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Editorial Statement

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We welcome readers to the e-publication of the New Scholars Network's inaugural issue of the *Refugee Review* journal. This open-source, peer-reviewed journal—based at no particular institution and tied to no particular location—is the product of collaboration between a growing and global group of new scholars, practitioners, policymakers, and activists in the field of forced migration and refugee studies. We are proud not only to introduce practice and theory being undertaken and considered in this field, but to do so in a way that is fully supportive of shared knowledge production.

The creation of this journal was a labor of love—not because there is pleasure to be taken in a field of work and study that exists in part due to the many injustices found within the human experience, but because the work surrounding forced migration is in large part being performed by persons like the contributors found here, who seek to understand how to proceed with ethical, equitable, and appropriate actions. And they seek to know others who are doing the same.

This journal is a publication that is important to us, but its power and purpose is not to be found in the mere fact that it has been published online. It was published because migrants need improved methods for caring for and interring their dead (see Sarenac), because better theory and practice is needed as nation states make decisions that weigh national security and the provision of a safe haven of asylum (see Every and Mellinger), and because durable solutions need to address the populations they actually seek to—and acknowledge the way these populations engage in activism (see Banki). It was published because legal aid is expanding to be more than legal aid (see Pangilinan), because activists are sometimes neighbors who witness asylum seekers being removed from their homes in the early morning (see Bates and Kirkwood) and because there are wide-ranging and systematic global structures that affect migration and migration politics (see Williams). It was published because language (see Sivalingam, Bates and Kirkwood), economics (see Ghráinne), the interpretation of statistics (see Ando), and access to higher education (see Magpayo) are important to refugees and all those that work with them.

Social activism, and the thinking behind it, is present in each of the following contributions to this journal. Our inaugural journal is about 'social movements' because people move, and their agency moves with them. Our journal is committed to representing various types of writing, and we believe this varied work helps us in carrying out our mission to foster the professional development of new scholars and advance research in the field of forced migration.

It can be difficult for new scholars to find a place for their ideas, or to feel the confidence to share them. Likewise, it can be difficult to engage with more established scholars, some of whom have also contributed to the publication of this journal. For these reasons, we hope this multidisciplinary compilation will resonate widely with new scholars and we look forward to you telling us what is next as we continue these discussions.

The New Scholars Network Executive Committee
Brittany Lauren Wheeler, Petra Molnar Diop and Oana Petrica

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The Paradoxical Power of Precarity: Refugees and Homeland Activism

SUSAN BANKI*

ABSTRACT
This paper offers a theoretical treatment of the argument that refugees who live in situations of varying precarity are uniquely positioned for transnational political action focused on reforming the home country from which they have fled. The paper undertakes four tasks. First, it explores classical social movement concepts to explain mobilisation of the refugee population. Second, it offers a typological and theoretical treatment of refugee transnational space, arguing that current typologies fail to capture the nuance of refugee transnational sites. Third, it develops a concept of refugee precarity as an alternate model for understanding transnational political space. Fourth, the paper hypothesizes as to the relationship between precarity and various elements of mobilisation. The paper suggests that precarity and mobilisation are correlated, indicating the paradoxical power of precarity for refugee activists. It concludes with implications for both researchers and policymakers.

KEY WORDS
Homeland activism; political transnationalism; refugee transnationalism; refugee social movements; refugee precarity

** Susan Banki's research interests lie in the political, institutional, and legal contexts that explain the roots of and solutions to international human rights violations. In particular, she is interested in the ways that questions of sovereignty, citizenship/membership and humanitarian principles have shaped our understanding of and reactions to various transnational phenomena, such as the international human rights regime, international migration and the provision of international aid. Susan's focus is in the Asia-Pacific region, where she has conducted extensive field research in Thailand, Nepal, Bangladesh and Japan on refugee/migrant protection, statelessness and border control. She is currently investigating the local, regional and international mechanisms (and the interactions between them) that serve as potential levers for change.*

Susan is the recipient of a multi-year Discovery Early Career Research Award funded by the Australian Research Council, studying transnational activism among refugee populations. She has also won numerous prizes for her teaching, in her Faculty (2012), at the University (2013), and nationally (2013).

