment of the freedom of the high seas. As reiterated earlier, these duties include the duty to render assistance and to rescue individuals and vessels in distress. The enjoyment of freedom of the seas, therefore, would entail a corresponding duty upon all States to respect and observe the prohibition of *non-refoulement* at sea.

As with certain derogable human rights under extraordinary circumstances such as situations concerning national security of a State, any exceptions to fundamental rights must be read restrictively and limits on those rights must only be necessary and proportionate as demonstratively justifiable in a democratic society with adequate safeguards in place.[74] Accordingly, any limits on human rights when a State is exercising its sovereignty on migration or border controls at sea may only be made pursuant to the standards aforementioned. In the same way, limits placed on rights at sea should only be made under extraordinary circumstances, having full regard to fundamental human rights norms and respect for *non-refoulement* duties.

Concluding Remarks

It has been shown that *non-refoulement* obligations apply extraterritorially on the high seas. International law requires States to take positive action to render assistance and to rescue individuals or vessels experiencing distress. Extraterritorial application of *non-refoulement* would also mean that States exercise effective authority and control to prohibit the return of asylum claimants or refugees from persecution, death or torture, and such duty would also entail an evaluation of future risks that might result to these vulnerable individuals. This article has suggested that States take a rights-based approach when complying with international law obligations such as *non-refoulement* at sea. This rights-based approach is derived from three principles, namely: the universality of human rights, the collective duty to protect, as well as the

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[70] Charter of the United Nations, *adopted* June 26, 1945, 1 UNTS XVI; Universal Declaration of Human Rights, 217 A(III), 10 December 1948.
[71] See, for example: United Nations, International Covenant on Civil and Political Rights, *adopted* Dec. 16, 1966, 999 UNTS 171, art. 6; CAT, *supra* note 7, art. 3.
[72] United Nations, *supra* note 52, art. 87(1).
[73] Ibid., art. 87(2).
[74] See, by analogy, derogation on the right to life in times of war: ECHR, *supra* note 40, article 2.

need to balance State and individual interests. With the deaths at sea continuing to rise, it is all the more important to ensure that States are complying with international human rights law such as the prohibition against *refoulement* fully. Now more than ever, the rights of asylum claimants and refugees must be safeguarded to discourage perilous journeys across the Mediterranean Sea.

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Refugee Issues in Southeast Asia: Narrowing the Gaps between Theory, Policy, and Reality

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Abstract

Practitioners' experiences and perspectives on social interventions with refugees are underexplored in Southeast Asia. This gap limits the ability to create impactful public policy in the region. In this report, we present findings from an interdisciplinary research workshop held in Kuala Lumpur in 2018. The workshop included sixty individuals from a diverse range of backgrounds – asylum-seekers, refugees, academics, NGO leaders and staffs, representatives from United Nation agencies, and government officials. Using thematic analysis, we extracted some issues considered to be the most pressing for refugees, as well as issues considered important yet understudied. Based on these workshop outcomes, we suggest a research process flowchart to aid researchers and practitioners in maximizing their impact through policy and advocacy, while at the same time partnering with refugee communities to better serve their needs.

Keywords: Southeast Asia, Evidence-Based, Impactful Research, Refugees, Asylum-Seekers, Data-Backed Policy, Policy Making, Fieldwork.

Introduction

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Southeast Asia has had a very long history with accepting refugees, starting in 1937 with the influx of approximately one million Chinese individuals during the Japanese occupation of Manchuria and the second Sino-Japanese war.[4] The latest available data on the persons-of-concern population in Southeast Asia include 241,438 in Malaysia, 13,840 in Indonesia, 849,733 in Myanmar, and 593,241 in Thailand, for a total of 1,698,252 individuals.[5] In fact, Asia has the highest number of "persons-of-concern" in the world, as well as a large number of people who have legitimate claims to refugee status but do not make such claims.[6,7]

The Association of Southeast Asian Nations (ASEAN) is a regional, intergovernmental organization focused on "accelerating the economic growth, social progress, and cultural development in the region, and promoting regional peace and stability."[8] The fact that only two of the ten ASEAN countries have ratified the *1951 Convention Relating to the Status of Refugees (i.e., "The 1951 Refugee Convention")* and the *1967 Protocol* implies that the vast majority of refugees in Southeast Asia are not legally recognized by their host governments.[9] Scholars have cited many reasons for the low accession rates in Southeast Asia. For example, a case study on Thailand highlighted that national sovereignty and security concerns have prompted the Thai government to not sign the 1951 Refugee Convention.[10] As the nature of refugee flows becomes more complicated, and radically different from the past, the current refugee law designed by western states in response to refugee flows in Europe after the First World War seems to be losing its relevance, particularly in ASEAN countries. Some other scholars have argued that non-participation by ASEAN states is because the 1951 Convention and the 1967 Protocol are Eurocentric and have systematically excluded the Asian perspective, calling international refugee law to be reformed.[11]

Southeast Asia has past success with collaboration between nations in the region involving legal, political, and social advances that are distinct from the West – namely, the Declaration and Comprehensive Plan of Action (CPA) of 1989. While it is generally acknowledged as a regional success, in particular with respect to the smaller Southeast Asian nations pushing back against the hegemony of the West, some scholars have argued that the CPA is "neither ideal nor comprehensive – and that the question of whether the CPA is indeed a success will depend on who

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4 Vitit Muntarbhorn, *The Status of Refugees in Asia* (Oxford: Oxford University Press, 1992); Sara Ellen Davies, *Legitimising Rejection: International Refugee Law in Southeast Asia* (Nijhoff: Brill, 2008).

5 UN High Commissioners for Refugees, "Operational Information on the South-East Asia subregion," 2017, accessed January 22, 2019, http://reporting.unhcr.org/node/39.

6 UNHCR defines the term "persons of concern" to include refugees, people in refugee-like situations, refugee returnees, internally displaced persons and returnees, asylum-seekers, and stateless persons.

7 Davies, *Legitimising Rejection.*

8 ASEAN consists of ten countries – Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam. "Association of Southeast Nations (ASEAN)," NTI, accessed January 27, 2019, https://www.nti.org/learn/treaties-and-regimes/association-southeast-asian-nations-asean/.

9 Philippines and Cambodia are the two ASEAN signatories.

10 Vitit Muntarbhorn, "Refugee Law and Practice in the Asia and Pacific Region: Thailand as a Case Study," *UNHCR Research Paper*, 2004.

11 James C. Hathaway, "Reconceiving Refugee Law as Human Rights Protection," *Journal of Refugee Studies* 4, no. 2 (1991): 113-131; Bhupinder S. Chimni, "The Geopolitics of Refugee Studies: A View from the South," *Journal of Refugee Studies* 11, no. 4 (1998): 350-374; Sara E. Davies, "Saving Refugees or Saving Borders? Southeast Asian States and the Indochinese Refugee Crisis," *Global Change, Peace & Security* 18, no. 1 (2006): 3-24.

is asking and who is answering."[12] However, it is important to understand the historical background of the refugee protection in order to understand current events and to shape understanding of the future of refugee policies in Southeast Asia.

Nevertheless, aside from the reasons for non-accession of most ASEAN countries to the 1951 Refugee Convention, refugees who live in Southeast Asia live on the margins. They are outside of the purview of local law, cannot access public resources such as schools and government-subsidized or run hospitals, and are often accepted temporarily within the borders of the ASEAN host country. The informal understanding is that refugees will eventually be resettled to a third country, or eventually return to their country of origin once it is safe to do so.[13] Refugees in ASEAN may live in urban areas, like most refugees in Malaysia, or may live in isolated camps, like the refugees on the Thai-Myanmar border. It is also important to note that the outflow for resettlement to previously-popular destinations such as the United States has severely decreased due to the increase in anti-immigration policies around the world, leading many refugees in Southeast Asia to remain in the region for years, if not throughout their whole lives. In fact, the largest refugee resettlement program in the world, the United States Refugee Admissions Program (USRAP), has sharply limited refugee inflow to 30,000 individuals for the 2019 fiscal year.[14] This number is significantly lower than the 2018 ceiling of 45,000 individuals, which itself was the lowest target since 1980.

The refugee crisis in Southeast Asia has encouraged many stakeholders to work for change in refugee policy to help better serve the refugee community and its many needs. This includes (but is not limited to) academics, government officials, non-governmental organization (NGO) and non-profit leaders, practitioners, and the public. Two problems with tackling refugee issues in this region, particularly in Malaysia, are the lack of data and documentation surrounding refugee issues and the lack of rigorous baseline assessments on various socioeconomic dimensions for the community. Without these two pieces, it is very difficult to credibly advocate for refugee rights in public and to create policies that satisfactorily address refugee needs.

On the other hand, we have found that people and organizations "on the ground" with refugees (i.e., the practitioners), such as those who provide humanitarian aid or skills training, have a significant amount of knowledge on the practical problems and potential solutions for the refugee communities they work with. Unfortunately, many of these organizations are not decision-makers in the policy creation space and typically do not document this knowledge or disseminate it to a wider audience. This could lead to a dangerous asymmetry in the information available for academics and field practitioners, which could potentially cause an inefficient overinvestment in poorly designed research projects that bring insignificant impacts to the targeted beneficiaries.

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[12] Sten A. Bronée, "The History of the Comprehensive Plan of Action," *International Journal of Refugee Law* Issue 5 (1993): 534; James C. Hathaway, "Harmonizing for Whom: The Devaluation of Refugee Protection in the Era of European Economic Integration," *Cornell International Law Journal* 26 (1993): 719.

[13] In 2018, Malaysia's Foreign Minister reiterated this stance, which is common in the region. Specifically, when referring to the Chin, he said: "We have let (the Chins) stay for more than a decade. The Malaysian government has been kind enough to ensure the safety and protection of the ethnic Myanmar Chin community, although Malaysia is not a final destination country." See full article Samantha Chow, "Saiffudin: We'll Not Force Refugees to Return," *The Star*, October 24, 2018, https://www.thestar.com.my/news/nation/2018/10/24/saifuddin-well-not-force-refugees-to-return/.

[14] Lesley Wroughton, "U.S. to Sharply Limit Refugee Flows to 30,000 in 2019," *Reuters*, https://www.reuters.com/article/us-usa-immigration-pompeo/u-s-to-sharply-limit-refugee-flows-to-30000-in-2019-idUSKCN1LX2HS.

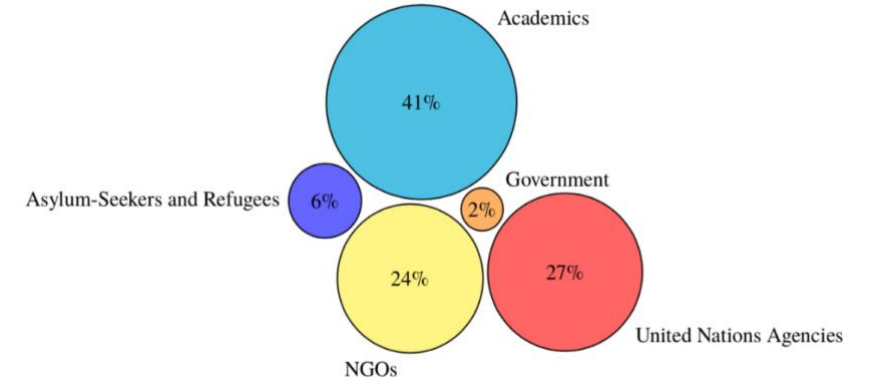
Thus, in order to design a research process that bridges the gap between these seemingly distinct yet inherently interdependent pieces, we argue that one must start from the ground up – that is, first building partnerships with refugees and empowering them to lead the way. We build this observation on the perspectives we gathered in an interdisciplinary workshop that was held to pinpoint the pressing issues refugees face, and to browse ideas on how researchers and practitioners could advance the field.

An Interdisciplinary Workshop on Refugee Issues

In the summer of 2018, we held a research workshop on refugee issues in Kuala Lumpur, Malaysia. The goal of the research workshop was to serve as a platform to connect people in the field to academics, practitioners and others interested in producing knowledge and aiding in the creation of policy surrounding these issues. The workshop was attended by seventy people from a diverse range of backgrounds, including asylum-seekers, refugees, academics from Malaysia, Singapore, and Thailand, local NGO leaders and workers, representatives from United Nations agencies,[15] and a Malaysian government representative from the Ministry of Health. Given this regional gathering of individuals united in their common interest of alleviating problems related to refugees and forced migrants, we conducted an exploratory, semi-structured survey to fully understand the issues that each of us face in our work. The objective of the survey was to gather and understand perspectives from practitioners on-the-ground about the needs and issues faced by the refugee community in order to inform future research endeavors for bridging the gap between policy, research and practice. Eighty-five percent of all participants responded to the survey (n=60), which included the following questions:

1. What is your background?
2. What is your geographic region of interest for refugee issues?
3. In the region above, what is the *most pressing issue* facing refugees?
4. In the region above, what is an *important but understudied or ignored* issue facing refugees?
5. How can researchers better serve the refugee population?

Figure 1: The representation of backgrounds from the 60 survey respondents



[15] United Nations High Commissioner for Refugees (UNHCR) and the International Labor Organization (ILO).

Figure 2: The geographic regions of interest for the 60 survey respondents.

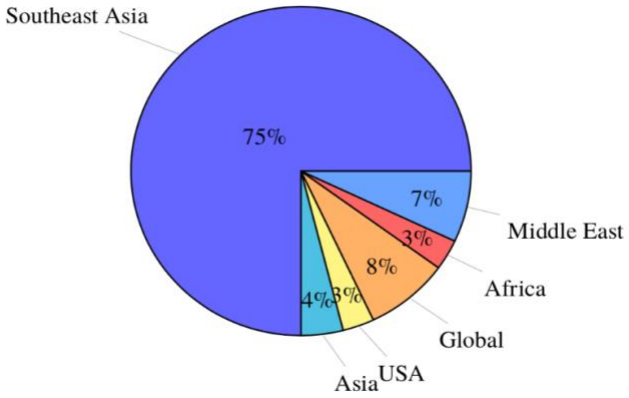


Figure 1 provides a visual representation summarizing the backgrounds of the respondents. The respondents include four asylum-seekers and refugees, twenty-seven academics, sixteen NGO representatives, one Malaysian government representative, and eighteen representatives from UNHCR and ILO. Some respondents self-identified as belonging to multiple backgrounds. Respondents were overwhelmingly interested in, or have worked on, issues in Southeast Asia, as depicted in Figure 2. In particular, question two on the survey elicited fifty-four responses for Southeast Asia, three for other Asian counties, two for the United States (resettlement), six for global issues (i.e., geographically unconstrained), two for Africa, and five for the Middle East.

Using the survey answers from questions three and four, we conducted a systematic thematic analysis on the issues that were highlighted.[16] We proceeded by following six steps: 1) familiarized ourselves with the data, 2) generated initial codes, 3) searched for main perspectives, 4) reviewed perspectives, 5) defined and named the perspectives, and 6) produced the report. Question five provided insight on how respondents view the role of researchers and were used to form the research flowchart in Figure 3. The surveys were anonymous to promote truth-telling and to encourage respondents to speak up about issues that they might not been comfortable speaking about in public.[17] The results of the data analysis are discussed in section three.

Workshop Findings

Participant's Perspectives: The Most Pressing Issues Facing Refugees

Question three elicited respondents to cite the issues they considered "most pressing" facing refugees. We identified five main perspectives, which are depicted in Table 1, in order of

16 Braun, Virginia, and Victoria Clarke, "Using Thematic Analysis in Psychology," *Qualitative Research in Psychology* 3, no. 2 (2006): 77-101; Braun, Virginia, and Victoria Clarke, *Successful Qualitative Research: A Practical Guide for Beginners* (London: Sage, 2013).

17 Anthony D. Ong and David J. Weiss, "The Impact of Anonymity on Responses to Sensitive Questions," *Journal of Applied Social Psychology* 30, no. 8 (2000): 1691-1708; Adam W. Meade, and S. Bartholomew Craig, "Identifying Careless Responses in Survey Data," *Psychological Methods* 17, no. 3 (2012): 437; Alessandro Acquisti, Leslie K. John, and George Loewenstein, "The Impact of Relative Standards on the Propensity to Disclose," *Journal of Marketing Research* 49, no. 2 (2012): 160-174.

importance together with their corresponding subcategories, and implications, if any. These five perspectives were "no legal protection or recognition," "no legal right to work," "no access to affordable healthcare," "no access to formal education," and "frictions with members of host country." It is important to note that most of these perspectives can generally be summarized as a lack of basic human rights, as outlined in the 1948 Universal Declaration of Human Rights.[18] However, exploring each of these perspectives individually and distinctly enables us to form a richer picture on the data collected.

No Legal Protection or Recognition

While living in countries that do not legally recognize them, refugees cannot safely interface with law enforcement authorities without fear of arrest and detention. Refugees are also often lumped together with economic migrants and categorized as "illegal migrants." [19]As a result, refugees do not enjoy freedom of movement within their country of residence. This causes great stress and turmoil, which was reported through survey respondents' interactions with members of the community. A repeatedly cited example in the survey was the detention of hundreds of refugee children in Malaysian immigration centres under "conditions that are not ideal." This agrees with a report by the Malaysian Immigration Department which shows that more than 1,000 children had been detained in immigration centres this year, including 136 Rohingya children and 380 Myanmar children.[20] Furthermore, despite the fact that most refugees in Southeast Asia are not legally recognized by their host country governments, they can still, in many cases, obtain UN documentation recognizing their status as refugees. Unfortunately, this process is opaque and takes a significant amount of time, which leaves many refugees confused and uncertain about their future in the host country.

No Legal Right to Work

Many survey respondents indicated concern with regard to the lack of legal right to work. Refugees in most Southeast Asian countries cannot legally work, which causes severe economic disenfranchisement. Survey respondents also reported examples of high rates of homelessness amongst refugees and high incidences of children begging on the streets to support their families. This corresponds with the perspectives shared among refugees. For example, a key finding in a study conducted with refugees in Indonesia, Malaysia and Thailand was that refugees viewed legal work rights as one of the potential solutions to their mistreatment.[21] A recent study on Burmese refugee issues in Thailand also highlighted the importance of legal right to work and stay.[22]

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[18] UN General Assembly, "Universal Declaration of Human Rights," 1948, Accessed January 22, 2019, http://www.un.org/en/universal-declaration-human-rights/.

[19] Kirsten McConnahie, "Forced Migration in South-East Asia and East Asia," in *The Oxford Handbook of Refugee & Forced Migration Studies*, eds. Elena Fiddian-Qasmiyeh, Gil Loescher, Katy Long, and Nando Sigona (Oxford: Oxford University Press, 2014): 626-663.

[20] Rashvinjeet S. Bedi, "More than 1000 Children Detained in Immigration Centres This Year," *The Star*, October 17, 2018, https://www.thestar.com.my/news/nation/2018/10/17/immigration-dept-has-over-1000-children-in-detention-centres/.

[21] Penelope Mathew, and Tristan Harley, *Refugee Protection and Regional Cooperation in Southeast Asia* (Canberra: The Australian National University, 2014).

[22] Sebastien Moretti, "The Challenge of Durable Solutions for Refugees at the Thai–Myanmar Border," *Refugee Survey Quarterly* 34, no. 3 (2015): 70-94.

Indeed, having no legal right to work is problematic on two fronts. First, it negatively affects the refugee community itself through high levels of poverty and increased participation in loosely regulated jobs with poor working conditions, such as the construction industry. The second problem are the negative externalities towards citizens of the host country through growing levels of income inequality.[23]

No Access to Affordable Healthcare

Refugees in most Southeast Asian countries are unable to access affordable healthcare. This often means that there are few attempts made at disease prevention amongst individuals in this community[24] (Perry et al. 1992). Survey respondents also emphasized the lack of support for mental health needs, particularly amongst female victims of domestic violence and adult males. Excluding refugees – who have often faced significant levels of trauma in their lives – from accessing affordable healthcare has severe long-term effects; in fact, studies have shown that these effects can continue for decades, and are often correlated with an increased risk for physical disease.[25]

No Access to Formal Education

Another key issue raised by many survey respondents is the denial of refugees' right to formal education in the country of asylum. Many Southeast Asian countries do not allow refugee children to attend public schools. In fact, in a study conducted in 2015 by the Migration Policy Institute which included countries like Bangladesh and Malaysia, refugee children experience limited and disrupted educational opportunities, significant language barriers to education access, poorly trained instructors with inadequate resources, and significant discrimination and bullying in educational settings.[26] Education for refugee children in Southeast Asia is typically not a "great leveller" or a method to escape poverty—oftentimes, it is barely adequate.