INTRODUCTION

Refugees flee their home countries to escape war and/or ethnic conflict, to seek refuge from human rights violations, or to locate adequate socio-political conditions away from persecution and generalised violence. In cases where the home state fails in its duty to protect and/or becomes a threat to people seeking refuge, discontent with home government policies often leads to refugee participation in collective action aimed at reforming the home country, referred to henceforth as homeland activism. These activities, which may include transborder investigations, activating media interest, implementing human rights education, and lobbying regional and international bodies, are clearly transnational in scope. However, the character of the transnational field where refugee activists engage has been theorised poorly.[1]

This paper draws from social movement theory and the migration literature to offer the foundations of a theoretical argument for the role that refugees play in homeland activism. Specifically, this paper utilises the notion of precarity and the precariat to argue that refugees who experience varying levels of precarity are uniquely positioned for transnational political action focused on reforming the home country from which they have fled. The paper undertakes four tasks. First, it places refugee activism squarely in the discipline of sociology by using classical social movement concepts to explain mobilisation of the refugee population. Second, it offers a typological and theoretical treatment of refugee transnational space, arguing that current typologies fail to capture the nuance of refugee transnational sites. Third, it develops a concept of refugee precarity as an alternate model for understanding transnational political space. Fourth, the paper hypothesizes as to the relationship between precarity and various elements of mobilisation. The paper suggests that precarity and mobilisation are correlated, indicating the paradoxical power of precarity for refugee activists. It concludes with implications for both researchers and policymakers.

SOCIAL MOVEMENTS: FROM NATIONAL TO TRANSNATIONAL

There is an ample and well-cited literature that examines activities focused on undermining a government or advocating changes in home government policies. Charles Tilly identified this as a 'national social movement' – a 'constituency lacking formal representation… that make(s) publicly-visible demands for changes in the distribution or exercise of power… against people who run a national state' (Tilly 1982, 26). What triggers these constituencies (Maney, 2000; McAdam, Tarrow et al., 2001), how they mobilise (McAdam, 1996; McAdam, Tarrow et al., 2001), the means by which they develop their messages (Snow, Benford et al., 1992; Gamson and Meyer, 1996), and the resources they require to do so (McCarthy and Zald, 1977; Edwards and McCarthy, 2004; Bob, 2005) have fed into a significant literature on social movements. Early works examined traditional movements such as the civil rights and women's movements. New rights advocacy has expanded that field to include broader economic, social, and cultural rights which may or may not be global in character (Nelson and Dorsey, 2008).

[1] Readers will be familiar with the difficulties associated with defining refugees. For the purposes of this paper, a broad view is taken, encompassing all forms of forced migrants, including Convention Refugees, trafficked persons, and migrants whose motivations stem from an absence of 'positive original motivations' (Kunz, 1973, p. 130).

A significant body of work has also developed around the dynamics that facilitate political mobilisation. Scholars have categorised the 'political opportunity structures' (POS) available to collective actors in analyses of a variety of issues, including the anti-nuclear movement (Kitschelt, 1986), the women's movement (Costain, 1992) and the labour movement (Caraway, 2006). However, the POS literature has been critiqued for its overly broad scope (Gamson and Meyer, 1996; Goodwin and Jasper, 2004) and for its inability to explain why variations in culture and mentality among actors produce different mobilisation outcomes (Tapscott, 2010; Choe and Kim, 2012). Despite this, POS as a concept holds enduring appeal because, in its best-expressed form, it notes the dynamic inter-relationship between collective actors and structural factors at the local, national, and international levels. That is, a comprehensive understanding of POS recognises the iterative nature of agents and structures responding dynamically to one another (Koopmans, 2005).

Nowhere is this iterative dynamism more salient than in the case of refugee homeland activists. These refugees, who wish to reform their homeland, reside by definition outside the state that they want to change, thus imparting a transnational character to their actions. The literature on social movements has now recognised the significant role of transnational activism in shaping the mechanisms and messages of political mobilisation (Smith, Chatfield et al., 1997; Keck and Sikkink, 1998; della Porta and Tarrow, 2005; Tarrow, 2005). Implicitly, transnational research acknowledges the role of actors located outside the state where change is desired. Thus studies of 'diaspora politics' (Shain, 1999), 'exile politics' (Wahlbeck, 2002) and 'homeland politics' (Ostergaard-Nielsen, 2003) all focus on the ways that external actors mobilise for change back 'home.'

The literature points to several 'mobilisation elements' (the author's term) – i.e., factors that contribute to heightened homeland activism, both directly and indirectly. Individual and collective **motivation** on the part of activists is a virtual precondition for participation, whether that motivation is driven by social justice goals, personal financial gain, desire for recognition, or a search for identity (Melucci, 1996; Noakes and Johnston, 2005). Keck and Sikkink (1998) note the critical value of **information politics**, in which local actors have the ability to share specific facts, stories, and testimony about the troubles and human rights violations at home. Access to **resources**, such as cash, credit, technology, and communications equipment is the premise of resource mobilisation theory (for example, McCarthy and Zald, 1977; Hammond, 1993; Edwards and McCarthy, 2004). Later iterations of resource mobilisation emphasize the importance of access to **media** and other gatekeepers who can leverage home country troubles (Bob, 2005). An entire subliterature has developed around the ways in which activists can use **international institutions** to promote reform in their home countries (Slaughter and Crisp, 2008; Simmons, 2009). These bolded mobilisation elements will be taken up later in the article as we develop a model for transnational political mobilisation, specifically as it relates to refugee actors.

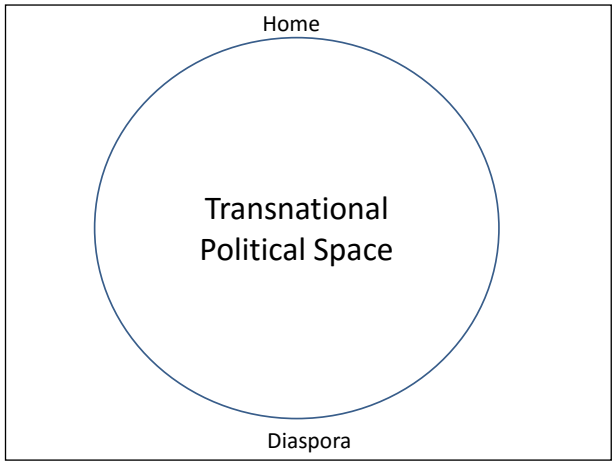
TROUBLED TYPOLOGIES

How is transnational political mobilisation currently understood and how can we supplement current understandings? Transnationalism by definition describes activities that function across

borders, and this feature, it is argued here, has led to an overemphasis on the importance of geography, and particularly the country where the transnational actor resides. But transnational politics also must recognise structural, economic, political, legal, and identity differences among transnational actors in order to understand the means and modes of political action. As this section demonstrates, the frameworks currently available to describe transnational political mobilisation are insufficient to capture these complex differences. What follows is a review of the 'troubled typologies' that currently exist and, in response, the construction of a new model of transnational political space based on criteria that go beyond geography.

The Home-Diaspora Dichotomy

The first way that transnational political space has been understood is to view the home-diaspora connection as a spatial dichotomy, consigning 'homeland' and 'diaspora' to two poles and identifying political actions that cross this divide as transnational. This understanding emerges from a longstanding approach in diaspora studies that tends to theorise the diaspora as a homogenous unit, and differentiate diasporas based not on the countries to which they have emigrated, but based on where they have departed: the homeland. For example, Brubaker's otherwise excellent review of the diaspora literature lists the diasporas by their origins: Jews, Greeks, Nigerians, Chinese, for example, failing to note the places they have arrived (Brubaker, 2005, p. 2). The nuance of politics played out in different diaspora countries is thus lost.

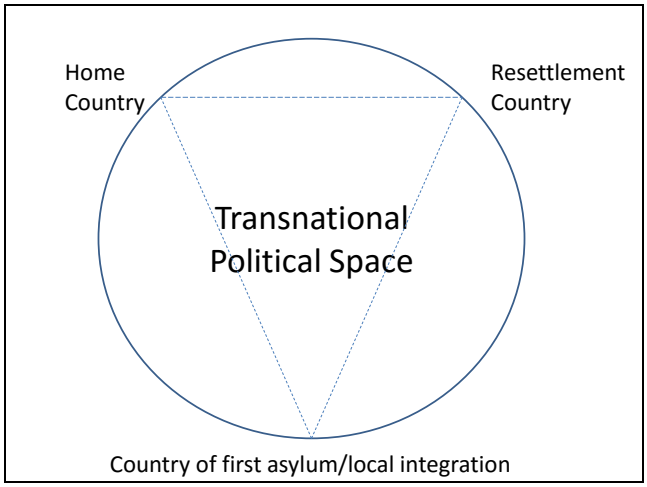


The Durable Solutions Typology

The second way that transnational political space may be understood differentiates among different diaspora countries, and comes specifically from the refugee literature. This typology has been promulgated by the Office of the UN High Commissioner for Refugees (UNHCR). The conception offered by the UNHCR divides international responses to refugee situations into three possible 'durable solutions': return (repatriation) to the home country; local integration in the 'neighbouring country of refuge (NCR)'[2]; or resettlement to a country of the Global North

[2] "Neighbouring country of refuge (NCR)' is the author's term and is suggested as a replacement in the literature for the previously used 'country of first asylum.' The term 'country of first asylum' is inaccurate because very often the country in question is not the 'first' to which refugees flee, nor are refugees able to apply for asylum there. NCR

(Gordenker, 1987; Keely, 2001). While this model has been problematised by many scholars (Loescher, 1989; Van Hear, 2006), its flaws bear repeating because they have so strongly impacted our current understanding of refugee action.