Frictions with Members of the Host Country

A significant number of survey respondents indicated that refugees face a large amount of frictions with members of the host country. In fact, many respondents reported instances of crimes conducted by citizens of the host country towards refugees, such as petty theft. Discrimination of citizens of the host country towards refugees is not a problem unique to Southeast Asia.[27] Fortunately, it seems to be one that is alleviated by increasing the exposure of the aforementioned

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23 Judith R. Blau, and Peter M. Blau, "The Cost of Inequality: Metropolitan Structure and Violent Crime," *American Sociological Review* (1982): 114-129; Jens Ludwig, Greg J. Duncan, and Paul Hirschfield, "Urban Poverty and Juvenile Crime: Evidence from a Randomized Housing-Mobility Experiment," *The Quarterly Journal of Economics* 116, no. 2 (2001): 655-679; Pablo Fajnzylber, Daniel Lederman, and Norman Loayza, "Inequality and Violent Crime," *The Journal of Law and Economics* 45, no. 1 (2002): 1-39.

24 Cheryl L. Perry, Steven H. Kelder, David M. Murray, and Knut-Inge Klepp. "Communitywide Smoking Prevention: Long-Term Outcomes of the Minnesota Heart Health Program and the Class of 1989 Study," *American Journal of Public Health* 82, no. 9 (1992): 1210-1216.

25 Julie Wagner, Georgine Burke, Theanvy Kuoch, Mary Scully, Stephen Armeli, and Thiruchandurai V. Rajan, "Trauma, Healthcare Access, and Health Outcomes Among Southeast Asian Refugees in Connecticut," *Journal of Immigrant and Minority Health* 15, no. 6 (2013): 1065-1072.

26 Sarah Dryden-Peterson, *The Educational Experiences of Refugee Children in Countries of First Asylum* (Washington, DC: Migration Policy Institute, 2015).

27 Farida Fozdar, and SilviaTorezani, "Discrimination and Well-Being: Perceptions of Refugees in Western Australia," *International Migration Review* 42, no. 1 (2008): 30-63.

citizens to members of the refugee community.[28] Survey respondents also indicated that refugees' voices should be heard and considered more prominently in public discourse to aid in increasing exposure for members of the host country.

Important but Understudied Issues Facing Refugees

For question four on the survey, which elicited responses on important but understudied issues facing refugees, we uncovered six main perspectives, detailed in Table 2. These issues are "mechanisms to improve public cognizance and social integration of refugees into their host countries," "the costs of economic disfranchisement and legal exclusion," "issues faced by vulnerable subgroups of the refugee population," "preventative healthcare measures," and "support for refugee education."

Mechanisms to Improve Public Cognizance and Social Integration of Refugees into Their Host Countries

Survey respondents highlighted the need to expose host country citizens, including government representatives and politicians, to the refugee community and its plights for two key reasons: to eliminate ignorance-based discrimination, and to facilitate empathy and understanding in order to create favourable changes in policy. Survey respondents also indicated that refugees should be empowered to speak on their own behalf in media, and that both humanizing stories and successes, as well as realistic portrayals of suffering, should be featured. Featuring positive stories in addition to negative or difficult accountings is consistent with a 2015 study by Otieno Kisiara which argued that "the totality of the [refugee] presentation environments, especially their focus on narratives of suffering, do in fact reinforce the marginal and powerless position with which refugees are associated."[29] Some examples of mechanisms that might work for improving public understanding and encouraging social integration include providing education in schools on urban poverty, conducting in-depth cultural orientations about the host country for newly-arrived refugees and asylum-seekers, and creating public platforms, such as poetry and story writing competitions, for refugees to share their stories with the public.

Finally, there was a lot of emphasis by the survey respondents on involving refugees directly and thoroughly in any and all research projects surrounding issues facing their communities. In fact, it has been well-documented that community-led interventions have been successful as a mode of reaching out and helping marginalized communities.[30] Refugees should

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[28] John Latkiewicz, and Colette Anderson, "Industries' Reactions to the Indochinese Refugees as Employees," *Migration Today*, 11 (1983):14-20; Malee Sunpuwan, and Sakkarin Niyomsilpa, "Perception and Misperception: Thai Public Opinions on Refugees and Migrants from Myanmar," *Journal of Population and Social Studies* 21, no.1 (2012), 47-58.

[29] Otieno Kisiara, "Marginalized at the Centre: How Public Narratives of Suffering Perpetuate Perceptions of Refugees' Helplessness and Dependency," *Migration Letters* 12, no. 2 (2015): 162.

[30] Jana Smarajit, Ishika Basu, Mary Jane Rotheram-Borus, and Peter A. Newman, "The Sonagachi Project: A Sustainable Community Intervention Program," *AIDS Education and Prevention* 16, no. 5 (2004): 405-414; Sushena Reza-Paul, Tara Beattie, Hafeez Ur Rahman Syed, Koppal T. Venukumar, Mysore S. Venugopal, Mary P. Fathima, H. R. Raghavendra et al., "Declines in Risk Behaviour and Sexually Transmitted Infection Prevalence Following a Community-Led HIV Preventive Intervention Among Female Sex Workers in Mysore, India," *Aids* 22 (2008): 91-100; Amy J. Pickering, Habiba Djebbari, Carolina Lopez, Massa Coulibaly, and Maria Laura Alzua, "Effect of a Community-Led Sanitation Intervention on Child Diarrhoea and Child Growth in Rural Mali: A Cluster-Randomised Controlled Trial," *The Lancet Global Health* 3, no. 11 (2015): 701-711; Carol R. Horowitz, Barbara L. Brenner,

be seen as capable partners and main sources of information regarding their own communities. In fact, academic literature has shown that even the highly illiterate Rohingya of Myanmar "develop certain protection strategies and livelihood mechanisms outside the boundaries of formal asylum, which suggest they possess significant capacities to carve out their own protection space and achieve a level of de facto integration."[31]

The Costs of Economic Disenfranchisement and Legal Exclusion

The two subcategories highlighted were the severe difficulties in obtaining lawful and safe employment as well as the problems with insufficient household income and its role in causing perpetual cycles of poverty. Survey respondents also suggested the need for entrepreneurship training programs for refugees to start their own businesses, which could bypass the problem of legal employment through a private company or organization. Many respondents also highlighted the fact that there are very few organizations or platforms that match refugees to jobs that are appropriate to their skill sets. In the case of highly talented and skilled refugees, such as those from Syria with graduate-level degrees, this causes a great amount of distress due to the inefficient use of refugee talent in becoming productive members of society.

A thorough review of the literature suggested that this issue has been studied in significant amount of detail in Europe – for example, Phillimore and Goodson showed that skilled refugees in the United Kingdom experience high levels of unemployment and often worked in mismatched industries by earning below than average wages.[32] In addition, they argued that economic exclusion often leads to social exclusion, and that initiatives should be started to help them access jobs that fit their qualifications.

Issues Faced by Vulnerable Subgroups of the Refugee Population

Survey respondents indicated that there is a grave necessity to address the needs of vulnerable subgroups within the refugee community such as women, children, LGBTQ individuals, and the disabled. Individuals who belong to these categories are often left behind in the push for economic and social integration for refugees in a host country. This problem is exacerbated for the disabled due to the fact that all ASEAN nations aside from Singapore are still economically developing and thus do not have the same amount of resources to build a supportive infrastructure for disabled peoples' needs. For example, wheelchair accessibility is very poor in countries such as Cambodia and Laos.

Many refugee women also come from patriarchal societies where their needs and wants are never prioritized.[33] Many respondents noted that since most refugee women do not work and rely on their husbands for financial support, they often find themselves in difficult situations for a variety of reasons. Some examples of this are when a refugee woman is abused by their spouse

Susanne Lachapelle, Duna A. Amara, and Guedy Arniella, "Effective Recruitment of Minority Populations Through Community-Led Strategies," *Journal of Preventive Medicine* 37, no. 6 (2009): 195-200.

[31] Samuel Cheung, "Migration Control and the Solutions Impasse in South and Southeast Asia: Implications from the Rohingya Experience," *Journal of Refugee Studies* 25, no. 1 (2011): 50-70.

[32] Jenny Phillimore and Lisa Goodson, "Problem or Opportunity? Asylum Seekers, Refugees, Employment and Social Exclusion in Deprived Urban Areas," *Urban Studies* 43, no. 10 (2006): 1715-1736.

[33] Kerrie James, "Domestic Violence Within Refugee Families: Intersecting Patriarchal Culture and the Refugee Experience," *Australian and New Zealand Journal of Family Therapy* 31, no. 3 (2010): 275-284.

and have to leave their homes, when their husbands die and they must fend for themselves and their children, when they have disagreements with their husbands on household expenditures, or when they get divorced. Thus, the need to create sustainable income streams that can be maintained independently of their spouses is important for women, particularly for female heads of households.

Most of the examples listed by survey respondents also focused on refugee children. In particular, the respondents highlighted child marriages, child workers, child abuse in the home, and child begging. Sexual violence was also referred as a major problem in certain refugee groups, as well as gender-based violence.

Preventative Healthcare Measures

As mentioned above in the thematic analysis for question three, refugees have difficulty accessing affordable healthcare and rarely receive preventative measures for any ailment, physical or otherwise. Thus, the need to provide a range of health interventions in the refugee community and measure their long-term cost-effectiveness and impact is significant. Additionally, on the subject of improving affordability, the provision of subsidized health insurance could potentially encourage more preventative hospital visits and consultations surrounding family planning for young couples and sex education for teenagers and young adults could prevent unwanted pregnancies and provide protection against sexually transmitted diseases.

Support for Refugee Education

The academic literature surrounding the education of refugees has documented that many children within this community are unable to attend formal schooling of any kind due to their lack of legal status. Those who do go to school typically attend community-run schools with limited resources and are taught by teachers who are poorly trained and who "rely on their own experiences of being in school to inform their pedagogy."[34] Thus, improving both the access and quality of education for refugee children is very important. Many respondents gave the example of creating training programs to develop the capabilities and skills of teachers at refugee learning centres.

How Can Researchers Better Serve the Refugee Community?

The last question on the survey asked respondents to give their opinions on ways in which researchers can better serve the refugee community. Using the data, we plotted out the recommended research process to achieve this goal, depicted in Figure 3. Central to this process, as detailed below, is an iterative process that includes members of the refugee community as partners directing the research process and ground truthing the findings.

The process first begins with the researcher *partnering* with the refugee community to conduct baseline assessments and identify issues and problems to be tackled within the research project. Although many researchers engage refugee individuals as interpreters in their fieldwork, many respondents also highlighted the need to form a partnership with the community that goes

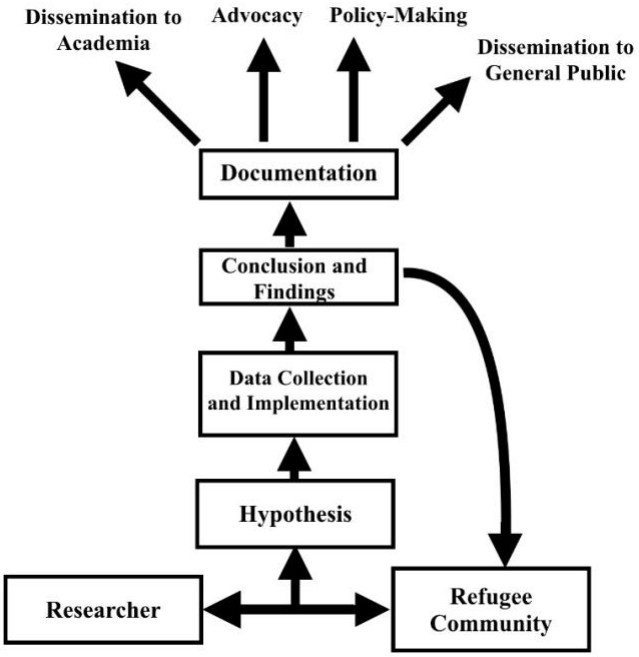
[34] Jackie Kirk, and Rebecca Winthrop, "Promoting Quality Education in Refugee Contexts: Supporting Teacher Development in Northern Ethiopia," *International Review of Education* 53, no. 5-6 (2007): 715-723.

beyond practical matters—indeed, they argued that academic research could only be impactful and create change in refugee communities if the research itself involved the community members as partners, and not merely as participants. One respondent remarked that "*researchers must ask [the refugees] what they want*," and another said that "*researchers must understand what refugees need to be able to thrive, and not just to survive*." Furthermore, special attention should be paid to ensure that there is a useful product or finding at the end of the research project, and that it is not an exploratory exercise in navel-gazing.

Then, the problem to be tackled should be refined and scoped down to form a hypothesis—this might be something like "Do refugees need to know how to read in the local language to gain employment?"—which can then be tested. The researcher should use her expertise in the academic and policy literature to determine that the hypothesis has not been answered in the context she is interested in, and can in fact be tested, given the constraints of the project (time, finances, etc.). This is to alleviate the problems of duplicate and failed studies.

After the data are collected, the researcher will then be able to draw a conclusion and form an answer to her initial research question. At this point, it is of *utmost importance* that these findings and answers be communicated back to the refugee community. This is crucial for two reasons. The first is that the personhood, expertise, and partnership of the refugees involved in the initial research should be validated and appreciated. Many survey respondents argued that this particular step is the one is often forgotten. The second reason is that this communication back to the community may in and of itself be the impact – if, for example, literacy in the local language is found to be a predictor of meaningful employment, then knowing this fact can economically help the refugee community.

Figure 3: Partners, not participants—flowchart showing the recommended research process when engaging with the refugee community



The next step in the process is to rigorously document the study, the collected data, the findings, its potential impact (if any), and most importantly, if the study failed, the reasons why it did. Academics often do not focus on their failures in conducting fieldwork because the publication process in many fields does not reward such papers, but when the fieldwork concerns understudied marginalized populations such as refugees in Southeast Asia, knowledge about failures, and reflections on why the failures happened, are tremendously helpful.

The final step involves documentation, which can take a variety of forms. The study should be documented in a peer-reviewed academic journal article for dissemination to academia—this is to help future researchers start their own projects without duplicating prior efforts. A simplified version of the study, perhaps in the form of a short report or editorial in the popular press, could also be published for dissemination to the general public in order to inform them on refugee issues. Finally, academic researchers can also use the data and findings to advocate for the rights and needs of the refugee community as well as assisting governmental agencies and politicians in creating sensible policies that help, not harm, refugee communities.

Conclusion

In this report, we presented the results of the qualitative data obtained during an interdisciplinary research workshop. The data were collected from a diverse range of respondents based in Southeast Asia who differ in their levels of experience working in the field with refugee communities but are united in their shared goal of creating change and bettering the lives of refugees. We used thematic analysis to extract the most pressing as well as important but understudied issues facing refugees. These key issues revolve around the themes of legal recognition, livelihood as well as access to education and healthcare. Another key area that is critical and yet largely overlooked is the vulnerable subgroups of the refugee population including children, women, LGBTQ+ individuals and the disabled. We also constructed a research process flowchart which can be used by researchers interested in collaborating with refugee communities and using data to advocate for their rights. The findings presented here which reflect the opinion of key stakeholders in the field of refugee issues in Southeast Asia may serve as a useful reference for future studies in this area.

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Appendix

Table 1: Most pressing issues facing the refugee community in Southeast Asia

Perspectives	Subcategories	Implications
• No legal protection or recognition	• Unsafe living conditions • Constant fear of immigration and police • Arrests and detentions • No freedom of movement within the host country • Lack of clarity and understanding surrounding resettlement process • Difficulty obtaining UN documentation	• Difficult to access legal representation • Children are detained by immigration authorities • Cannot access social protection • Face both societal and economic integration issues
• No legal right to work	• Poverty • Labor exploitation and forced labor • Lack of financial freedom • Need for support for entrepreneurship ventures	• Homelessness as a result of having no income • Child beggars • Lack of financial freedom
• No access to affordable healthcare	• Lack of support for physical and mental health needs	• Female victims of gender-based violence cannot access public healthcare safely and affordably • Workers cannot seek medical care for workplace injuries
• No access to formal education	• Low levels of host country language skills and literacy amongst certain refugee groups • Perpetuation of the cycle of poverty through the systematic exclusion of children from formal schooling	• High dropout rates from community-based schools • Untrained or poorly trained teachers
• Frictions with members of host country	• Lack of cultural and social integration • Lack of public awareness and empathy for refugees • Trade-off between own cultural retention and host country's culture	• Refugee voices are not heard or considered in public discourse • No cultural orientation to situate refugees within the host country once they first arrive

Table 2: Important but understudied or ignored issues facing the refugee community in Southeast Asia

Perspectives	Subcategories	Implications
• Mechanisms to improve public cognizance and social integration of refugees into their host countries	• The need to expose host country citizens to the refugee community and its plights to eliminate ignorance-based discrimination • Encouraging refugee empowerment and public depictions of personhood	• Educate the public highlighting similarities between disadvantaged host country groups and refugees • Engage refugees as partners • Create public platforms for refugees to tell their stories • Conduct cultural orientations for newly arrived refugees
• The costs of economic disenfranchisement and legal exclusion	• Difficulties in obtaining lawful and safe employment • Insufficient household income causing perpetual cycles of poverty	• Refugees not matched to jobs that are appropriate to their skills • Homelessness • Labor exploitation and forced labor
• Issues faced by vulnerable subgroups of the refugee population	• Urgent need to implement early interventions in the refugee community to address issues surrounding women, children, LGBTQ individuals, and the disabled • Create sustainable income streams for females	• Child marriages, workers, and begging • Child abuse in the home • Sexual violence • Gender-based violence
• Preventative healthcare measures	• The importance of mental health interventions • Need for health insurance to improve access to healthcare • Family planning consultations and sex education for teenagers and adults	• Coping mechanisms for stress and trauma • Education on nutrition

• Support for refugee education	• Improve access and quality of education for refugees	• Develop the skills of teachers at refugee learning centres

Informal Solidarity Networks with Asylum Seekers and Refugees: A Practitioner's Perspective

DORA REBELO[1]

Abstract

In the aftermath of the events which came to be known as "refugee crisis", most EU countries tightened their admission criteria for asylum seekers, proposing re-interpretations of the Geneva Convention. Many individuals and families were left out of the system, "rejected" or turned "destitute", under the laws of the States. Unable to find legal solutions for their lives and with limited access to humanitarian support, some asylum seekers exclusively depend upon informal solidarity networks across Europe. During the last 5 years, I have been working with refugees and asylum seekers through several formal and informal systems of solidarity. As a practitioner, I witnessed how volunteers and activists started to be targeted by legal actions and policies that limited their ability to assist asylum seekers. This repression of solidarity seems to ultimately aim at weakening and dividing European citizens' resistance against hard-line immigration policies.

Keywords: Solidarity, Ethics, Asylum Seekers, Activism

Introduction

Asylum seekers' lives are deeply entrenched with political meanings. They embody a contradiction between politics of life and politics of indifference,[2] reclaiming mobility and equality in a world that sees them as alterity.[3] Politics of indifference are manifested by the inflexibility and inability (or unwillingness) to adapt to the needs of asylum seekers. Governmental authorities and institutional actors' authority operate through the disciplining of bodies: docile bodies conform to normative rules and expectations, whereas non-conforming bodies will find it hard to be seen, heard and understood.[4] Conversely, politics of life can be manifested through the establishment of informality and fluidity beyond the rigidity of the institutional spaces. Informal solidarity can

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2 Michel Agier, *Managing the undesirables. Refugee Camps and Humanitarian Government* (Cambridge: Polity Press, 2011).

3 Michel Agier, *Borderlands: Towards an Anthropology of the Cosmopolitan Condition* (New York: John Wiley and Sons, 2016).

4 Michel Foucault and François Ewald, *"Society Must Be Defended": Lectures at the Collège de France, 1975-1976* (New York: Picador, 2003).

perform a movement towards agency and control of resources, redefining hospitality in the interstices of informal relationships, co-creation of reciprocity networks and deconstruction of cultural stereotypes.

During the last seven years, I have been working with asylum seekers and refugees in different contexts, witnessing and participating in several formal and informal initiatives of solidarity. I started working as a humanitarian mental health practitioner in 2012, in Yemen and Ethiopia. From 2015 to 2017, I worked in the UK and in Greece; and from then on, I have been researching on informal solidarity and activism, amidst the rise of the infamous "*délit de solidarité*."[5] In October 2013, while working in remote refugee camps of Northern Ethiopia, I witnessed the impact of the Lampedusa tragedy in the local community of Eritrean asylum seekers. During a period of one week, several mourning ceremonies took place in the camps, involving its residents, the host community, numerous aid workers and local volunteers. One thing is to mourn and grieve over a dead body, whose physicality confronts us with the factual loss of a person; a very different thing is to mourn and grieve over absent bodies, experiencing an ambivalent loss. As days went by without any news or communication, relatives deducted that their loved ones could be among the people who drowned in the Mediterranean Sea. A few families started to receive phone calls confirming the worst. Hundreds of people dressed in white cried together and shared their pain under improvised tents set up to host the ceremonies. Priests and Imams prayed together and guided their communities through the rituals of grief and mourning. The image of the dead bodies lost at sea and the realization that they might never be recovered added an indescribable heaviness and emotional charge to the funerals.

Europe reacted vigorously to the Lampedusa tragedy. Italy and Malta called for more European Union Funds put into rescue operations, calling the tragedy a "migrant emergency." European leaders, local authorities in Italy and humanitarian collectives around the continent organized a memorial and committed themselves publicly to prevent further tragedies. The memorial included a funeral ceremony, where hundreds of empty coffins were buried into anonymous vaults at Piano Gatta cemetery, in Sicily. Adult coffins were brown, and children's coffins were white, decorated with teddy bears securely attached to the lid.

Operation *Mare Nostrum*[6] was launched by the Italian Government as an immediate response to the "emergency," in late October 2013, funded by the European Union (EU). The operation lasted twelve months, saving thousands of lives but, allegedly due to the high maintenance costs, in October 2014 *Mare Nostrum* was stopped. In the exact same month Operation *Triton*, run by Frontex,[7] was launched with a very different goal: *"Frontex supports the Member States (MS) to achieve an efficient, high and uniform level of border control. Frontex coordinates operational measures to jointly respond to exceptional situations at the external*

[5] Juridically the concept "délit de solidarité" does not exist, but it is used as a reference to the condemnation of people who assist undocumented migrants or denied asylum seekers. It is based on the national and European laws that prohibit the entrance, permanence and circulation of undocumented migrants.

[6] Mare Nostrum Operation was launched by the Italian Government on October 18, 2013, as a military and humanitarian operation aimed at tackling the humanitarian emergency propelled by the increase of migration flows. (http://www.marina.difesa.it/EN/operations/Pagine/MareNostrum.aspx, 2019).

[7] Frontex is the European Board and Coast Guard Agency and their goal is to "promote, coordinate and develop European Border Management in line with the EU fundamental rights charter and the concept of EU-integrated border management." "Roles & Responsibilities" Frontex, accessed May 1, 2019, https://frontex.europa.eu/operations/roles-responsibilities/

borders."[8] This clear change in policy marks the beginning of what has become a profound European "U-turn" in the ethical and moral framework concerning the management of migrants and asylum seekers.

When the so-called "refugee crisis," begun, in 2015, most EU countries toughened their immigration policies, including the admission criteria of potential asylum seekers. As a consequence, an outstanding number of people was left out of legal pathways, becoming destitute under the laws of the EU States. Unable to find legal solutions for their lives in Europe, and with limited access to humanitarian support, some refused asylum seekers became exclusively dependent on informal solidarity networks run by civil society individuals and collectives.

As an observer and a participant in solidarity initiatives, I have been witnessing a significant number of civil society movements engaging volunteers and activists to help asylum seekers. Simultaneously, there has been an increase of policies and laws that aim at curtailing the solidarity actions that support asylum seekers and undocumented migrants (these categories became blurred in the territory of informal solidarity). This repression of solidarity and activism seems to come hand in hand with stricter immigration policies and border control mechanisms. Volunteers and activists have the ability to establish more humane and horizontal relationships with refugees and asylum seekers, due to the characteristics of their informal support. But this does not mean that informal solidarity cannot replicate the exact same dynamics observed in humanitarian or social support institutions. However, when volunteers, refugees and asylum seekers become activists together, speaking up as active citizens, against the hard-line policies of their States, they are likely to encounter resistance. They can be perceived as "incompatible," "idealistic", "naïve," "threatening" or even "dangerous", for working outside the rules established by the more "normative" institutional powers. The current "trend" in European countries is to try by all possible means, to limit and deter the most vocal informal solidarity actors.

Informal Solidarity as Civil Society Resistance

Navigating Leeds Informal Support Networks

From 2015 to mid-2016 I worked in a grassroots organization in Leeds, United Kingdom (UK), where I was able to participate in informal community-based initiatives, aiming at helping local asylum seekers. Recognizing the growing situation of destitution in the UK, a group of citizens organized a regular *drop-in* in 2006, at a local church, to provide humanitarian assistance, legal advisory and general guidance about the city's resources. I worked as a mental health practitioner, connecting newcomers to the wide range of services available, mainly offered by volunteer networks and activist associations. Statistics from the British Red Cross (BRC) estimated in 2017 that 14,909 people recurred to humanitarian aid in the UK, due to destitution.[9] This statistic represents a 10 percent increase from the previous year and a 40 percent increase from 2015.[10] Many asylum seekers I met in the UK during this period had been destitute for longer than two years, recurring to existing informal solidarity networks to survive; or establishing their own,

[8] "Frontex Annual Activity Report 2014." Frontex, 7, accessed April 15, 2020, https://www.europarl.europa.eu/cmsdata/84687/FRONTEX%20AAR%202014_13.05.2015.pdf

[9] British Red Cross, "Still an Ordeal: Move on Period for New Refugees," 2017, accessed April 15, 2020, uk/-/media/documents/about-us/research-publications/ · refugee-support/move- on-period-report.pdf

[10] Ibid.

connecting with relatives, acquaintances, neighbours and/or grassroots associations. If an asylum seeker exhausted all legal pathways into acquiring a refugee status, he/she had limited options to remain in the United Kingdom: 1) temporary arrangements at volunteers' houses; 2) applying to a homeless shelter or 3) applying to charity-run housing (available to the most vulnerable cases). Aside from these discernible options, many chose to live as homeless or found their own hosts among relatives, friends and acquaintances.[11] Entering the job market was not an option for asylum seekers, who were therefore particularly vulnerable to exploitation and abuse. Some were engaged in occasional or seasonal occupations in the "black market," but wages could be as low as 1£/hour.[12] Others were hosted by family members or acquaintances under an informal agreement to work for them in return. One Eritrean woman living alone in the UK (waiting for her asylum claim to be reviewed), had to send all her weekly stipend back home, where one of her sisters was taking care of her four children. To survive, she lived with a friend who did not charge her any rent or utilities but kept asking her to do all sorts of daily domestic chores and retained her passport to prevent her from leaving.

Destitute asylum seekers who sought support at the drop-in were offered a variety of informal services which allowed for a certain level of choice and control. Besides the accommodation arrangements, they had access to medical care, physical activities, leisure activities, peer-to-peer support groups, mental health care and psychosocial support, language learning, training opportunities, regular donations of toiletries, food and clothing. Volunteers and activists in Leeds (some of them refugees or former refugees themselves) had a key role in humanizing this informal solidarity system.[13] While the Home Office seemed committed to deter and limit the ability of refused asylum seekers to remain in the territory,[14] a wide range of random people with no obligations towards the social support system, made asylum seekers' daily routines feel more normal and bearable, increasing their resilience in a progressively harsher (and certainly more hostile) environment.[15] As time went by, during my year-long assignment in the UK, the so-called "refugee crisis" started to gain "momentum" in the media, particularly after the emblematic image of Alan Kurdi, the three-year-old Syrian child who died at sea, created waves of protests and indignation among civil society. I was answering countless phone calls from potential new benefactors, calling to offer support to refugees, although specifically aiming at helping Syrian people. When I explained them that Syrian refugees actually were entering the country legally and were entitled to Home Office support and housing upon arrival (as opposed to the asylum seekers I was assisting), many people lost interest. In fact, public opinion in the UK was moving towards a more populist approach boosted, in part, by UKIP[16] Party's "Leave" campaign, advocating for

[11] Student Action for Refugees, "Still Human Still Here: Briefing on Destitute Asylum Seekers, 2011," accessed April 15, 2020, http://www.star-network.org.uk/images/uploads/documents/Destitution_Briefing_Dec_2011.pdf

[12] Heaven Crawley et al., *Coping with Destitution: Survival and Livelihood Strategies of Refused Asylum Seekers Living in the UK* (Oxford: Oxfam, 2011).

[13] Refugee Action, "The Destitution Trap: Research into destitution among refused asylum seekers in the UK," accessed April 17, 2020. http://www.temaasyl.se/Documents/Organisationer/Amnesty/The%20Destitution%20Trap.pdf

[14] Home Office, *Enforcing the Rules: A Strategy to Ensure and Enforce Compliance with our Immigration Laws* (London: Home Office, 2007).

[15] Hannah Lewis, *Destitution in Leeds: The Experiences of People Seeking Asylum and Supporting Agencies*, (Yorkshire: Joseph Rowntree Charitable Trust, 2007).

[16] UKIP is an abbreviation for United Kingdom Independence Party.

"Brexit."[17] Volunteers and activists working alongside destitute asylum seekers struggled to maintain funding and staff under this pre-Brexit scenario. Informal associations which depended on public fundraisings lost private donors, under a growing suspicion of imaginary "fake refugees." For most asylum seekers in the UK, informal support networks made a significant difference in their perceived social inclusion, which turned 2016 into a particularly challenging year.

Nonetheless, one of the most interesting initiatives I saw starting during my assignment was carried out at exactly this period of time, by a group of volunteer refugees from Iran. Most of them had been in the country for more than six years and were already settled. Their motivation to help others was the identification with the suffering expressed by Iranian asylum seekers under UK's hostile environment and a sense of duty to help them resist. By helping their compatriots navigate a friendlier side of the city, former refugees expressed that they were strengthening their own social network and their influence in the community. The initiative started as a "self-help group" which gathered every week at the same time, in a lent room provided by a local charity. Initially, group members mostly shared practical guidelines and supported each other in accessing local services. But a few months into the regular weekly meetings, the group was naturally consolidated as an informal association of the Iranian community in Leeds. They not only offered informal support to newcomers, but actually represented the whole community in public forums and events, engaged in new social initiatives and expanded their network.

Stranded in Greece: Resistance and Solidarity in the Aftermath of the EU-Turkey Deal

Just before the Brexit referendum, in May 2016, I decided to work closer to the epicenter of the so-called "refugee crisis," accepting a position as psychosocial support coordinator in an international NGO responding to the needs of asylum seekers stranded in mainland Greece. Around 60,000[18] asylum seekers at that time were living in multiple volatile and fragile settings throughout the country (e.g. tents and containers below humanitarian standards, makeshift shelters, deteriorated buildings, etc.). Soon after the "crisis," the Greek asylum system revealed inadequacy and insufficient means to comply with its own policies. The European Commission, in its Fourth Recommendation on Dublin transfers to Greece, issued in December 2016, mentioned: *"In the mainland (…) much of the remaining reception capacity consists of encampments and emergency facilities with widely varying and often inadequate standards, both in terms of material conditions and security. Winterization of some of these facilities has commenced but progress is slow. Even with improvements, it will be difficult to turn some camps into suitable permanent reception facilities, and there may be a need to close them down, while consolidating others. Moreover, overall coordination of the organization of reception in Greece appears to be deficient, due to the lack of a clear legal framework and monitoring system."*[19]

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[17] Brexit is an abbreviation for "British exit," referring to the withdrawal of the United Kingdom from the European Union, decided by referendum in June 23, 2016.

[18] "AIDA: Asylum Information Database, Country Report: Greece 2016," *Greek Council for Refugees*, accessed April 17, 2020, https://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2016update.pdf

[19] "European Commission recommendation of 8.12.2016 Addressed to the Members States on the Resumption of Transfers to Greece under Regulation (EU) No. 604/2013 201613," *European Commission*, 2016, accessed April 15, 2020, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/recommendation_on_the_resumption_of_transfers_to_greece_en.pdf

The majority of refugee camps I have seen in mainland Greece (my project included thirteen) were located in remote sites such as abandoned warehouses, old airports, deactivated touristic hotels, military premises, farmlands or isolated lands, all of which lacking the most basic standards of living. As a consequence, increasing numbers of fatal accidents and suicide attempts occurred during my assignment. In November 2016, a sixty-six-year-old woman and her six-year-old grandchild died in Lesbos, when a gas bottle inside their tent exploded. In January 2017, three men died due to carbon monoxide poisoning from makeshift heating devices used to warm up their freezing tents. In March 2017, in *Elleniko* (a camp located in an old Olympic compound in Athens), a six-year-old girl fell off the top floor of a hockey camp's arena, where her family was sheltered. In Attica, Afghan and Pakistani asylum seekers who were not included in the EU's relocation program[20] found themselves under particularly vulnerable circumstances. Their only hope was the illegal crossing of borders, which became almost impossible as EU countries reinforced and even militarized their borders. Increasingly, more people literally became "stuck" after repeated asylum rejections, "returns"[21] from other EU countries and unsuccessful attempts to leave. During November and December 2016 (the colder months of winter), myself and my team dealt with approximately ten suicide attempts by Afghan and Pakistani asylum seekers alone.

Hundreds of self-designated "independent"[22] volunteers, activists and informal collectives from all around Europe, came to Greece to support asylum seekers through different means (e.g. donations of goods, implementation of activities, facilitation of workshops, etc.). Multiple activists and volunteers intervening in this context were often unable to coordinate solutions among each other and with the authorities that managed the camps. Informal volunteers providing humanitarian relief had different ideas about how to work with asylum seekers, at times causing unintended confusion (e.g. giving different information to the same individuals, duplicating existing services or repeating donations that had already been distributed, "competing" for asylum seekers, etc.). The summer of 2016 was particularly notorious in the quantity and diversity of volunteers coming to Greece for a mix of "voluntourism"[23] and solidarity. I keep, amidst the memories of my assignment, a few images that show the discrepancies between the reality of the camps and the imagination of informal volunteers. One solidarity collective opened by activists in Britain came to Greece in the peak of August's heat, driving a full van of donations. The van drove around with its given name in capital letters (reading "Soup and Socks") until, a few weeks later, it changed into a more appropriate "Habibi.Works." In yet another August day, in a small camp of northeast Greece, I watched as tons of donated items arrived at the local warehouse, from all over Europe. Among the donations were heavy winter boots, coats with fur, shoes with high heels, carnival masks, lane leggings, lane scarfs and multicolored wigs. Later, in the same camp, a group of Catalan psychology students wanted to see if, while staying at the camp, they could provide

[20] Relocation Program consisted of an agreement between EU countries to relocate asylum seekers from Greece and Italy into other EU countries, using a system of quotas (talking into account the population and the economic conditions of each country). The agreement was voluntary (non-abiding) and some countries refused to take part in it. Some nationalities were not permitted in the program (this was defined by a rule set up by the EU, based on the percentage of nationals previously admitted in EU countries for asylum). This rule automatically excluded nationals from Afghanistan and Pakistan, for example, from the program.

[21] Returns took place when EU countries migration services, complying with the Dublin Agreement, returned asylum seekers to the first country where they sought asylum, in this case Greece.

[22] Some volunteers used the term "independent" to underline the fact that they were not attached to any formal aid organization and therefore were not bound to the limitations set by institutions in providing help to asylum seekers.

[23] Voluntourism refers to a popular form of international travel that mixes holidays and volunteering.

emotional support to refugees. I asked them about their availabilities, and they told me: "we're here until tomorrow." A scarier event took place in *Redestos*, close to the town of *Thessaloniki*, where I was called to assist a psychologist dealing with a suicide attempt. One volunteer nurse had been distributing medication among the community, purchasing psychotropic drugs from her own pocket and leaving one suicidal asylum seeker with a whole box of benzodiazepines. These are all examples of good intentions gone wrong, in different scales, as performed by informal volunteers. It goes to show how solidarity can be performed as a form of charity for "imagined victims" and how the lack of experience and critical reflection can become harmful. Nonetheless, many other solidarity collectives were able to create pragmatic solutions that changed the routines of residents in the camps. Some solidarity collectives oversaw informal schools ran by volunteers, offering a full schedule of classes to children of all ages. Others were able to assure *women and girls' friendly spaces*,[24] with maternal care and peer-to-peer support groups, available on a daily basis. In the northern town of *Katsikas*, one of such collectives was able to deliver a full schedule of activities throughout the whole summer of 2016. Dozens of options were available, including workshops, health and social services, language exchange meetings, relaxation exercises, recreational spaces, tea tents, dance and music lessons, concerts and even a circus.

Simultaneously, thousands of refugees tried to self-organize outside the "official" camps. One of the reasons was obviously the worsening of its bleak conditions, particularly during the winter. Another motive was the increasing insecurity of the camps, where protests against camp manager authorities and clashes between residents were intensifying. The daily frustrations and dire conditions at the camps were aggravated by incidents of racist violence targeting camp residents. Many asylum seekers dealt with this growing hostility and bleak conditions by constantly moving around. Some often slept in squats run by local activists, shared floors with friends and acquaintances, occupied abandoned buildings or simply stayed in the street. Sleeping rough in a place of their choosing had the advantage of granting asylum seekers more independence and less visibility. To escape the lack of dignity and agency that was forced by the camps' management, some asylum seekers partnered with local activist groups, particularly in Athens, where anarchist squats such as *Notara 26, Oniro, Spirou Trikoupi, 5th school, 2nd school* and *City Plaza* were transformed into "refugee hotels." Most of the squats were located in *Exarcheia*, a historic neighborhood where activist movements organize social centers, clinics, kitchens, schools, warehouses, cafes, clubs and bars. Squat-hotels were places where informal solidarity seemed to thrive, away from the frustrations prompted by living the standards in the official camps. Activists and asylum seekers worked together to run schools, cafes, language schools, leisure activities for children, kitchens, warehouses, etc. Residents were likely to share a sense of normalcy and safety, despite the constant threat of eviction and racist violence. *Notara twenty-six* was actually attacked by extreme right groups, armed with Molotov cocktails and gas bombs in August 2016; after suffering an eviction by Greek authorities, earlier in that year. Most of the squats face similar problems until this day (during August and September 2019 all remaining squats in *Exarcheia* were evicted by Greek authorities and asylum seekers were forced back into official camps). The interesting thing about *Exarcheia*'s informal solidarity movements at this time was that the resistance which characterized the historic anarchist struggle was merged with the asylum seekers' own claims against Greek and European authorities. Resistance slogans were now written in Greek, Arabic, Pashto and Farsi in the walls of the neighbourhood. The collective

[24] Women and Girls Friendly Spaces (WGFS) in refugee camps aim at providing a safe place where only women and girls can enter, to socialize and participate in structured psychosocial support activities.

resistance gave rise to new events hosted by the local community centres, such as the commemoration of festive days in the Islamic calendar, Arabic classes, Syrian dancing lessons and even Mahmood Darwish poetry readings.

Informal solidarity is not comprehensive and certainly does not offer a substitute for a legal status. It can even be dangerous, under hostile sociopolitical environments. However, the company of engaged individuals, activists and volunteers showing informal support seems to be perceived by asylum seekers as a definite promoter of safety, dignity and protection. Two years later, in 2018, I interviewed three Portuguese volunteers who volunteered in Greece during this period. They worked in two squats operated by anarchist collectives in *Exarcheia*. Months after their experience, they concluded that informal models of intervention have many advantages, when compared to conventional humanitarian work. One of the noted advantages was the relationship established. They perceived activism as a non-hierarchical relationship, where they could become allies and even friends with asylum seekers. However, when they reflected on "checks and balances," a few disadvantages were mentioned, namely the lack of structure and coordination amongst informal collectives. The volunteers justified:

> as informal collectives rely upon very few long-term staff, unable to run the activities without the support of temporary and inexperienced volunteers, they are constantly dealing with misunderstandings, mismatched abilities and unrealistic expectations. Temporary volunteers try to adapt to an ever-changing and unpredictable context, where they are expected to take important decisions without any previous experience. To add up to these complex problems, our first squat was threatened by fascist armed groups during our stay.

The three volunteers became involved with these collectives by chance, during their summer holidays. It was their first experience living and relating to an "*anarchy-minded* collective" (using their own words). They quickly understood that the organization and the routine was "*completely non-structured,"* and they were expected to decide for themselves what they would do to help. "Some volunteers actually spent most of their days out of the squat, enjoying the Greek summer," they commented. "Other volunteers committed to daily work with children, ensuring a daily routine of classes, extra-curricular activities and recreational games" (referring to themselves). The Portuguese volunteers presented an overall experience of very intensive work, where they felt "*completely on their own,"* creating very strong bonds with the refugees. However, they also admitted that these bonds were mostly broken upon their departure to Portugal: "we keep in touch with only a few refugees, by Facebook."

Meanwhile, in the official camps where I was working, one of the most mentioned problems faced by aid agencies was the relationship created by informal volunteers with camp residents. These encounters were usually very intensive but typically lasted for two to four weeks. The camp residents (particularly the younger ones) commented that "we can't get too close to volunteers, because now we know these people only come for a while, then they go back to their countries and we stay here. Some of them don't even answer on Facebook anymore." Complex ethical problems were created by these relationships, particularly due to the different positions of power and privilege between volunteers and asylum seekers. A few volunteers were clearly taking advantage of their position by bringing recreational drugs to the camps or by encouraging sexual encounters. After the summer of 2016, Greek authorities, UNHCR and other non-governmental humanitarian

organizations operating in the camps, discussed the ethical problems raised by informal solidarity and decided to set a number of conditions for the admission of "independent volunteers." From then on, informal volunteers needed to apply for official permission or to associate themselves with one of the already "recognized" collectives. The condition to become a "recognized collective" included a working plan approved by the humanitarian agencies and the Greek authorities and a "code of conduct." Solo and unknown volunteers, external to this formal support system, were discouraged. The majority of camp residents protested and contested this decision, expressing that it was a bad verdict. While some volunteers could aggravate the risks that asylum seekers were already exposed to; most volunteers were perceived as well-intended, and the only ones to establish the type of horizontal relationships that provided them a sense of normalcy.

"Délit de Solidarité"

European legislation governing the assistance to migrants and asylum seekers contains a rule which provides a common definition for "*enabling illegal immigration"* and defines three offenses:[25] "(*i) any person who intentionally assists a third country national to enter or transit across the territory of a Member State or assists such a person, for financial gain, to reside within a Member State, must be sanctioned; (ii) Member States can choose not to criminalise the facilitation of unauthorized entry and transit, where the aim of the behaviour is to provide humanitarian assistance to the person concerned; iii) It also extends the offence to instigators or accomplices, as well as to those who attempt to commit such offence.*" When the goal is to provide humanitarian assistance, EU countries are not obliged to impose sanctions. However, there is no recommendation for humanitarian exemptions in European law. Most countries in Europe transposed this legal directive into their national legal frameworks without taking into consideration that they can exempt citizens who provide informal humanitarian support. As such, the year of 2016 was marked by an increasing number of volunteers and random citizens indicted with crimes of human trafficking and instances of what has become known as "*délit de solidarité*" or "solidarity crime" (allegedly for helping undocumented immigrants to enter, circulate or remain in European territory).

Lisbeth Zornig was one of the first activists who became known through the media, after being fined in Denmark for giving a ride to a Syrian family on the move. However, in February 2016, an article in *The Guardian* exposed that there were already 279 people accused of human trafficking, since September 2015, only in Denmark. In France, Cédric Herrou, Pierre-Alain Mannoni and Martine Landry became the most mediatic cases of "*délit de solidarité.*" Martine Landry, an activist from *Anafè* and Amnesty International, was sued for facilitating the entry of two undocumented foreign minors (in her own testimony, she was accompanying two children on foot, from Ventimiglia to a French police station, where they were going to be taken by Social Security, under the French asylum law). She incurred in a penalty of up to five years in prison or a fine of € 30,000, until her acquittal, in July 2018. Cédric Herrou and Pierre-Alain Mannoni were prosecuted for transporting and hosting undocumented migrants. In order to convict them, the Court of Appeal rejected the justification that their aid was not criminal because it was not provided in exchange

[25] "Commission Staff Working Document Refit Evaluation of the EU Legal Framework Against Facilitation of Unauthorised Entry, Transit and Residence: The Facilitators Package (Directive 2002/90/EC and Framework Decision 2002/946/JHA)," *European Commission,* 2006, accessed April 15, 2020, https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/swd/2017/0117/COM_SWD(2017)0117_EN.pdf

for any financial gain. The Court argued that their actions were reprehensible for being part of a militant intent to deauthorize the migration policy pursued by the State [26].

The intimidation of volunteers and activists emerged as a response to spontaneous initiatives of opposition and resistance to hardline migration policies. Using a juridical rationale for this purpose had implications in the collective consensus, namely by normalizing the marginalization of solidarity and deterring practices of spontaneous humanitarian aid. The "*délit de solidarité*" stands, therefore, as an obstacle for the freedom and ability to exercise a full citizenship. In a growing number of countries, citizens have now to risk their own liberties to defend the ethical and humanitarian values in which they believe. In a context where public opinion is increasingly shifting into a more populist narrative about migration; suppressing solidarity may help to reinforce these radical views. In spite of this, activists and humanitarian actors have been persistently saving lives, distributing food, offering shelter and providing the protection they expected State institutions to guarantee. As such, citizens have been substituting their own Governments in the application of legal obligations which their States subscribed to, by signing international conventions (e.g. Geneva Convention, Maritime laws, Convention of Human Rights, Convention of the Rights of the Child, etc.). What we have been witnessing in the past four years is a growth and a normalization of repressive measures towards solidarity, climaxing with the prohibition of humanitarian vessels to even approach EU shores, in 2019. Let us remember that 2019 started with forty-nine migrants rescued by "Sea Watch," one of the few remaining humanitarian vessels rescuing people from drowning in the Mediterranean Sea, ordered to remain at shore, away from European ports, for a total of twenty-two days, until eight countries agreed to redistribute the passengers amongst themselves. As 2019 went by, this "appalling" event became "common," as migration authorities kept implementing even harsher policies of criminalization of sea rescue activities.

Final Reflections and Suggestions for Practice

Civil society resistance continues to pose a set of obstacles and ethical conundrums to hardline policy-makers, but the sustainability of informal solidarity initiatives is constantly at risk. Activists and volunteers who persistently reclaim asylum seekers' rights try to succeed in countering State authorities' deterrence measures. But how much and for how long? My observations in different contexts, throughout the past years, led me to conclude that informal solidarity is difficult to reconcile with the regular and mundane obligations of engaged civil society actors. The sustainability of informal solidarity initiatives is challenging as it is performed under "no obligations" but confronted with a reality where there are no durable solutions. This factor poses constant moral and ethical concerns which need to be negotiated and reconciled between people with a wide range of expectations and availabilities.[27]

Once a solidarity collective is well established in a community, there will be a point where the needs and the difficulties overcome the available resources. So where to go from there? A

[26] "The 'crime of solidarity' On the symbolism and the political message behind Court rulings." Roxane de Massol de Rebetz, 2017, accessed April 15, 2020. https://leidenlawblog.nl/articles/the-crime-of-solidarity

[27] Elena Fontanari and Giulia Borri, "Introduction. Civil society on the edge: actions in support and against refugees in Italy and Germany." *Mondi Migranti*, no.3 (2017): 23.

collaborative work with a diverse team of informal volunteers, integrating different knowledges and experiences seems to have many advantages in this endeavour. Nevertheless, it requires an amount of time and effort spent in coordination and administrative activities, which is difficult to achieve when volunteers have full time jobs and their own families to assist. On the other hand, if collectives accept and manage funding and donations to achieve financial sustainability, they are exposed to other type of challenges.

The hierarchization and division of work among people who started off as informal volunteers can trigger conflicts and misunderstandings. The ethics and believes vis-à-vis funding sources and how to manage money and donations wisely and transparently is a common concern. Finally, intensive engagements with the immense problematics brought by destitution and rigid immigration policies, can take a heavy toll on volunteers' health and mental health, easily leading to exhaustion, burnout and/or social withdrawing. A strong and well-experienced support network offering ongoing training, staff-care programming and legal advisory can help deal with some of these concerns.

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From DIY Simple to DNA Sample: Obstacles to Family Reunification for Afghan Children with Refugee Parents in Germany

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Abstract

Afghan children applying to join a refugee parent in Germany face major financial and bureaucratic obstacles. This report takes a case study approach to showing how family reunification for refugees in Germany is envisaged from a policy perspective and the difficulties Afghan minors face in practice. Existing family reunification procedures are built on requirements children are unlikely to be able to meet, which leads to major delays in deciding the application. By describing the family reunification process as experienced by one Afghan family, we identify problems minors face, such as lack of assistance and access to documents, issues with document verification, and lack of financial resources. We call for child-sensitive procedures in the visa application process and concludes that in the absence of such procedures, the right to family reunification may be rendered *de facto* inaccessible to minors, resulting in a serious protection gap.

Keywords: Family Reunification, Afghanistan, Germany, Minors, Visa Requirements, Best Interest of the Child

Introduction

In May 2017, the authors of this paper were both employed as social workers at a Berlin refugee shelter. A woman living at that shelter – we will call her Mina – had just been granted refugee status and came to us for help with applying for family reunification for her three minor children who were still in Afghanistan. At the time, Mina was excited and optimistic that she would soon be able to bring her children to safety. Though we cautioned her, explaining that family reunification can be a lengthy process, we did not anticipate how difficult this particular case would

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be in practice. We have obtained consent from Mina and her children to tell their story, but to protect their identity; we will not speak about any details that could be used to identify them. Instead, this article will focus on how family reunification for refugees in Germany is envisaged from a policy perspective and the obstacles Afghan children face in practice.

However, to understand the difficulties Mina's children faced during the family reunification process, it is necessary to mention a number of facts regarding their situation. Mina, whose husband had died more than ten years before, fled Afghanistan as her brother-in-law wanted to force her into marrying a member of the Taliban. The children, two boys and one girl – we will call them Peyman, Omid and Sima – had been living in hiding from Mina's brother-in-law, staying with Mina's sister and her husband. The sister's husband tolerated the children's presence but was unwilling to actively help them join their mother abroad. Furthermore, while Mina feared for her children's lives due to the volatile security situation in Afghanistan, she also feared her brother-in-law discovering the whereabouts of the children and forcing her then 12-year-old daughter to marry the member of the Taliban. Besides being a reason for anxiety, such a marriage would have made Sima ineligible for family reunification.[3] Fortunately, however, there were also a couple of circumstances working in the family's favour. Peyman, Omid and Sima had an adult maternal cousin in Afghanistan – we will call him Abdul – who was willing to help them and a woman volunteering at the refugee shelter in Berlin – we will call her Laura – supported Mina both emotionally through the long wait and financially – a contribution of great importance as we will see later.

In November 2018, one and a half years after we began the application process, Mina and her children were finally reunited. The remainder of this article is divided into two parts. In part one, we explain in detail what the process of family reunification requires in practice and why these requirements were difficult to meet for Mina and her children. In part two, we take a closer look at issues identified as problematic in part one, in the context of the best interest of the child principle. We advocate for child-sensitive procedures in the visa application process and conclude that in the absence of such procedures, the right to family reunification may be rendered *de facto* inaccessible to minors, resulting in a serious protection gap.

Part I: The Realities of Family Reunification

DIY Simple?

At first, the family reunification process, as described on the web pages of the German Missions in Afghanistan, appears to be quite simple: step one – document preparation, step two – a personal visit to the embassy, step three – a visa to Germany.[4] A closer look, however, reveals that what may appear to be a simple do-it-yourself (DIY) process is in fact rather difficult to accomplish, especially for minors. The first step – document preparation – may sound simple enough but in reality, entails compiling a large number of documents, many of which have to be obtained in Afghanistan.

According to current guidelines issued by the German Missions in Afghanistan, required documents for each applicant include: two completed visa application forms (signed by the parent

[3] Council of Europe, "Council Directive 2003/86/EC on the Right to Family Reunification, [2003] OJ L 251/12 (FRD), Art. 4(1)," 2003.

[4] German Missions in Afghanistan, "National Visa," December 27, 2018, https://afghanistan.diplo.de/af-en/service/05-VisaEinreise/-/2005354.

or guardian), six biometric passport photos, a valid passport, a Tazkira (an Afghan identity document), a completed "questionnaire for the document check," the residence registration certificate of the sponsor in Germany, the sponsor's certificate regarding the award of refugee status, proof of "timely notification" of the intention to apply for family reunification, the marriage certificate of the child's parents, the death certificate of the deceased parent; and additional documents may be requested.[5] "All Documents [sic] have to be provided in original along with a translation into German or English and three black & white copies each."[6] Furthermore, fees to be paid include the document verification fee of €330 (per family) and the visa fee of €37.50 (per person), both payable in cash in the local currency.[7]

This guidance differs slightly from the version we were working with in May 2017. At the time, requirements also included a security questionnaire, a copy of the sponsor's passport and residence permit, as well as slightly different fees (€485 for document verification and €30 for the visa). Nevertheless, the requirements are still broadly similar; significantly, many of the supporting documents must be obtained in Afghanistan. The children already possessed Tazkira, but had to acquire passport photos, passports, their parents' marriage certificate and their father's death certificate. Mina only had a photograph of the latter and no copy of the marriage certificate since the marriage took place in a rural area where no certificates were issued.

We will detail some of the problems Peyman, Omid and Sima experienced in obtaining these documents below. However, the first step was to overcome the language barrier to explain to them what needed to be done. None of the children spoke any foreign languages while Abdul spoke only rudimentary English, and Mina only rudimentary German. It was only with the help of one of our colleagues, a social support worker at the refugee shelter who spoke Farsi, that we were able to convey to Abdul and the children which documents they needed to obtain. Since all forms must be completed in the Latin alphabet in either German or English (the questionnaire for the document check must be completed in English), we decided that we would complete the applications forms in Berlin with Mina's help and our colleague interpreting.

It became clear to everyone involved very early on that this process would be anything but simple. Nevertheless, it remained a DIY process. As opposed to Syrians and Iraqis in Turkey, Lebanon and Iraq who could obtain help with their visa applications from IOM,[8] there was, at the time, no such service for family members of refugees in Afghanistan. However, IOM has since opened a family assistance programme centre in Kabul.[9] In the absence of any official help for the children, and due to uncertainty produced by the process described below, the entire experience of family reunification proved extremely stressful for Mina and her children. We have not spoken to Peyman, Omid and Sima about their experiences during this time in order not to re-traumatize them, but Mina visited our office several times a week over the course of the one and a half years of this process and so we heard accounts of how the children were doing and witnessed Mina's distress first-hand. Mina lived in a constant state of worry for her children since leaving

5 Botschaft der Bundesrepublik Deutschland Kabul, "Visa information: Family Reunion of Children to Parents in Germany," December 2018, https://afghanistan.diplo.de/blob/1945714/9ec3a88e1c33228f9e8f604852bdd81e/visa-information-family-reunion-of-children-to-parents-in-germany-dd-data.pdf.

6 Ibid.

7 Ibid.

8 International Organization for Migration, "IOM's Family Assistance Programme," December 28, 2017, http://germany.iom.int/sites/default/files/FAP/FAP_Infosheet_ENGLISH_2017-04-04.pdf.

9 International Organization for Migration, "IOM Family Assistance Programme," April 12, 2020, http://germany.iom.int/sites/default/files/FAP/Family_Assistance_Programme_Info%20Sheet_eng_09-2019.pdf.

Afghanistan and was diagnosed with depression as the family reunification process dragged on. The children, too, were scared and wondered whether they would ever see their mother again and what their future would look like. They did not understand why the process was taking so long and they, too, exhibited symptoms of depression, unable to live a normal life as they had to live in hiding. The unstable security situation in Afghanistan exacerbated their fears. In fact, while Mina was still waiting for her asylum claim to be decided, Peyman, the oldest son, who had been looking after his two younger siblings, had to spend a long period in hospital after being injured in a Taliban attack. At only fourteen years old, Omid had to step up to take care of his siblings, protecting his younger sister and caring for his older brother. These experiences have had a deep psychological impact on all three children and their development. Peyman, Omid and Sima are now in psychological therapy in Germany.

"Timely Notification" and Untimely Security Developments

With Abdul's help, Peyman, Omid and Sima began compiling the documents they needed, while we began filling in the paperwork and gathering Mina's German documents, starting with the proof of "timely notification" - of the intention to apply for family reunification. "Timely notification" (*fristwahrende Anzeige*) can be given by filling in an online form. Under European Union (EU) law, member states may require refugees to submit an application for family reunification within three months of the granting of refugee status if they wish to benefit from the exemption from certain requirements third country nationals normally have to fulfil to be able to make an application.[10] We submitted this notification in early May 2017; however, in order to proceed with the visa application, Peyman, Omid and Sima needed travel documents, more specifically, biometric passports which they did not yet have at the time. By the time they had obtained passports in early June, the security situation in Afghanistan had deteriorated. On May 31, 2017 there was a bomb attack on the Kabul diplomatic quarter and, as a result, a number of embassies including the German embassy, closed. We filled in the visa application forms in early June; however, the next step would have been to book an appointment at the embassy. A period of uncertainty ensued as we waited for the German embassy to reopen or to issue alternative instructions.

It was not until mid-July 2017 that Germany announced its representations in Afghanistan would remain closed indefinitely and that visa applications for family reunification for Afghans would have to be submitted at the German Mission in either New Delhi or Islamabad. This added a whole new layer of complication to the process as Afghans need a visa to enter both India and Pakistan. After researching modes and cost of travelling, as well as consulting Mina and Abdul, we asked for an appointment at the German embassy in Islamabad. This was still in July. For a couple of months, absolutely nothing happened. While Peyman, Omid, Sima and Abdul were still trying to obtain the necessary documents, they were unable to visit the Pakistani embassy to apply for travel visas as they did not know when they would be travelling. Then, on November 8, 2017, we finally received an email from the German embassy confirming that the appointment would take place a mere three weeks later. Thankfully, the visa application for Pakistan is comparatively simple. We had already filled in the applications forms (signed by Mina) and the children already possessed the documents (passports, photographs, Tazkira) which were required. Nevertheless, they had to rush to the Pakistani embassy. Meanwhile, we researched flights from Afghanistan to Islamabad. Laura paid for the flights and also for the document verification and visa fees, which

[10] FRD, *supra* n. 3, Art. 12(1).

the children had to bring to the German embassy in Pakistani Rupees. Abdul, Peyman, Omid and Sima made it to the appointment in time, bringing along a forty-five-page bundle of documents for each child.

Cross-Cultural Bureaucracy: Lost in Verification

In spite of the impressive size of the visa application each child carried, Peyman, Omid, Sima and Abdul had not managed to obtain all necessary documents. We were aware of this and knew that it could lead to delays in, or rejection of, the applications, but, since they had tried all they could and because they were minors, we hoped for the goodwill of the German administration. The documents that were missing were the parents' marriage certificate and the father's original death certificate, which was present only as a print-out of a photograph. The biggest problem was that there was no parent (able) or male paternal relative (willing) to help the children obtain these documents. The problem of nonage had been remedied to an extend by having Mina sign a power of attorney certified by a German notary, which meant that Abdul was recognized by the German embassy in Islamabad as the children's guardian. In Afghanistan, however, Peyman, Omid and Sima were told that only their mother or a male relative of their father would be able to obtain the missing documents – Abdul was unable to help.

There was also an issue with the Tazkira owned by children. These documents only contain a child's first name along with the father and grandfather's full names,[11] while the passports the children had obtained indicated their mother's surname. Interestingly, this was not a problem at the Pakistani embassy; however, the German visa guidelines state that "the last name in the passport must match the name in the Tazkira."[12] Peyman, Omid and Sima tried to obtain Tazkira containing their mother's surname but were refused. UNICEF notes that a new Tazkira can be issued "only with the consent of a male relative (father, brother, brother of the father)."[13] Abdul could not help the children in this case. From the point of view of someone who is used to "western" administrative procedures, it may seem inconceivable that it should be possible to be issued a passport with a surname not shown on the identity document the passport application is based on. However, difficulties with issuing Afghan identity documents are well-known, for example the Norwegian Refugee Council notes that "a number of problems exist around the interpretation and application of [existing] laws [on civil documentation], including lack of awareness and limited civil service institutions, as well as capacity gaps at the issuer level."[14]

Presumably it is due to knowledge of such problems that the German consular authorities conduct a document verification process. The basis for this process is a lengthy questionnaire enquiring a great number of particulars such as information pertaining to former addresses, education, employment and relatives.[15] Among other things, applicants are asked to list all of their addresses of the last twenty years in Afghanistan, addresses and telephone numbers of relatives,

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11 Norwegian Refugee Council, "Access to Tazkera and Other Civil Documentation in Afghanistan," 2016, https://www.nrc.no/resources/reports/access-to-tazkera-and-other-civil-documentation-in-afghanistan, 10.

12 Botschaft der Bundesrepublik Deutschland Kabul, *supra* n. 5.

13 Poyesh, Naeem, *et. al*, "Child Notice Afghanistan," *UNICEF*, 2015, https://www.unicef.be/content/uploads/2014/05/UNC_Rapport_Child_Notice_Afghanistan_EN_FINAL_web.pdf, p. 32.

14 Norwegian Refugee Council, *supra* n. 11, 12.

15 Botschaft Kabul, "Fragebogen zur Prüfung Afghanischer Urkunden und Bescheinigungen," December 27, 2018, https://afghanistan.diplo.de/blob/1945720/ded8f70cf6f24a59a0765e44626db60e/fragebogen-zur-pruefung-afghanischer-urkunden-und-bescheinigungen-dd-data.pdf.

two non-related "references" living in Kabul and another two in the applicants' home province. Even though we filled in these questionnaires in as much detail as possible, transcribing place names and giving relatives' and references' telephone numbers, many of the questions simply did not apply in the case of children. Peyman, Omid and Sima had not had the opportunity to visit a school in Afghanistan - much less a university - had not been employed or married, had not been members of any organisations, or lived abroad. The relatives and references reported to Mina that they had indeed been contacted and asked questions about the children; however, this was apparently not sufficient. When we enquired after the progress of the verification process, the German embassy requested contact details of any living male relatives on the father's side. We pointed out that, due to the grounds on which Mina had been granted refugee status, i.e. the threat posed by her brother-in-law (the children's only surviving male relative on their father's side), Mina was not in touch with this person. Even if Mina had been aware of his whereabouts and telephone number, the embassy contacting him to verify the children's identity would have put them at heightened risk of persecution. In spite of these explanations, the German embassy notified us in late June 2018 – seven months after the appointment in Islamabad – that having conducted the document verification checks they could not accept the children's identity. We were informed that unless the children produced their parents' marriage certificate, they would have to prove their identity by taking DNA tests.

DNA Sample

As it was impossible to obtain a marriage certificate which was never issued in the first place, Mina decided to consent to the DNA test. Again, this procedure was anything but simple and, at €750 for four DNA tests, very costly. DNA is collected by cheek swab, first from the sponsor at a competent medical institute in Germany. The institute must then notify the German Medical Diagnostic Center in Kabul that the sponsor's sample has been taken and send testing materials for the sponsor's relatives to Kabul via courier services. The relatives have to travel to Kabul to have their samples taken at the centre and the DNA samples are then sent back by courier to a competent institute in Germany where they are analysed.[16] While this process is already complicated on paper, in reality, there are additional hurdles. The competent institute in Berlin only offered appointments in several months' time. Thus, we turned to the Institute for Blood Group Serology and Genetics in Hamburg which enabled Mina to have the sample taken by a cooperating doctor in Berlin. Peyman, Omid and Sima had to go on a long bus journey to Kabul, which incurred further costs and was dangerous due to the volatile security situation in the country.

In early August 2018 Mina received the results of the DNA test in the post. The test finally proved the family relationship. The Institute in Hamburg had also sent the test results to the German embassy, however, when we contacted the embassy after not having heard from them two weeks after receiving the test results, the embassy claimed to not have received them. Thus, in late August 2018, we emailed a scanned copy of the letter Mina had received. The embassy replied in late September, accepting the scanned information as proof of the family relationship. Based on the DNA test, a positive decision was finally taken on the children's visa applications in mid-October. They had to travel to Islamabad once again, accompanied by Abdul, who, as their guardian, had to sign a document agreeing to their departure from Afghanistan. Laura, who had

[16] Botschaft der Bundesrepublik Deutschland Kabul, "Abstammungsgutachten / DNA-Test," September 2017, https://www.frsh.de/fileadmin/pdf/Aktuelles/Botschaft-Kabul_Hinweis-Abstammungsgutachen-deutsch_Sep2017.pdf.

also paid for the DNA tests, paid for the journey to Pakistan, as well as the flights to Germany. In November 2018, one and a half years after we began the application process, and a year after their visa applications were first submitted, Peyman, Omid and Sima finally arrived in Berlin.

Part II: The Best Interest of the Child Principle as a Basis for Child-Sensitive Procedures

The Best Interests of the Child Principle

The best interests of the child principle are enshrined in the Convention on the Rights of the Child[17] and can also be found in the EU Charter of Fundamental Rights.[18] In keeping with these instruments, the Family Reunification Directive requires EU member states to "have due regard to the best interests of minor children" when examining an application for family reunification.[19] In the context of family reunification, this principle is normally applied where there is a question regarding whether family reunification in the host state is indeed in the best interest of a child – a question usually uncontentious where refugees are concerned.[20] However, the principle also applies "to the *submission and examination* of the application" for family reunification for refugees.[21] Thus, we argue that the best interest principle of the child should extend beyond the question of *whether* family reunification should be granted and should also be applied when considering *how* family reunification is undertaken. Due regard should be given to the best interests of children when laying down the procedures and requirements of submitting an application for family reunification. In this section we examine three instances of the family reunification procedure identified as problematic and argue that the best interest of the child principle should form the basis for child-sensitive procedures in the family reunification process.

Access to Assistance and Documents

Even though the German Missions in Afghanistan issue specific guidance for "Family Reunion of Children to Parents in Germany,"[22] the document requirements listed in this guidance do not differ from those given in the guidance for "Family Reunion/Marriage in Germany"[23] and those in the guidance for "Family Reunion to an unaccompanied minor refugee living in Germany,"[24] i.e. document requirements for minors and adults are, at the time of writing, identical.

It is, of course, important to confirm children's identity to ensure that they voluntarily join their family abroad and are not abused or exploited by persons who are not in fact their family. However, establishing conclusive proof of a child's identity must not be a pretext for preventing

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17 United Nations, "Convention on the Rights of the Child 1989, 1577 UNTS 3, Art. 3(1)," 1989.
18 Charter of Fundamental Rights of the European Union, [2010] OJ C 83/389, Art 24(2).
19 FRD, *supra* n. 3, Art. 5(5).
20 Nicholson, Frances, "The 'Essential Right' to Family Unity of Refugees and Others in Need of International Protection in the Context of Family Reunification," *UNHCR*, 2018, https://www.unhcr.org/5a8c413a7.pdf, 9.
21 FRD, *supra* n. 3, Art. 11(1); emphasis added.
22 Botschaft der Bundesrepublik Deutschland Kabul, *supra* n. 5.
23 Botschaft der Bundesrepublik Deutschland Kabul, "Visa Information: Family Reunion / Marriage in Germany," December 2018, https://afghanistan.diplo.de/blob/1945712/d8d0b57c3f1fa1e36b2dff7996d76abb/merkblatt-ehegattennachzug-eheschliessung-data.pdf.
24 Botschaft der Bundesrepublik Deutschland Kabul, "Visa Information: Reunion to an Unaccompanied Minor Refugee Living in Germany," December 2018, https://afghanistan.diplo.de/blob/1945716/5fef30fc17115ce78b8256f5161900a7/d-visa-englisch-nachzug-zum-umf-data.pdf.

family reunification. Where being a child leads to problems accessing the family reunification procedure, this must be recognised and remedied. Even adults are likely to have problems filling in the visa application and compiling the required documents. If this were not the case, assistance programmes, such as that provided by IOM would be unnecessary. It is a positive development that IOM has established an assistance programme for Afghans; this will be helpful for both minor and adult applicants who struggle with application forms due to illiteracy or the language barrier. Where such programmes are not available, it should at least be possible to provide questions and answers on application forms in the native language. Further, with regard to the particular needs of minor applicants, it is important that assistance programmes have the capacity to not only support children, but to accompany them to appointments at administrative agencies and embassies, i.e. act as guardians where no family member is available to fill this role.

However, children in Afghanistan face additional obstacles due to their status as minors. Minors will find it more difficult to obtain certain documents, especially where there is no parent or paternal male relative to support them in doing so. The Norwegian Refugee Council notes that Afghan "citizens seeking to obtain civil documentation […] face informational, practical, programmatic and operational challenges."[25] Minors[26] and (in some regions) women[27] can only obtain Tazkira with the help of a male relative. Internally displaced persons also face challenges accessing civil documentation.[28] Tazkira, in turn, are necessary for obtaining other documents such as passports,[29] marriage[30] and death certificates.[31] Death certificates, moreover, can be obtained only where the applicant brings "two witness[es] […] of the death."[32] Since the children's father had died more than ten years before, they found it impossible to do so.

These examples show that administrative procedures for obtaining documents in Afghanistan are plainly not designed in a child-friendly manner. In addition to a possible denial of access to documentation, bad administration in general may also lead to suspicion on the side of authorities examining a visa application that some of the documents submitted may be fraudulent. Inconsistencies such as the difference in names in the children's Tazkira and passports may lead to an application being rejected,[33] even if these inconsistencies do not come about through the fault of the applicants themselves. A child-sensitive approach to setting document requirements for the visa application needs to take these difficulties into account, accepting that children's applications in particular may be incomplete.

Document Verification and DNA Testing

As mentioned above, the document verification process is based on a questionnaire designed for adult applicants. The only sections relevant for minors are those referring to education and relatives/references. As the former was not applicable in the case of Mina's children, the consular authorities examined the testimony of third parties, rather than speaking to Mina, Peyman, Omid and Sima themselves. The result, as we have seen, was the request for a DNA test.

25 Norwegian Refugee Council, *supra* n. 11, 48.
26 Poyesh, *supra* n. 12, 32.
27 Norwegian Refugee Council, *supra* n. 11, 30.
28 Ibid, 28.
29 Ibid, 18.
30 Ibid, 20.
31 Ibid.
32 Ibid.
33 FRD, *supra* n. 3, Art. 16(2)(a).

In its guidance on the application of the Family Reunification Directive the European Commission "considers that where serious doubts remain after other types of proof have been examined, or where there are strong indications of fraudulent intent, DNA testing can be used as a last resort."[34] The guidance, however, also states that EU member states "should observe the UNHCR principles on DNA testing,"[35] which, in turn, state that "interviewing family members should normally be undertaken as the primary means of establishing family relationships,"[36] i.e. "oral evidence on the part of the refugees concerned" is an important piece of evidence to be taken into consideration. For Mina, Peyman, Omid and Sima such interviews never took place. The fact that the authorities disbelieved the evidence presented by relatives and references and decided to forego hearing oral evidence from the actual applicants points towards a general culture of disbelief regarding any oral testimony. It is questionable whether the children's forty-five-page applications, which were not perfect due to a lack of documents, but nevertheless comprehensive, coupled with oral evidence from relatives and references truly warranted a finding that there were still "serious doubts" or "strong indications of fraudulent intent" regarding their applications. Indeed, UNHCR states that the "benefit of the doubt should be given where the evidence is overall corroborative of presumed relationships."[37] What happened to the children is especially galling in light of the fact that, when it comes to family reunification applications from Syrians, "credible evidence (*qualifizierte Glaubhaftmachung*) of a family relationship [is] sufficient rather than full documentary proof."[38]

Since the document verification process is not geared towards minor applicants, it was foreseeable that the German authorities had to find another way to obtain evidence. However, it appears as though, rather than a measure of last resort, the DNA tests were requested as a matter of convenience in lieu of an interview. There are, however, good reasons why such a test is only ever meant to be a last resort. DNA testing raises privacy and data protection issues,[39] as well as "the possibility of unexpected results in long recognized family relationships"[40] and promotes a view of family relationships based only on direct blood relationship.[41] Last but not least, such tests are expensive, which leads us to the final section of this part of the article.

Costs

The costs associated with the family reunification process can become a major obstacle for minors. While Mina lived on a standard jobseeker's allowance of €416 per month, her children had no income or savings of their own. They depended on Mina's sister and her husband for everyday survival in Afghanistan but could not ask them for money to cover the cost of passports, travel to Afghan administrative authorities and the associated administrative fees, as well as travelling to

34 European Commission, "Communication from the Commission to the European Parliament and the Council on Guidance for Application of Directive 2003/86/EC on the Right to Family Reunification. COM(2014) 210 final," 2014, 22f.
35 Ibid, 23.
36 UNHCR, "UNHCR Note on DNA Testing to Establish Family Relationships in the Refugee Context," 2008, https://www.refworld.org/docid/48620c2d2.html, para 12.
37 Ibid, para 28.
38 Cathryn Costello, Kees Groenendijk and Louise Halleskov Storgaard, "Realising The Right to Family Reunification of Refugees in Europe," *Council of Europe Commissioner for Human Rights*, 2017, https://rm.coe.int/prems-052917-gbr-1700-realising-refugees-160x240-web/1680724ba0.
39 UNHCR, *supra* n. 36, para 5.
40 Ibid, para 11.
41 Ibid, para 15.

the Pakistani embassy and the German embassy in Islamabad, the visa and document verification fees, the DNA tests and, finally, the plane tickets to Germany. The entire family reunification process for the three children cost around €10,000. We are able to confirm that Laura paid at least €9,473 for travel costs, visa and document fees and the DNA tests; however, there were additional costs, such as fees for the notary in Germany and smaller amounts of money spent in Afghanistan which we have not kept track of, indicating that the final amount could be even greater. In effect, without Laura's help, Mina and the children would not have been able to obtain enough money to pay for all expenditures involved.

Volunteers spending their private money in the context of family reunification raises ethical dilemmas for those volunteers, the refugees they are supporting, and the social workers involved in the process. Volunteers may feel compelled to keep giving money even as costs mount, while refugees are may become dependent on the volunteer. Social workers can manage the situation by facilitating a discussion as to how much money (and time) a volunteer is willing and able to give, and whether there is an expectation that the money will eventually be repaid, and if so, how this is to be done. However, the fact remains that using volunteers' private money is often the only way of financing family reunification procedures. Indeed, it is not reasonable to expect minors in Afghanistan to have access to large sums of money which would cover the costs of family reunification. Neither is it reasonable to assume that a parent living in Germany on a jobseeker's allowance can save the required amount. Further, not all volunteers are able to support refugees financially. This leads to a lottery when it comes to who is able to bring their families to Germany and who is not. For example, another recognized refugee at the shelter who applied for family reunification for his wife and seven children was unable to proceed with the process due to a lack of funds. The volunteer supporting him was unable to help financially and though she has done her utmost contacting political, private and church organisations, they have not managed to find the money.

The Family Reunification Directive explicitly recognizes that refugees are unlikely to be able to meet the financial resources requirement that normally applies for family reunification and thus makes refugees exempt from this provision.[42] This logic, then, should also extend to costs associated with the process of family reunification itself, particularly where minors are concerned. The European Commission states that "[t]o promote the best interests of the child, the Commission encourages [EU member states] to exempt applications submitted by minors from administrative fees."[43] The Commission also "encourages [member states] to bear the costs of a DNA test, especially if it is imposed upon the refugee or his/her family members."[44] In general, the guidance also states that "[t]he level at which fees are set must not have either the object or the effect of creating an obstacle to the exercise of the right to family reunification."[45] However, in conjunction with all other associated costs, where minors cannot rely on family or, as was the case for Mina's children, a benefactor, this is just the effect the fees charged have. Therefore, host states should either take on the associated costs or establish financial support schemes for financing family reunification. Assistance programmes to support family reunification should be set up in a manner that allows them to also deal with the financial aspect of the process, so that children do not need

42 FRD, *supra* n. 3, Art. 12(1).
43 European Commission, *supra* n. 34, p. 9.
44 Ibid, 23.
45 Ibid, 9.

to handle money. Preferably this would be done in a manner that obviates the need for children to carry large amounts of cash, such as the money to be paid at the German embassy.

Conclusion

While this particular story had a happy ending, this only came about due to multi-actor efforts in both Germany and Afghanistan. Even a refugee who is being supported by social workers in Germany, as was the case for Mina, will have major difficulties bringing her children to Germany unless the children receive practical assistance in Afghanistan, as provided by Abdul, and financial support, as provided by Laura. However, even with such support minors still have problems accessing documents and having them verified as both processes are geared towards adult applicants. Rather than subjecting children to DNA tests to confirm their identity, consular authorities should first interview them and the parent(s) in Germany in a child-sensitive manner, accepting that children may not be able to obtain all necessary documents for the visa application. In addition, assistance programmes should be set up for all applicants for family reunification, but with a special focus on children's needs, such as a temporary guardianship system and financial support schemes.

This case study illustrates that the seemingly simple process of applying for family reunification is nearly impossible to complete as a DIY project, especially for minors. Not only is it prohibitively expensive, but existing procedures, which are built on requirements children are unlikely to be able to meet, lead to major delays in the decision of the application. The Family Reunification Directive states that a decision should normally be taken within nine months[46] and the European Commission clarifies that this "nine-month period starts from the date on which the application is first submitted."[47] In this context, it is noteworthy that at the time of writing, the waiting period for an appointment at the German embassy for Afghans alone is at least twelve months.[48] Mina's children first submitted their application in late November 2017 and the decision was only made in mid-October 2018. It is likely that, with more child-sensitive procedures in place, this period, which exceeded the maximum time limit by almost two months, could have been considerably reduced.

In conclusion, taking into account the best interests of the child principle will require a rethinking of the procedures and requirements of family reunification. A child-sensitive approach is needed to ensure access to family reunification for minors. Where minors' particular circumstances are not taken into account, the right to family reunification risks becoming *de facto* inaccessible, resulting in a serious protection gap. In the meantime, practitioners assisting refugees with family reunification should be prepared for the practical obstacles Afghan children face when confronted with a family reunification policy aimed at adult applicants.

[46] FRD, *supra* n. 3, Art 5(4).
[47] European Commission, *supra* n. 34, 10.
[48] Deutsche Vertretungen in Afghanistan, "Langfristiger Aufenthalt - über 90 Tage," January 29, 2019, https://afghanistan.diplo.de/af-de/service/05-VisaEinreise/-/1898384.

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"Mud Feet" - Displacement and Prejudice After Environmental Disaster in Brazil

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Abstract

This opinion piece is about the internally displaced persons generated by what is considered the greatest socio-environmental disaster in Brazilian history and the largest in the world involving tailings dams. The rupture of the Fundão dam, located near the center of Mariana/Minas Gerais, occurred in the afternoon of November 5th, 2015. Most of the human victims of the disaster - those who have not lost their lives in the disaster - lost their homes, which they had to abandon and to which they wish to return. Currently, the internally displaced persons of this disaster experience prejudice and mistrust in Mariana, since their children are called "mud feet" in school and they are discriminated as if they were the cause of the tragedy that hit the municipality. The subject under study has its relevance justified by the need to face the real consequences of the environmental accident that occurred in Mariana/Minas Gerais. I argue that internally displaced persons suffer the effects of the crisis that triggered their migration before, during and after their displacement, and thus present specific vulnerabilities and special protection needs, across both international and domestic scales.

Keywords
Forced Migration, Internally Displaced Persons, Brazil, Samarco Accident, Case Study

Introduction

This opinion piece is a case study about internally displaced persons generated by what is considered the greatest socio-environmental disaster in Brazilian history, and the largest in the world involving tailings dams: the rupture of the Fundão dam. The Fundão dam is located in the sub-district of Bento Rodrigues, a thirty-five kilometer distance from the center of the Brazilian municipality of Mariana/Minas Gerais. In the afternoon of November 5, 2015, the dam failed. The Fundão dam was controlled by a joint venture of the world's largest mining companies, Brazil's Vale S/A and the Anglo-Australian BHP Billiton. Most of the human victims of the disaster – at least, those who did not lose their lives in the disaster - lost their homes, which they had to abandon and where most of them wish to return. The majority of internally displaced persons are children and women who are vulnerable to specific types of violence. They suffer the effects of the crisis

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that triggered their migration before, during and after their displacement, and thus present specific vulnerabilities and special protection needs, demanding both international and domestic regulations. Currently, the internally displaced persons of this disaster seem to experience prejudice and mistrust in Mariana, since they are discriminated against as if they were the cause of the tragedy that hit the municipality, while their children are called "mud feet" in school.

This topic is important because there is a need to understand the real consequences of the environmental accident in the Municipality of Mariana/Minas Gerais from multiple angles - not only from an environmental point of view, but also from a human rights perspective regarding those affected by the disaster. As such, this article aims to analyze the rupture of the ore tailings dam from the perspective of the various homeless and displaced people resulting from the tragedy.

Background: Disaster Facts

On November 5, 2015, Brazil experienced its worst ecological disaster when an iron mine dam (Fundão dam) collapsed in the municipality of Mariana within the State of Minas Gerais (MG), releasing metal-rich tailings waste in concentrations that endangered human and ecosystem health. Imprudent management practices by the mining company Samarco (co-owned by the Brazilian Vale and Australian BHP Billiton) caused a breach that discharged from fifty-five to sixty-two million metres cubed of iron ore tailings slurry directly into the Doce River watershed.[2] Vale is a mining company incorporated and headquartered in Brazil, and is the world's largest producer of iron ore and iron ore pellets, as well as the second largest producer of nickel.[3] The Fundão tailings dam breach can be considered as one of the worst in the last century regarding the volume of tailings released to the environment and the magnitude of socio-economic and environmental damages. The interwoven ecological and socio-economic impacts have affected hundreds of thousands of people in forty-one cities across the Doce River basin.[4]

Samarco Mineração S.A., a mining company which is a part of the prior mentioned joint venture, was launched in 1977 as a symbol of the modernization of the Brazilian mineral sector in order to supply the global market. The three pipelines that depart from the Germano Unit are among the largest of their kind in the world. Since 1996 the company has accumulated nineteen infractions notified by the environmental agencies in charge, including FEAM-MG ("Fundação Estadual do Meio Ambiente de Minas Gerais" - State Environmental Foundation of Minas Gerais), IEMA-ES ("Instituto Estadual do Meio Ambiente e Recursos Hídricos do Espírito Santo" – State Institute of Environment and Water Resources of Espírito Santo) and IBAMA ("Instituto Brasileiro de Meio Ambiente e dos Recursos Naturais Renováveis" – Brazilian Institute of Environment and Renewable Natural Resources). The most serious cases related to pulp leaks from the pipeline, that contaminate water courses and seriously compromise human consumption. Samarco judicially challenged most of the assessments of the supervisory bodies. Even when fined, these costs did not represent any significant threat to the company's profits, operations, reputation,

2 Geraldo Wilson Fernandes, Fernando F. Goulart, Bernardo D. Ranieri, Marcel S. Coelho, Kirsten Dales, Nina Boesche, Mercedes Bustamante et al., "Deep into the Mud: Ecological and Socio-economic Impacts of the Dam Breach in Mariana, Brazil," *Natureza & Conservação* 14, no. 2 (2016): 35-45.

3 United States District Court, S.D. New York. In re: Vale S.A. Securities Litigation, Slip Copy (2017). Case 1:16-cv-01445-NRB Document 77 Filed 08/29/17.

4 Fernandes, Goulart, Ranieri, Coelho, Dales, Boesche, Bustamante et al., "Deep into the Mud," 35-45.

or social position and, therefore, did not constitute effective disincentives to the company's corporate practices.[5]

In 2014, Samarco started the operation of its third pipeline, which caused a 37 percent increase in production capacity.[6] In that year, the prices of iron ore in the international market fell sharply. The company responded to the adverse price situation by significantly increasing production and, consequently, the amount of tailings generated. Even with the drop in prices in 2014, twenty-five million tons of ore were produced, representing a 15 percent increase in production and a 5 percent increase in sales compared to 2013.[7] It seems that Samarco increased the volume of tailings in the dams due to the increase in quantity and quality of iron ore pulp destined for transportation by the three pipelines. Every ton of processed ore generates almost equal volume of tailings. In addition to the tailings from the Germano mine, the Fundão dam also received tailings from Vale's Alegria mine.[8]

The breach of the Fundão dam marks the end of the commodity mega-cycle that occurred during the first decade of the 2000s in Brazil. However, data indicates that there is a structural relationship between tailing dam rupture events and mining economic cycles.[9] There is evidence of an increased risk of dam breakage in the new post-boom cycle of ore price.[10] This trend seems to be associated with the acceleration of the environmental licensing processes and increased pressure on licensing agencies in the phase of high prices, as well as the intensification of production and pressure for cost reduction during the period of price reduction.

It is quite surprising to acknowledge that the company, structured as it was supposed to be, failed to comply with dam safety legislation regarding the implementation of a sound alarm system and the provision of trained personnel to assist the community in emergency situations.[11] Without an effective emergency plan, the population of Bento Rodrigues organized itself autonomously to try and move to a safe place. According to Gleison Alexandrino Souza, a contractor who worked at the dam and lived in Bento Rodrigues when the dam collapsed, Samarco "never conducted any training with the community for emergency situations" and "did not issue any statements or warnings to the community near the rupture."[12] At first, the families were referred to the gymnasium of Mariana and were only accommodated in hotels by the company after the intervention of the public prosecutor who considered the space inadequate for families. The tailings mud contaminated the Doce river, causing several municipalities to interrupt river water abstraction, and created a crisis of water supply in several regions. Even seven days after the event, Samarco did not implement a drinking water supply plan for the affected municipalities.

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5 PoEMAS – Grupo Política, Economia, Mineração, Ambiente e Sociedade, "Antes Fosse Mais Leve a Carga: Avaliação dos Aspectos Econômicos, Políticos e Sociais do Desastre da Samarco/Vale/BHP em Mariana (MG)," *Mimeo*, 2015, http://www.ufjf.br/poemas/files/2014/07/PoEMAS-2015-Antes-fosse-mais-leve-a-carga-vers%C3%A3o-final.pdf.

6 Haruf Salmen Espindola, Renata Bernardes Faria Campos, Karla Cristine Coelho Lamounier, and Rômulo Siqueira Silva, "Desastre da Samarco no Brasil: Desafios para a Conservação da Biodiversidade," *Fronteiras: Journal of Social, Technological and Environmental Science* 5, no. 3 (2016): 72-100.

7 Ibid.

8 Ibid.

9 PoEMAS, "Antes Fosse Mais Leve a Carga."

10 Ibid.

11 Flavio Ribeiro, "Quem Paga a Conta?" *LAMPIÃO* 6, n. 21, (2016), accessed April, 2020, 2. https://www.jornalismo.ufop.br/lampiao/jornal_impresso/.

12 United States District Court, S.D. New York. In re: Vale S.A. Securities Litigation, Slip Copy (2017). Case 1:16-cv-01445-NRB Document 77 Filed 08/29/17.

Consequences of the Disaster

The mudslide killed nineteen people; destroyed districts like Bento Rodrigues, Paracatu de Baixo, Paracatu de Cima, Campinas, Borba, Pedras e Bicas and Barra Longa; devastated rivers like Do Carmo and Gualaxo; razed small properties and left hundreds of family farmers without subsistence conditions along the Doce river.[13] It also took away the labour possibilities and livelihood of hundreds of fishermen and sand collectors; interrupted the productive activities of large and small companies; affected forty-one cities along the Doce river and left more than 500,000 people without drinking water.[14]

Regarding the displaced population, their reterritorialization led to a weakening of their local links and symbolic references. Thus, in addition to the negative effects on the environment and tangible ecosystem services, impacts also included loss of intangible and cultural values, such as spiritual and aesthetic traditions, processes, and landscapes. The places affected, including colonial and ethnic heritage sites, recreational parks and sport and subsistence fishing sites, have represented a significant source of income and well-being for local communities. This impact on tourism and relational values will last for generations after the resettlement of the affected human population and recovery of damaged habitats.[15] People lived for over a month in the hotels offered in the city of Mariana and in boarding schools that had limitations on mobility. The check-in and check-out times were strict, as were the controls and timetables put in place for visitors. Later, by the end of 2015, families were transferred to rented houses, often distant from one another, creating difficulties for their social life. This physical distancing also had an impact on victims' ability to reflect on what had happened to them, as well as the potential to organize themselves for the pursuit of their rights.

Given its peculiarities, the Samarco disaster gave rise to the expression of environmental racism. This expression of racism can be ascertained from the fact that the communities affected were mostly those with a predominantly black population who lived in proximity of the iron ore mining and tailings dams.[16] Bento Rodrigues, for instance, with an approximately 85 percent black population, was just over six kilometres from the ruptured tailings dam and two kilometres from the Santarém dam. Paracatu de Baixo, with an 80 percent black population, was located at a distance of about forty kilometers downstream of the ruptured dam (following the course of the Gualaxo do Norte river). The town of Gesteira, about sixty-two kilometres away from the dam, has a 70 percent black population, and the city of Barra Longa, with a 60 percent black population, is about seventy-six kilometers from the dam. Above all, black communities were the ones who suffered the most from human and material losses and experienced symbolic and psychological impacts of the disaster. In this sense, the presence of political minorities and economically vulnerable ethnic groups, with fewer opportunities to have their demands heard in the public sphere, can be understood as a central element in the location of tailings dams, as well as in their overload.[17] The lack of state control, the disregard for the implementation of sound alerts and

[13] Espindola, Campos, Lamounier, and Silva, "Desastre da Samarco no Brasil," 72-100.
[14] Ibid.
[15] Fernandes, Goulart, Ranieri, Coelho, Dales, Boesche, Bustamante et al., "Deep into the Mud," 35-45.
[16] In EMAS, "Antes Fosse Mais Leve a Carga".
[17] The Brazilian Racial Atlas, launched by UNDP, offers us disturbing data. For instance, it reports that 65 percent of the poor and 70 percent of the indigenous communities are black. The infant mortality rate is 66 percent higher among black children. If a black child survives past their first year, that same child will have their average life expectancy

emergency plans, and the way in which care was given to victims - all of this could be explained as signs of environmental racism.[18]

When considering the issue of prejudice between victims and the urban population of Mariana, it is important to acknowledge a very interesting initiative of a local newspaper organized by affected communities. The local newspaper "A Sirene" is a regular publication created by those affected by the disaster, some members of the catholic church of Mariana, journalists and teachers. The newspaper, running to sixteen pages per issue, has a regular circulation of 2,000 copies, which are distributed, free of charge, among the affected communities. The name "A Sirene" (the Siren) makes a clear reference to the lack of a siren or warning on the day of the disaster, referencing the fact that the newspaper would have been able to alert and guide the population as a siren if it had been in place prior to the disaster. In some issues, however, it is possible to read some sad reports of prejudice from the population of Mariana towards those affected by the disaster: "Some people say that those affected are 'living a good life,' 'swimming in money,' having a lot more than they used to have. This is a huge misconception of the story. Our children are called 'mud feet' in school. Old people feel rejected. The saddest thing is to hear that the mud should have come at night and killed everyone."[19]

Human Rights Categorization

It is important to consider this population´s legal status and the specific vulnerabilities they face in terms of human rights. The directly affected population face setbacks such as forced displacement from their residence and origin, together with the forcible abandonment of their personal and material assets, as well as the impairment of personal and community memory. This sense of having been forcibly and traumatically uprooted affects identity formation and development. It further places those affected in the category of internally displaced persons. The "Guiding Principles on Internally Displaced Persons," established in 1998, defines internally displaced persons as:

> Persons or groups of persons who are forced to flee or leave their homes or places of habitual residence, particularly as a result of or in order to avoid the effects of armed conflict, situations of widespread violence, human rights violations or natural or human-made disasters, and who have not crossed an internationally recognized state border.[20]

Another possible categorization leads to qualifying former residents as an environmental displaced population: "Persons who are displaced within their country of habitual residence or who have

reduced by 5.3 years, compared to a white child. The chances of a black child having access to a dentist is 76 percent versus 86 percent for a white child. For a black girl, the chances of her becoming a teenage mother will be 17.1 percent against 15.6 percent for a white teenager. When it comes to childbirth, only 29.9 percent black women will have access to a cesarean as compared to the 47.5 percent statistic for white women.

[18] PoEMAS, "Antes Fosse Mais Leve a Carga."
[19] Angelica Peixoto, "Era Uma Vez," *Jornal A Sirene* 9 (2016): 10, accessed April, 2020, https://issuu.com/jornalasirene/docs/jornal_a_sirene_ed_9_dezembro_issuu.
[20] United Nations Commission on Human Rights, *Report of the Representative of the Secretary-General on Internally Displaced Persons: Guiding Principles on Internal Displacement,* UN doc. E/CN.4/1998/53/Add.2 (February 11, 1998).

crossed an international border and for whom environmental degradation, deterioration or destruction is a major cause of their displacement, although not necessarily the sole one."[21,22]

Legal Consequences

Shortly after the disaster, the United Nations Working Group on Business and Human Rights held a ten-day visit to Brazil and stated that: "The scale of the environmental damage is the equivalent of 20,000 Olympic swimming pools of toxic mud waste contaminating the soil, rivers and water system of an area covering over 850 kilometers."23 This meant that while Samarco is responsible for repairing the damage caused, the state remains the primary duty bearer to uphold human rights of affected communities. In Brazil´s legal system, twenty-one people are now answering qualified homicide charges for their alleged involvement in the Samarco mine disaster. They face sentences of twelve to thirty years if convicted. They have also been charged with environmental crimes.

Almost four months after the disaster, on March 2, 2016, an agreement (Termo de Transação e de Ajustamento de Conduta, 2016) was signed between the Companies, the Union (Brazil´s government), government agencies and the states of Minas Gerais and Espírito Santo. Among other provisions, this agreement creates a foundation under the following terms:

> FOUNDATION: non-profit foundation of private law (…), to be instituted by SAMARCO and SHAREHOLDERS with the objective of elaborating and executing all the measures provided for by the SOCIO-ENVIRONMENTAL PROGRAMS and SOCIO-ECONOMIC PROGRAMS.

Regarding the compensation to be paid by the company, the agreement establishes the following provisions:

> CLAUSE 226: SAMARCO shall make annual contributions during the years 2016, 2017 and 2018, in the amounts defined below, (…): 2016: (..) two billion reais; 2017: (…) one billion two hundred million reais; 2018: (…)one billion two hundred million reais.

There was some heavy criticism of the agreement, especially due to the fact that there was a lack of effective participation by affected people in the negotiations. Neither was there any prior consultation with the indigenous population, even though it is required by the International Labour Organization (ILO) in its Article 6 of Convention 169 (Indigenous and Tribal Peoples Convention,

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21 International Organization for Migration (IOM), *Environmentally-Induced Population Displacements and Environmental Impacts Resulting from Mass Migrations* (Geneva: IOM Publications, 1996): 4.

22 There is some criticism regarding the expression "climate refugees," due to three key issues: 1) This category does not make a clear distinction between those who are forced to flee and those who voluntarily do so; 2) There is also no distinction between those who move within their countries and those who move beyond the borders of its territory; 3) The "environmental cause" is not encompassed or predicted by the 1951 Refugee Convention, as a reason for refuge.

23 John Knox, United Nation´s Special Rapporteur on human rights and the environment, then mentioned that: "Under international human rights standards, the State has an obligation to generate, assess, update and disseminate information about the impact to the environment and hazardous substances and waste, and businesses have a responsibility to respect human rights, including conducting human rights due diligence". OHCHR. "Statement at the end of visit to Brazil by the United Nations Working Group on Business and Human Rights," 2015, accessed April, 2020. http://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf.

1989).[24]

Another problem was the lack of accountability of the Brazilian government and its agencies, and the lack of clarity regarding degrees of responsibility since it was the foundation that eventually legally responded first to the disaster rather than the companies involved. It is also important to note that the numbers presented on Clause 226 are related to what can be accommodated within the company's profits and not to the actual social and environmental recovery needs. The agreement was contested, under jurisdictional issues, and was temporarily suspended by court. Nevertheless, the Foundation that had been created, Renova Foundation, was still performing its activities.

On May 2, 2016, federal prosecutors (Ministério Público Federal) filed a lawsuit naming the defendants SAMARCO, Vale and BHP, Brazil´s government and its governmental agencies. The amount charged in the lawsuit was R$ 155 billion (US$ 29,81 billion) and democratic hearing methods were used, meaning that the ILO´s requirement for consultations with the indigenous population were respected. Public hearings, where the affected population was engaged, were also conducted. Nevertheless, the lawsuit was not free from criticism. It was feared that its effectiveness may not be decisive, and it may become just another unproductive lawsuit. This is because, in less than thirty days from the date of the disaster, there were more than 100 lawsuits pending in the judiciary on the subject, totaling, after one year of the disaster, more than 35,000 cases; under the jurisdiction of Espírito Santo alone, there were approximately 17,950 lawsuits. Collective actions were also proposed in the cities of Brasília/DF, Belo Horizonte/MG, Mariana/MG, Vitória/ES, Colatina/ES and Linhares/ES.[25] There were also some criticisms regarding the amount of compensation demanded in the lawsuit.

On June 25, 2018, a new agreement was signed between the Federal Public Ministry, the public ministries of the states of Minas Gerais and Espírito Santo, the public defenders of the states and the Union, and nine more public bodies, in addition to the companies Samarco Mineração, Vale and BHP Billiton Brasil, which changed the governance of the Renova Foundation. The new agreement, titled by the Public Prosecutor's Office as Governance-Agreement, provided for the creation of new structures to guarantee the effective participation of those affected by the rupture of the Fundão dam. The main change brought about by the new agreement, in terms of the participation of people affected in various decision-making and advisory bodies, was the creation of Local Commissions, Regional Chambers and an Observers Forum, as well as the recognition of the right to be supported by technical advisory services.

Regarding the restructuring of Renova's governance and participation system, there was an evolution between the first agreement and the so-called Governance Agreement, with the expansion of the institutional spaces of participation for those affected. It is important to note, however, that there was still a disparity in representation of those affected in relation to the companies involved. This is what happened in the Board of Trustees of the Renova Foundation, for example, which has nine members, two chosen by the Regional Chambers among those affected and six selected by the companies. In addition, the broad structure created with the new governance system, including the Local Commissions, Regional Chambers and Observer Forum,

[24] ILO, Indigenous and Tribal Peoples Convention, No. 169 (1989), accessed https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169

[25] Onofre Alves Batista Junior, Renato Vieira, and Luís Inácio Lucena Adams, "O Desastre De Mariana Atuação Interfederativa para Superação dos Impactos Da Maior Tragédia Da História do Brasil," *Revista da Agu*, (2017).

among others, had the potential to further complicate the process, promote excessive bureaucratization and overburden the work of technical advisors. Last, but not least, the Governance Agreement had its planning problems, since the implementation of the agreement did not have a clearly specified timeline or method, and the absence of such elements can significantly compromise the results to be achieved. This further increased the challenges of implementing such a complex structure.

Current Situation (2019)

There is still no reason to celebrate. The displaced population has not yet been definitively relocated or compensated. Many people, especially women,[26] struggle to be classified as affected by the disaster in order to access the socio-economic programs developed by the Foundation. In addition, Brazilian internal regulation is still incipient when dealing with internal displacements and involuntary resettlements, since the legislative acts are merely punctual and casuistic, responding to specific disasters and lawsuits as they occur in a disjointed and ad-hoc manner. Above all, these are nothing more than legal milestones arising exclusively from requirements of International Financial Institutions (IFIs) that fund projects which could potentially cause involuntary displacement. This is the case of District Law No. 5,782/2016, which provides for measures and guidelines to be adopted in the cases of compulsory and involuntary resettlement of occupants of areas affected by the implementation of the Landmark Policy of Social Interest of the Federal District. This policy was financed by the Inter-American Development Bank. Federal Law No. 12,340/2010 provides for transfers of federal resources to the organs and entities of the states, federal district and municipalities for prevention actions disaster response and disaster recovery in risk areas and the National Fund for Public Disasters, Protection and Civil Defense. Such laws, however, are far from complying with the Guiding Principles on Internally Displaced Persons.

Despite the high recurrence of natural and man-made disasters, and the high number of displaced persons (an average of 357,000 people a year in Brazil alone), integrated prevention, response and reconstruction strategies are still scarce.[27] However, there have also been important advances, such as the approval in 2012 of Law 12,608, which directs efforts to create a national culture of disaster prevention. The law gave rise to the National Policy on Protection and Civil Defense (PNPDEC), which defines the objectives and instruments for risk management and disaster response in Brazil.

This process of legislative and governmental awareness of the need to prevent and mitigate causes of ecological catastrophe in the country is of indisputable relevance. Accordingly, Law 12,608 / 2012 proposes of a "risk management circle," composed of the following strategies: mitigation, emergency response, reconstruction and compensation which should permeate the practice of law, politics and governmental actions in a constant, circular, preventive and committed way.

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[26] In many cases, because they are not considered heads of household, women do not have access to socioeconomic programs developed.

[27] According to official data, until 2013 only 526 (9 percent) of Brazilian cities had a Municipal Disaster Risk Reduction Plan. For more information see Mayara Folly, "Migrantes Invisíveis: A Crise de Deslocamento Forçado no Brasil," *Instituto Igarapé* (2018), accessed April, 2020, https://igarape.org.br/wp-content/uploads/2018/03/Migrantes-invis%C3%ADveis.pdf

A number of challenges remain, however, so that policy advances can be translated into durable and effective public policies. The lack of coordination among different federal entities, for example, contributes to the fact that both disaster prevention and reconstruction activities in the affected areas are insufficient and ineffective. Residents of hazardous areas and displaced persons are highly affected by the scarcity of adequate disaster management policies. The greatest challenge is the difficulty or, in many cases, the impossibility of having their right to housing assured. Although this is a right provided for by the federal constitution, the lack of housing and resettlement programs that guarantee a definite alternative for residents of risk areas and those already displaced leads many of them to return to or to remain and live in precarious and insecure places, even when alerted to the possibility of natural disasters. As a result, the number of forced displaced persons has remained high over the years in Brazil.

Sadly, at the time this article was written, on January 25, 2019, the dam of Feijão (in Brumadinho, Minas Gerais), ruptured killing 197 people. Further, 111 people went missing and the Paraopeba river, one of the tributaries of the San Francisco river - the fifth largest river in the country, was contaminated.

Conclusion

Given the lack of internal normative requirements regarding internally displaced persons, the populations that had their districts decimated by the rupture of the dam may not acquire much from the company or even state entities. With their bargaining power practically nil, they are forced to accept resettlement procedures as determined by the company. As observed in the Mariana disaster, there is a lack of clear answers regarding compensation of properties of the internally displaced. This highlights the need to have an abstract normativity of institutional designs that can strengthen and prepare the Brazilian legal framework for disaster risks and forced displacement caused therein. However, legal instruments are not in and by themselves capable of modifying realities or dictating behaviors. For the effective protection, consolidation and socioeconomic stabilization of internally displaced persons in Brazil, a real construction of social infrastructures represented in national public services and even civil society is required. While this path requires legislation, legal frameworks are not the only need of the hour.

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Thinking Beyond Gendered Challenges: Experiences of a (Female) Aid Worker-Ethnographer in Jordan's Refugee Camps

MELISSA GATTER[1]

Abstract

Academia, and anthropology in particular, is in need of more open discussion on the ethnographer's experience. In this article, I call for a deeper examination of the female research experience that goes beyond identifying gendered challenges. Based on my own fieldwork experiences in Za'tari (2016) and Azraq (2017-18) refugee camps in Jordan, this article explores challenges I faced in fieldwork but more importantly recognizes how these challenges presented opportunities for richer ethnography. I argue that being female granted me access to cultural fluency and a nuanced view of women's lived realities in these spaces. To provide a full picture of my positionality, I reflect on how my role as an aid worker-ethnographer enabled me to shift between both roles to advocate for the women upon whom I depended in the field. This article aims to start a conversation among women researchers about how we can take advantage of our unique positionalities to be responsible researchers both in the field and after.

Keywords

Ethnography, Anthropology, Fieldwork, Gender, Refugee Camps

Introduction

Academia, and anthropology in particular, is in need of more open discussion on the ethnographer's experience – that which never makes the final publication but nonetheless lives between the words. Young (female) academics have already started the conversation and called for solutions. Ann-Christin Wagner has embodied the openness she wishes to see in academia, in which anthropologists new to the community are encouraged to offer each other support instead

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of competition.[2] Susan MacDougall suggests a "gender apprenticeship"[3] through which women researchers learn how to navigate dangers of the field from the women in the communities they research. Imogen Clark and Andrea Grant organized a special issue on danger for women in the field as a tool to enhance pre-fieldwork training and preparation.[4] We can look to Liisa Malkki, a veteran in the field, as a role model who continues to openly reflect on her positionality within her earlier ethnographies of vulnerable communities.[5] In an effort to continue what I hope will become a tradition of open reflection on the ethnographic experience, I wish to consider my own fieldwork journey as a woman, a researcher, an aid worker, and an outsider.

Throughout my studies, I traveled to Jordan to pursue fieldwork as part of my bachelor's (2014), master's (2016), and PhD (2017-2018) studies. I was driven by a desire to get as close to the reality of refugees in the country as possible, first spending time with Palestinians and Iraqis in a neighborhood in East Amman and then with Syrians in Za'tari and Azraq refugee camps. I wanted to better understand how communities expressed their evolving identities in displacement, and over the years, I would explore this theme from various angles: differing modes of waiting, challenged concepts of childhood, and telling interactions with the humanitarian world.

While these research projects aimed to observe how others perceive their place in the world, I was inevitably confronted with the complex layers of my own identity and positionality. Of the several symbolic "hats" I wore while on fieldwork, whether an aid worker, ethnographer, or outsider (particularly an American), I spent very little time in the beginning reflecting on my place as a *female* researcher in Jordan, preferring to view any challenges I encountered as just those of a *researcher*. It was not until I began discussing my work with male peers that I realized a personal need to more seriously consider the gendered challenges I had to navigate. I shared many of the same obstacles with these colleagues, such as fieldwork access and cultural differences, but the conversation would always culminate in sympathy: "I can't even imagine having to do all this as a woman," they would say. I often brushed this off. I was doing just fine. So many of the ethnographies I had come across in my studies give account of the "unencumbered male"[6] researcher, notebook in hand, floating in and out of the field. Why should my experience be any different? But the more time I spent in Jordan, the tougher field sites became, and, I had to admit, many of the issues I dealt with came solely from the fact that I am a woman. It meant viewing a country I loved with a bit more cynicism. Nevertheless, I knew that being a woman doing research in Jordan also comes with opportunities that lend themselves to richer ethnography. As women researchers, we should strive to be more open about the challenges we encounter while also recognizing the advantages that these challenges present. We can only seek to gain opportunities for growth both in the field and in academia.

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2 Ann-Christin Wagner, "In Praise of the Scaffolding," *Allegra*, July 12, 2018, http://allegralaboratory.net/in-praise-of-the-scaffolding/.

3 Susan MacDougall, "'Will You Marry My Son?' Ethnography, Culture and the Performance of Gender," *Journal of the Anthropological Society of Oxford* 7, no. 1 (2015): 26.

4 Imogen Clark and Andrea Grant, "Sexuality and Danger in the Field: Starting an Uncomfortable Conversation," *Journal of the Anthropological Society of Oxford* 7, no. 1 (2015): 1–14.

5 Liisa Malkki, *The Need to Help: The Domestic Arts of International Humanitarianism* (Durham: Duke University Press, 2015).

6 Maya Berry et al., "Toward a Fugitive Anthropology: Gender, Race, and Violence in the Field," *Cultural Anthropology* 32, no. 4 (2017): 539.

Challenges to the Female Researcher

In Jordan, public space is dominated by men. Men reiterate their ownership of space by performing in ways women cannot, or at least not without criticism. This is seen in the simplest of acts, from speaking loudly on the phone to loitering on the sidewalk, and from speeding in cars while blasting music to making comments at female passersby. These are all means of taking up space through uninhibited and exaggerated visible and audible gestures. This consistent reassertion of their entitlement to public space goes largely unchallenged.[7] As women, we are never considered inherent to the space but must always enter it from the private sphere, making ourselves susceptible to encountering these often intimidating tactics that make us feel as though we do not belong or do not share the space equally. From my conversations with other women who have lived in Jordan, both Jordanian and foreign, I learned that we all found it exhausting just to prepare to leave the house, knowing that the vast majority of daily interactions – in shops, taxis, and food joints – would be with men. Such spaces of convenience are made less so for women who are dependent on the man behind the counter or behind the wheel. It was not uncommon to hear that a friend had to take the longer way home or exchange her go-to shop for one that was farther away because of past awkward encounters with neighbors or store clerks. These are some of the everyday interactions that my male colleagues may take for granted.

Beyond the awkward encounter, there are also the methodological challenges that come with a particular field site. The richest data often emerges not through interviews, but during time spent with informants in casual settings, which are often gender-segregated in conservative communities in Jordan. The trust required between researcher and informant may take much longer to build for a female ethnographer aiming to include male representation in her work. In my case, I noticed that many of the men I worked alongside in the camps were hesitant to engage in anything other than polite conversation, making it difficult to get a balanced perspective of male and female aid workers and refugees when many of my closest informants were women. I had to conceive of ways to invite men to be more open with me without crossing cultural boundaries or giving the impression of romantic interest.

At the same time, outside those with whom I worked, the camps were sites in which it was impossible to avoid attention from men, leaving me always in slight discomfort. Upon exiting the field site for the day, the risks and accompanying anxiety would continue, and I learned to navigate my neighborhood in Amman just as I navigated the refugee camps. Adding to the stress of fieldwork, the woman researcher must pour energy into risk management both on and off the field – deflecting unwanted attention, avoiding groups of young men on the street, or strategically choosing the seat farthest from the driver in a taxi – lest an awkward encounter threaten to become more serious. Women in Jordan, again both local and foreign, have and will continue to face much weightier challenges that I have somehow been spared. More pressing danger and trauma have threatened female researchers in similar sites, and we have seen an increase in those who have shared difficult and even horrifying experiences.[8] Clark and Grant's (2015) special issue in the

[7] In 2012, Jordanian comedian Tima Shomali approached men on the streets of Amman to ask why they verbally harass women: https://www.youtube.com/watch?v=lHJgUoTM7bI.

[8] See Cynthia Mahmoud, "Anthropology from the Bones: A Memoir of Fieldwork, Survival, and Commitment," *Anthropology and Humanism* 22, no. 1/2 (2008): 1–11.

Journal of the Anthropological Society of Oxford was dedicated solely to this subject with the aim of "Starting an Uncomfortable Conversation" within academia.[9]

Female ethnographers must constantly be aware of how they may be perceived by male interlocutors for both research and safety purposes. And yet, the female researcher often puts aside troubling perceptions of herself by the public male, as I had, because she views her primary role as simply a researcher without the need for the gender identifier in the first place.[10] But reflections on the ethnographic experience need to confront the gendered associations that come with fieldwork. For me, once I came to understand the challenges that were solely attributed to my gender, I could take them less personally and learn to navigate through them. I found that, for myself, the struggles of being a female ethnographer were never insurmountable. Indeed, I reject the expectations many well-intentioned fellow Americans have of my life in a supposedly dangerous Arab world, like having to wear a veil or receiving hateful comments from locals because of my gender. The truth is that, despite the experiences described above, I often felt safer in Jordan at night than I had as a student living in Chicago during the day. Female researchers in the Middle East, myself included, must find ways of expressing the challenges we face without contributing to Islamophobic discourse or Arab stereotypes[11] while also bearing in mind local perceptions surrounding gender in order to meet these challenges.

Beyond Challenges: Critical Reflections on The Female Research Experience

For the female researcher, there are opportunities that come with such challenges. In my experience, being a female ethnographer in Jordan enabled me to gain insight into a world off limits to men. It is in the private sphere that Arab men, exuding confidence in public, seem to retreat, having to knock on the door of their own home before entering in the event that female guests present inside the home want to cover up. I could be a part of what men could not, witnessing ordinary moments that male ethnographers would not be privy to. In this way, I felt lucky to be a woman in the field. While I do not condone gender segregation or the relegation of women to the domestic sphere, being an insider to these circles allows me to capture a more nuanced picture of Arab society and Muslim women's experiences in Jordan.

Being with women in the field gave me the cultural fluency that aided my access into the communities of Azraq and Za'tari refugee camps. Indeed, I look back at my fieldwork experiences through my relationships with women and the complex issues they dealt with. While the women of the camp and I came from different cultural backgrounds, I used my Arabic to draw a connection between us, but it was my "femaleness" that provided common ground.[12] I closely observed the

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9 See Imogen Clark and Andrea Grant, "Sexuality and Danger in the Field: Starting an Uncomfortable Conversation," *Journal of the Anthropological Society of Oxford* 7, no. 1 (2015): 1–14. See also Venetia Congdon, "'The Lonely Female Researcher': Isolation and Safety upon Arrival in the Field," in Ibid.: 15–25; Konstantina Isidoros, "Between Purity and Danger: Fieldwork Approaches to Movement, Protection and Legitimacy for a Female Ethnographer in the Sahara Desert," in Ibid.: 39–54; Leanne Johansson, "Dangerous Liaisons: Risk, Positionality and Power in Women's Anthropological Fieldwork," in Ibid.: 55–63; Sneha Krishnan, "Dispatches from a Rogue Ethnographer: Exploring Homophobia and Queer Visibility," in Ibid.: 64–79; Susan MacDougall, "'Will You Marry My Son?' Ethnography, Culture and the Performance of Gender," in Ibid.: 25–38; Theresa Miller, "Listen to Your Mother: Negotiating Gender-Based Safe Space during Fieldwork," in Ibid.: 80–87.

10 MacDougall, "'Will You Marry My Son?' Ethnography, Culture and the Performance of Gender," 26, 30.

11 Berry et al., "Toward a Fugitive Anthropology: Gender, Race, and Violence in the Field," 554.

12 MacDougall, "'Will You Marry My Son?' Ethnography, Culture and the Performance of Gender," 27.

communities' women, refugees of all ages who took me under their wing to teach me how they navigated the complex gender norms of their societies. I remember the humiliation of boldly extending my arm for a handshake with elderly men who refused to reciprocate, and I learned from the giggling female bystanders that both our actions had been out of respect. I watched the women who I admired in the camps to understand their perception of boundaries and when they broke them. Many of these women noted that the camp had a more conservative culture than their neighborhoods in Syria, and they had adapted to new norms in various and nuanced ways; for instance, dressing more conservatively while at the same time asserting their ability to work. One woman in particular directed a non-governmental organization (NGO) center in her neighborhood, and watching men report to her demonstrated to me the possibilities for interactions across genders.

To me, the women in both camps became gateways into, and gatekeepers of, their societies. They were agents who allowed me to cross borders into a richer comprehension of the field in which I was now an actor. I learned to embrace, rather than protectively downplay, my femaleness as a primary identifier, a "tactical"[13] maneuver to cross the border. To be clear, I did not seek out gatekeepers as a strategy to shortcut my access to other members of the community. Tapping into my femaleness was never disingenuous role-play. Rather, I entered into authentic relationships with women and engaged in many conversations about the experiences we shared as women, cutting across the researcher-subject line. Over time, these women had become familiar faces in the camps, offering relief in an otherwise confusing field to which I was always foreign. I learned that my presence likewise came as relief to many of the women as well. For them, I was a woman from the outside, an accessible bridge to the inaccessible. One woman had told me how she always felt comforted around me because I resembled her sister; another appreciated that I not only affirmed the difficulty of her struggles but could also maybe do something about them. In this way, we sheltered each other. These women became akin to my "fieldwork family,"[14] a term Ann-Christin Wagner used to describe the human "scaffolding"[15] that supported her throughout fieldwork and appeared during especially difficult and often personal moments. While the fieldwork family is usually composed of those never mentioned in the resulting research, I found that much of the "silent infrastructure"[16] of my work in the field was composed of the women in the very communities I researched. These women made my work a little more manageable, connecting me to other informants and making me feel more at home in the stressful environment.

While my femaleness allowed me to create familial relationships within the communities of my research, I had to balance other aspects of my position in the camps. During fieldwork, I was never just a (female) researcher, but also an aid worker. My official access to the communities of my research was made possible through internships with various NGOs. As an intern in the field, I wore a badge that identified me as an aid worker belonging to a specific organization. I completed the tasks of my internship alongside taking field notes, and I had a front row seat to the experiences of both my fellow aid workers and of refugees, watching them interact on a daily basis. For both groups, I would always be an outsider – never truly an aid worker, although trusted

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13 Miia Halme-Tuomisaari, "Methodologically Blonde at the UN in a Tactical Quest for Inclusion," *Social Anthropology/Anthropologie Sociale* 36, no. 4 (2018): 459.

14 Ann-Christin Wagner, "In Praise of the Scaffolding," *Allegra*, July 12, 2018, http://allegralaboratory.net/in-praise-of-the-scaffolding/.

15 Renato Rosaldo, *The Day of Shelly's Death: The Poetry and Ethnography of Grief* (Durham: Duke University Press, 2014).

16 Wagner, "In Praise of the Scaffolding."

with the responsibilities of one – and they could tell me what they might not tell a peer. They were aware that I was there to listen.

Nida Kirmani describes her experience as a "cross-border academic" who is privileged to navigate the complex field-home boundaries that, for her, coincide, sometimes uncomfortably so. I can consider myself to be a cross-border researcher in that I needed to cross in and out of my ethnographer and aid worker positions. Over the duration of my fieldwork projects, I learned to take full advantage of my dynamic position as an aid worker-ethnographer, shifting between both roles to advocate for the refugee women upon whom I depended. In Za'tari, I met a sixteen-year-old divorcée trying to take back control of her life from her parents and wanting to share her story for other girls to hear. I had become her unofficial advocate when the NGO for which I interned had brought foreign male cameramen to do a story on her, translating both her words and her comfort level and deflecting attention away from her and onto myself when passersby stared. In another situation, my presence held meaning for a nineteen-year-old who wanted to become a photojournalist and needed encouragement to challenge both gendered and political boundaries. In Azraq, I met a twenty-year-old whose pressing medical issues were not being taken seriously, and I had bluntly relayed the urgency of the matter to aid workers multiple times. It frustrated me that they had questioned her intuition about her own body, a painfully familiar experience for many women. I had spoken to a group of women who wanted to have a park in Azraq for their children to play in the shade, and they had considered me to be the best avenue through which to pass the message. A woman in her thirties who had been progressing in her career now found herself a refugee, but she had hope that we could one day work together in rebuilding Syria.

I was not always successful in my advocacy, though not for want of trying, but these moments of shifting roles between researcher and aid worker were revealing of how central my femaleness was to my navigation of the two. Whether or not I actively reflected on my positionality as a *female* aid worker-ethnographer in both Za'tari and Azraq, it was my femaleness that had shaped and connected these various identities during fieldwork.[17] Many of the cross-border moments similar to above were founded in issues that refugees faced because they were women: threatened education, early marriage, childcare challenges, and unmet career aspirations. Sometimes when crossing borders between researcher and aid worker, I wondered if I had also crossed a line – had my attempts to advocate for a refugee undermined an aid worker's, my *colleague*'s, unspoken position of power? It was when I became aware of a potential transgression that I realized I more often than not prioritized those who have been disempowered, even if it was at the expense of an aid worker's authority. In these moments, when I clearly stood behind the women in the field, I gained trust within the community.

Of course, an aspect of my positionality in the field that I have thus far left out is the racial component. I was an outsider to the field, marked most visibly by my being white passing, creating the perception that I had access to power. I was often approached by camp residents, particularly women, who believed that I could solve an issue, switch the suppliers of daily bread distributions that served poor quality bread, or deliver their grievances to the highest levels of camp administration. I took these misunderstandings very seriously, having to learn how to communicate the reason for my presence in the camp but also promising to put them in touch with an aid worker who could offer tangible help. As has been discussed thus far, I worked to channel my position of power – both as a white outsider and as an aid worker – to advocate on behalf of the communities I researched. My various identities as a female researcher ethnographer from the United States

[17] See MacDougall, "'Will You Marry My Son?' Ethnography, Culture and the Performance of Gender," 25.

overlapped and intertwined in constant conversation. Being an aid worker gave me an established and trustworthy platform, but my role as a researcher is what led refugees to consider myself a legitimate resource for sharing grievances. As a white-passing figure, I was perceivably endowed with a certain amount of power, but it was my linguistic skills that granted me respect. My femaleness complicated all of this, both reiterating and reducing the obstacles of fieldwork.

But it was my actions – how I navigated these complex, entangled identities that each came with a set of perceptions – that defined my position in the field. My decision to, whenever possible, advocate and be present for individuals in the communities *in the moment* was crucial to carrying out responsible fieldwork and helped to set me apart from the disengaged researcher about whom many refugees often complained. It was important to me that I took the time to immerse myself in community activities that did not necessarily fall under the theme of my research, drinking tea with refugee volunteers at the NGO centers or responding to invitations of children to dance with them, even at moments when I could have inserted myself elsewhere to gather data. I believe that it was precisely this philosophy, being able to put research or internship duties on hold, from which refugees could see that I was genuinely interested in getting to know the individuals of their communities. When I could put aside my research to comfort an anxious refugee by simply listening and reassuring – something that I observed was lacking among aid workers who strove for professionalism – I realized that I could help to provide what aid workers could not because of the flexibility of my position. And more often than not, the moments when I stepped out of being an ethnographer offered more profound insights for my research.

As women researchers, reflections on the ethnographic experience must go beyond gendered challenges to analyze other aspects of our positionality, but also to locate how gender is woven into our other identities. We must ask how obstacles related to gender could manifest in other ways, such as opportunities our unique positions provide to more deeply engage in the field. Most importantly, how can we take advantage of these opportunities to be responsible researchers – both in the field and after? Veena Das reminds the anthropologist that she must always be "tireless, awake, when others have fallen asleep."[18] We must persist in not only voicing our experiences but also in receiving an audience. Academia, anthropology, and the communities of the field only stand to benefit from greater self-reflexivity.

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Fragile Coexistence in Turkey: Addressing the Gaps in the Implementation of Refugee Integration Policies

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Abstract

This opinion article invites the reader to scrutinize the process that brought Syrian refugees in Turkey into precarious conditions. We argue that the imbalance between *de jure* policies and *de facto* practices creates structural challenges for Syrian refugees, especially on their access to and benefits from the education services and labor market. We further argue that the overlooking of the already existing tension between local and refugee communities hinders the integration of refugees into Turkish society. By utilizing public attitude surveys, civil society reports, and anecdotal evidence attained during the authors' civil society works, we underline the efforts of local municipalities, civil society, and academia in alleviating the public tension, which has been downplayed by the government. The opinion piece concludes by addressing key policy guidelines for state and civil society actors to bridge their policies and to overcome challenges derived from the gap between legal policies and actual reality.

Keywords: Syrian Refugees, Integration, Precarity, Urban Tension, Turkey

Introduction

Should both the feasible and unfeasible nature of refugee integration be discussed in Turkey, one must talk about the Temporary Protection Regulation of 2014. It has brought some certainties and improvements in the living conditions of Syrians with educational and healthcare services granted. However, such certainties were not completely reflective of the Turkish state response. Lack of certainty was first evident at the early phases of inflows when Turkey acted on the assumption that Syrians would go back soon. Refugee emergency response seemed adequate, but provisions were only quasi-integrative with some patchwork solutions on education, residency, and healthcare services. It was only after the adoption of temporary protection regulation in 2014 that

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access to basic provisions together with the rights and responsibilities of temporary protection beneficiaries were legally qualified. While such legalization has expedited improvements in the services provided to refugees, the underlying precarity originates from the legal possibility that the temporary protection can be limited, suspended or terminated anytime she considers. Also, the precarity has increased twofold with lack of administrative checks and inefficient control mechanisms which, thus, exposes Syrians to exploitation and exclusion across Turkey. Having emphasized Turkey's undeniable efforts taken for Syrian refugees, even praised by Filippo Grandi,[3] the UN High Commissioner for Refugees, we tend to scrutinize this framed concept of hospitality. This opinion piece aims to point out how the lack of government control has created a discrepancy between granting of basic provisions (legal ground) and reality (practice) and how the existence of such provisions is overestimated by the Turkish society that leads to the rise of urban tensions. To analyze the discrepancy, we concentrate on educational rights and work permit which are two main pillars of integration and are thought to be among the reasons for the increasing urban tension in Turkey. Additionally, we examine how migration researchers and civil society initiatives in Turkey critically faces with the gaps downplayed by the government. We make use of our civil society experiences and qualitative data attained from semi-structured interviews conducted with seventy Syrian respondents and twenty Turkish citizens, whom we reach with a snowball sampling, living in the same neighborhood with Syrians in Ankara. We have made an in-depth analysis of these interviews in which we measured people's perceptions on education and employment.

The Snapshot of Access to Education for Syrian Children

Education is a crucial pillar of the Turkish response towards Syrian refugees. Starting with *ad-hoc* education facilities in tent cities in between 2011-2013, Turkey has gradually improved education services from access to enrollment, and to Turkish language courses. Based on Ministry of National Education Circular No. 2014/21, Temporary Education Centers were established with a structure of education in line with the Syrian curriculum, again reflecting the expectation that Syrians would return soon. In 2015, all Syrian children were obliged to enroll in schools. Taking five to fifteen hours of Turkish language courses per week, Syrian children are expected to keep up with their Turkish peers. As of December 2019, there are 1,082,172 school-aged Syrian children living in Turkey.[4] The schooling rate of this group is 63.23 percent, meaning that there are almost 400.000 Syrian children who have still no access to education. Most of these children work rather than attending schools either because they need money or have no desire to further continue their education. Yet, we have also discovered some other reasons of not attending the school in our field research. Some kids are voluntarily stay away from school due to peer pressure. Being expelled from the community, these children found themselves in very precarious conditions.

For some other cases, families are reluctant to send their children to schools due to fear

[3] "Grandi urges more aid for Turkey's refugee hosting effort." February 16, 2018. https://www.unhcr.org/tr/en/18768-grandi-urges-aid-turkeys-refugee-hosting-effort.html (accessed January 10, 2019).

[4] ReliefWeb, "Turkey Education Sector Dashboard | Q4 January - December 2019, Inter-Agency Coordination" https://reliefweb.int/report/turkey/turkey-education-sector-dashboard-q4-january-december-2019-inter-agency-coordination, accessed April 13, 2020.

of assimilation. For example, a Syrian father said: "I don't want my boy to be like the children of Turkish families who migrated to Germany in 1970s. I don't want my boy to lose his identity."[5] Such fears also made some families send their children only to mosques in order to make them learn the precepts of the Quran. It is noteworthy to see such informal practices although access to education is free of charge. Another fact is related to poverty. When we asked a Syrian mother the reason why her children work instead of going to school, she replied: "Why wouldn't I want to send my children to school? I am in a deep sorrow whenever I see kids going to school with their bags […] but, we have nobody here. We have to work to pay the rent and utilities."[6] These are some nuanced portrayals of the mismatch between the right to education and reality in which Syrians find themselves. It is important to note that Turkey made some attempts to eliminate such disparities. Turkey, together with the European Union, initiated the Accelerated Learning Program as of January 2018 to keep Syrian children attending to school and encouraged families to make efforts for children regarding education.[7] In late 2017, with the joint action of Turkey and KfW (German Development Bank), Social and Economic Cohesion through Vocational Education program also started. Beyond the technical assistance, the program aims to raise awareness about the opportunities that vocational education can offer through planned home visits to more than 2,000 Syrian families.[8] However, there are serious doubts on the comprehensiveness and effectiveness of such initiatives. What is needed is a solid approach to inclusive education prioritizing "social and emotional inclusion" to schools while giving importance to curricula, learning materials, school facilities, and staff.[9] Everyday practices are shaped not only by the existence of provisions or projects of development but by the instincts of survival, prioritizing basic needs (money, food, shelter) over higher exigencies. The desire to fulfill basic needs seems more important than fulfilling future aspirations. This prioritization fuels the trends of child labor and informality among Syrian refugees. This serves as a double-edged sword for them. Not only do they experience precarious work conditions with no job security at low wages, but they also struggle with exploitation, xenophobia and discrimination triggered by fierce labor market competition.

Labor Market Competition and Fragile Coexistence

The work permit issue for Syrians in the Turkish labor market requires close attention in order to observe the aforementioned precarity. The Regulation on Work Permit for Foreigners under Temporary Protection was adopted on January 15, 2016. It is now the *sine qua non* to be able to legally work in Turkey. In order for a work permit application to be lodged, a six-month period

5 Fieldwork is conducted in 2016 in Ankara, Turkey. Researchers consider gender diversity and age distribution, making interviews in the range of 10 to 55 years old. Sample is representative of those who benefit and do not benefit from education facilities and those who are issued work permits and those who are not. Interviewees are provided a consent form and their names are kept anonymous. – Syrian father aged 42.
6 Ibid. see note 5. – Syrian mother aged 39
7 UNICEF, "More than 35,000 refugee children in Turkey to benefit from latest European Union funding for education," last modified 2018, http://www.un.org.tr/more-than-35000-refugee-children-in-turkey-to-benefit-from-latest- european-union-funding-for-education/, accessed January 10, 2019.
8 "Social and Economic Cohesion through Vocation Education," https://www.avrupa.info.tr/en/project/social-and-economic-cohesion-through-vocational-education-7382, Accessed January 10, 2019.
9 Concept note for the 2020 Global Education Monitoring Report on Inclusion, UNESCO. https://unesdoc.unesco.org/ark:/48223/pf0000265329, Accessed April 18, 2019.

needs to pass since the applicant was first granted the temporary protection status.[10] The application could, then, be made by the employer or by the beneficiary in case of self-employment. Seasonal agricultural or livestock works are exempted from work permit.[11]

Between January 2016 and April 2019, 31,185 Syrians were granted a work permit.[12] It only corresponds to 1.24 percent of all registered Syrians who are eighteen years and older in Turkey. The small percentage of refugees who obtained a work permit directs our attention to learn more on how Syrian families earn their livelihoods. What we have derived from our field research is twofold: (1) there is informal employment under substandard working conditions, and (2) Syrians are preferred over Turkish workers, which has resulted in a situation that we call the fragile co-existence denoting a situation laden with tension between the two sides. Syrians work mostly in the sectors characterized by informality such as agriculture, construction and textile. Textile is referred as the main driver of the informal economy in Turkey.[13] In unlicensed textile workshops, thousands of Syrians work with low wages. Wages vary between four hundred TL to twelve hundred TL ($75-$225) per month.[14] Most of them earn below the minimum wage which is 2020 TL ($385). Child workers are also an important source of cheap labor in areas which are densely populated by refugees. A child working in a refrigerator repair store said he earned fifty TL ($9) per week. Another child working in a textile atelier for seventy-two hours per week earns the same.[15] In the field, we observed some children collecting scraps of plastic and cardboard in exchange for six to eight liras ($1.5) per day.[16] Not only low wages but also long working hours are a crucial problem and an indicator of exploitation. Working twelve hours per day and six days per week, Syrian children have become breadwinners in their families. They try to support the family income with the little amount of money they earn. A Syrian child proudly told us that he would like to be a welder in the future.[17] For now, he only makes seventy to eighty TL ($13-$15) per week by working eleven to twelve hours per day. Another teenager, who is an ironer in a shopping mall, told us that he was the top student in his school back in Syria.[18] Yet, his father hurt his back and is unable to work, making him to carry the burden of his family. He works more than ten hours per day. The fact that these children are working at such precarious conditions is a multi-faceted problem which puts them in a cycle of poverty. Employers prefer them because they are cheap sources of labor while some others claim that they provide money to these children to prevent them from begging in the streets or from getting involved with drug selling or smuggling. Irrespective of the reasons why they employ these people, the situation reflects a precarity with tough economic conditions in the short-run. Also, Turkish workers competing for these jobs have started to develop a negative perception of Syrians as they are replaced by them.

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10 Article 5(1) Regulation on Work Permit for Foreigners under Temporary Protection
11 Ibid., article 5(4).
12 Turkiyedeki Suriyeli Sayisi Mart 2020", https://multeciler.org.tr/turkiyedeki-suriyeli-sayisi/, accessed on April 13, 2020.
13 "Suriyeli Siginmacilarin Turkiye'de Emek Piyasasina Dahil Olma Surecleri ve Etkileri; Istanbul Tekstil Sektoru Ornegi," last modified June 2017, http://www.birlesikmetal.org/kitap/gocmen2017.pdf , accessed January 10, 2019.
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15 Laura Pitel. "A day on the factory floor with a young Syrian refugee," last updated September 2017, https://www.ft.com/content/abd615a4-76d7-11e7-a3e8-60495fe6ca71, accessed 10 January, 2019.
16 Ibid. See note 5. – Syrian child aged 10
17 Ibid. See note 5. – Syrian child aged 14
18 Ibid. See note 5. – Syrian child aged 17

With the inflow of Syrians, Turkish labor market has witnessed an increase in the informality of low-skilled labor. Syrians have started to replace Turkish workers in some sectors as they primarily work for lower wages. Some studies even claim that "for every 100 Syrian refugees in the region, twenty fewer people are formally employed."[19] For the purpose of this paper, what matters is the demonstrated increase of Syrian workers as part of the informal economy where most Turkish low-skilled workers once made money from. A Turkish woman told us in anger that Syrians stole their jobs.[20] Her husband also thinks that the increase in market prices was due to no one but Syrians.[21] Additionally, the more Syrians find jobs at low wages, the more Turkish workers dislike them. Although Turkish workers tend to show hospitality towards refugees since they understand poverty, hospitality cannot not be sustained when it comes to being out of a job. They endeavor to coexist in the same neighborhoods but the assumption that they are jobless due to Syrians and the fact that Syrians drive down the wages by working for less certainly create fragility between communities. This fragile coexistence is a triggering factor for the rise of urban tensions in Turkey.

Urban Tension in a Nutshell

More than 90 percent of Syrian refugees live outside the camps in close interaction with Turkish citizens in urban centers.[22] This, as might be expected, combined with the situation discussed above creates many challenges for refugees' integration and constitutes tensions between the local and refugee communities. Several studies show that there is a strong public disfavor against Syrian refugees.[23] For example, Murat Erdogan's (2018) study shows that Turkish citizens think of Syrian refugees as being a "liability to us" (43 percent), "dangerous people who will cause trouble in the future" (39 percent) and "beggars/living on aids" (24.4 percent).[24] Another study on polarization in Turkey reported similar results in which 86.2 percent of the survey participants who voted for major parties in Turkey found the largest common ground in agreeing with the following statement "Syrians should be sent back to their country once the war in Syria has ended."[25] Finally, the incidents of intercommunal violence between local and refugee communities in Turkey increased threefold in 2017 compared to the same period of 2016.[26]

Our fieldwork and civil society experiences show that one of the most important pillars of public disfavor against Syrians is centered around economic explanations. Considering labor market competition and seeing refugees as an economic burden to the state and society give rise

19 Esen Oguz and Ayla Ogus Binatli, "The Impact of Syrian Refugees on the Turkish Economy: Regional Labour Market Effects" Social Sciences, 2017: 129.
20 See note 5. – Turkish woman aged 51
21 See note 5. – Turkish man aged 55

22 For more information, see the website of Directorate General of Migration Management, available at: http://www.goc.gov.tr/icerik6/temporary-protection_915_1024_4748_icerik
23 See Altiok, Birce, and Salih Tosun. 2018. "How to Co-exist? Urban Refugees in Turkey: Prospects and Challenges" UNESCO Chair on International Migration Policy Brief Series, September 2018; or International Crisis Group. Turkey's Syrian Refugees: Defusing Metropolitan Tensions. Europe Report. no. 248. January 28, 2018.
24 Erdogan, Murat. Suriye Barometresi: Suriyelilerle Uyum Içinde Yasamın Çerçevesi (Istanbul: Bilgi Üniversitesi Yayınları, 2018).
25 Hürriyet Daily News. "Politically polarized Turkey finds largest common ground in Syrian refugees' return," last updated February, 2018, http://www.hurriyetdailynews.com/politically-polarized-turkey-finds-largest-common-ground-in-syrian-refugees-return-126873, accessed January 10, 2019.
26 International Crisis Group Report.

to negative perceptions, xenophobic attitudes, and occasional violent behaviors towards them. For example, more than 70 percent of Turkish people "strongly agree" or "agree" with the statement that refugees threaten the national economy[27] and more than 40 percent of them describe refugees as a burden on Turkish citizens.[28] There are also other factors such as cultural and ethnic threats and ambiguous state policy that form up the public opposition and negative attitudes toward the refugees.[29] While the incumbent government utilizes the traditional narrative of "guests" to promote hospitality between local and refugee communities, it turns a blind eye on the public disfavor and the existing tensions. The underlying causes of urban discontent between communities are strongly affected by the ambiguous political agenda including inconsistent statements declared simultaneously such as citizenship and repatriation instead of solution-based agendas to minimize public disfavor.[30] Herein, this opinion piece emphasizes the efforts made by local municipalities, the civil society and academia to show how they address and provide solutions for this public tension actually downplayed and cannot be addressed by the central government.

#NoToAntiImmigrationPolicies and #IStandWithRefugees: Counter Movements against the Anti-Refugee Discourse

Civil society organizations have been vocal against the rising xenophobia and anti-refugee rhetoric in addition to their strong commitment in providing humanitarian aid and social services to the displaced people. During the campaign period for the parliamentary and presidential elections of June 24, 2018, the debate on refugees had taken over the political arena and anti-refugee rhetoric had gained salience. Presidential candidates Meral Aksener and Muharrem Ince promised to send refugees back to their countries during their political campaigns.[31] They often made references to the economic cost of hosting refugees in Turkey. To respond to the uneasiness among voters, President Erdogan made similar statements emphasizing that the incumbent government would facilitate the return of all Syrians.[32] To respond this suffocating political environment, Migrant Solidarity Kitchen, Migrant Solidarity Network and Hamisch-Istanbul Syrian Cultural House released a public statement to "invite everyone who is against hate and discrimination to participate in a twitter action using the hashtag of #notoantiimmigrationpolicies."[33]

Another example of civil how society organizations speaking up against discriminatory attitudes and discourses towards refugees and promoting solidarity with refugees comes from Goc Arastirmacilari Dernegi (The Association of Migration Research). They created the hashtag #mültecilerinyaninda (We Stand With Refugees) after the discriminatory hashtag

[27] Konda Barometer (2016): "Perceptions toward Syrian Refugees," http://konda.com.tr/wp-content/uploads/2017/11/1602_Barometre62_SURIYELI_SIGINMACILAR.pdf, accessed January 10, 2019.
[28] Erdogan, 2018.
[29] See note 4.
[30] Ibid.
[31] For example, Daren Butler, "Turkey's Erdogan, presidential rival both wow to send Syrians home," last updated June 2018, https://www.reuters.com/article/us-turkey-election-syrians/turkeys-erdogan-presidential-rival-both-vow-to-send-syrians-home-idUSKBN1JI175, accessed January 10, 2019.
[32] Ibid.
[33] "Nobody Migrates without a Reason," https://harekact.bordermonitoring.eu/2018/06/24/nobody-migrates-without-a-reason/, accessed 10 January, 2019.

#ülkemdesuriyeliistemiyorum (I don't want Syrians in my country) became a trending topic on Twitter aiming a group of Syrians who had celebrated the New Year at Taksim Square in Istanbul. The Association also made a public statement that called to end the perception that refugees create challenges for local citizens.[34] They also criticized opposition parties for using anti-refugee discourse to get votes from their constituents and the incumbent government for not taking full responsibility for refugee integration and for sending mixed signals of brotherhood and forced repatriation.[35]

False Facts about Syrian Refugees

Negative perceptions and xenophobic attitudes towards Syrian refugees are also increased by inaccurate information disseminated within the public, such as locals' overestimation of the refugee population and of the rights and provisions refugees are granted, as well as their misrepresentation and criminalization in the media. Herein, more clear and transparent official policies are needed to raise public awareness of the vulnerabilities and the situation of refugee experiences in Turkey. Refugees and Asylum Seekers Assistance and Solidarity Association (RASAS) published a list of false facts about Syrian refugees. The misinformation about them includes the following; they are not supposed to wait in lines in public hospitals, they do not pay the bills, they receive free houses from the incumbent government, Syrian students receive more than thousand Turkish liras from the government, and so on.[36] Teyit.org, an independent fact-checking organization based in Turkey, also released a list of false information about Syrians living in Turkey.[37] The allegations include false provisions such as Syrians entering universities without examinations, getting salaries from the government, or criminal stories such as Syrians kidnapping children or raping women.[38] These stories along with the overestimation of rights and provisions granted to refugees pave the way for rising public opposition against them. Especially when the rumors spread in the social media, they sometimes end up with violent attacks to houses and restaurants owned by Syrians.[39]

Conclusion

It is worth acknowledging the role of Turkey in hosting the highest number of refugees in the world and providing fundamental integration provisions to them, and of course facing challenges by doing so. Policies in education, health, employment and citizenship are significant indicators

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[34] Goc Arastirmacilari Dernegi, "Barbarlik koşullari altında medeni olanı savunmak: Tek derdimiz göçmenler mi?" https://www.gazeteduvar.com.tr/gundem/2019/01/12/barbarlik-kosullari-altinda-medeni-olani-savunmak- tek-derdimiz-gocmenler-mi/?fbclid=IwAR2AVAWHwZAykmsAeM15SWFiLtJ38TL_MosFDd8UfO9PycrKzbXIbUDDYJI, accessed January 10, 2019.

[35] Ibid.

[36] Suriyelilerle ilgili dogru bilinen yanlislar," for more information, see: https://multeciler.org.tr/suriyeli-multecilerle-ilgili-dogru-bilinen-yanlislar/

[37] "13 False Information about Syrians living in Turkey," last modified 2017. Available at: https://teyit.org/en/13-false- information-about-syrians-living-in-turkey-on-social-media/

[38] Ibid.

[39] Diken. "Ankara'da 'tecavüz söylentisi' üzerine Suriyelilere saldırı: Bir mülteci yaralandı," last modified July 2017, http://www.diken.com.tr/ankarada-tecavuz-soylentisi-uzerine-suriyelilere-saldiri-bir-multeci-yaralandi/, accessed January 10, 2019.

of this argument. However, these services have not been fully supplemented and properly monitored by the central government, which has caused a discrepancy between policies and practices. Meanwhile, these provisions are not very welcomed by the local societies and even overestimated to some extent. Since the return of Syrian refugees is not a viable option in near future,[40] these two issues, as we argue, trigger urban tensions and creates a situation of fragile co-existence in Turkey. In particular, we concentrate on the labor market to demonstrate how the increasing number of Syrians in the informal market actually fuels tensions. We also dug deep in education since Syrian children are one of the main and potential sources of informal labor irrespective of school attendance. Both the ones who have and those who don't have access to education have been obliged to work due to poverty. Both the ones who don't have access to education and the ones who have to work informally are obliged to work due to poverty. At this point the lack of government control on the implementation of basic provisions deteriorates the situation, resulting in two fundamental problems: (1) causing more Syrians to work in unlicensed workshops, while at the same time (2) making Turkish low-skilled workers to think that Syrians are replacing them which thus fuels urban tensions. For the former, we underline the necessity of transparent and clear official frameworks constantly checked by administrative authorities. Lack of transparency in regulations creates a precarity status in which Syrians are used as informal and cheap labor by the employers. For the latter, we highlight the importance and the need for increasing counter movements and informative activities by the civil society. We argue that civil society can play the role to point out and/or fulfill the gap between policies and practice in Turkey. To respond the discrepancy caused by the lack of government control, civil society organizations initiated projects to improve the image of Syrian refugees in the eyes of the Turkish society. Their activities help ease the tensions between local and refugee communities, which could, indeed, prompt the Turkish government to adopt a more efficient and a more comprehensive refugee response framework. Drawing from these observations, we finally indicate that urban tensions should not be downplayed but treated as crucial realities in Turkey with refugees and local communities, keeping in mind that they are important actors in social cohesion. It could only be possible with integration policies built on this approach that fragility of co-existence can be eliminated.

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[40] See Icduygu, Ahmet, and Enes Ayasli. 2019. "Geri Dönüş Siyaseti: Suriyeli Mültecilerin Dönüş Göçü İhtimali ve Gelecek Senaryoları" MiReKoc Calisma Notlari, April 2019.

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