The most problematic element of the durable solutions typology is the one committed by omission, i.e., that the three durable solutions fail to describe the experience of the vast majority of refugees in the world today. A conservative estimate of refugee figures reveals that of 25.2 million refugees protected globally by UNHCR in 2010, about 198,000 (0.8%) returned to their home countries and about 108,000 (0.4%) resettled to a country in the Global North (UNHCR, 2010, p. 2). Whether the third solution, local integration, is defined by a durable legal status, as was assumed by early UNHCR texts, or in terms of adaptation (i.e, the ability to integrate, assimilate, or acculturate) (Kuhlman, 1991), the vast majority of refugees cannot be said to have locally integrated. Thus, the great majority of refugees, and the transnational sphere in which they operate, are unnamed in UNHCR's durable solutions.

The durable solutions typology also suggests that we understand refugee diaspora populations based on their geographical locations. For logistical and administrative reasons, this is practical: distribution of aid and allocation of staff, for example, necessitate a division of UNHCR area bureaus by continent.[3] Furthermore, the division is accepted conceptually, as both migration and geography scholars agree that viewing transnationalism through spatial or 'place' lenses is useful (for example, Forrest, Paulsen et al., 2006; Gielis, 2009). Empirically, however, geography, and particularly country-specific information, is not sufficient to underscore the similarities and differences that inform sites of transnational activism. Countries that are geographically close vary in many ways relevant to homeland activism, such as having different opportunities for

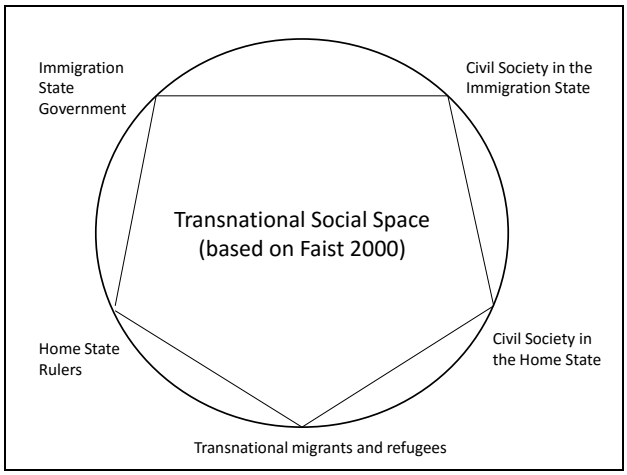
better describes the 'not homeland/not resettlement country' geographic space without making assumptions about its precarity. (It may seem paradoxical that an article that argues for a non-geographical understanding of refugee situations would also include an argument for a better geographical definition, but precision in one topical area can only lead to precision in others.) While 'protracted refugee situations' and 'warehoused refugees' have also been used to describe NCRs where refugees live, these are problematic for reasons listed later. NCR effectively describes those initial and intermediate places to which refugees flee once they cross a border, and should thus gain traction in the literature.

[3] See Bureaux box in UNHCR's organizational chart (bottom right), http://www.unhcr.org/pages/49c3646c98.html (accessed 31 May 2012).

assembly, communication, and mobility of all kinds, as well as different levels of access to policymakers and the international human rights regime.

The Pentatonic Model

Underscoring the need to understand the differences in opportunities listed above, Faist observed that "physical location and geographical distance are not the only grid upon which migrants map collective political action, cultural codes, and economic cooperation" (2000, p. 197). Faist instead suggests a pentatonic model of transnational social space that incorporates government and civil society actors: transnational migrants and refugees; the government of the immigration state; civil society organisations in the country of immigration; the rulers of the country of emigration; and civil society groups in the emigration state.



Faist's five-node model usefully eschews country-specific geography in considering the possible actors who occupy transnational space, and it rightly notes that juridical and political regulations inform how and when these actors may operate (2000, p. 213). This is important because it acknowledges the formal channels that permit actors to communicate, transport themselves, and exchange a host of resources such as funds, goods, and information. However, this model neglects to incorporate the informal, clandestine, and unregulated activities through which political transnational actors, and refugees in particular, may attempt to achieve their political aims.

This paper suggests that a model of transnational political space built around a continuum of *precarity* more effectively captures how refugees (as transnational actors) engage in homeland activism.

THE CONDITION OF PRECARITY AMONG REFUGEES[4]

[4] This paper uses the words 'precarious' and 'imprecarious' as the adjective forms of precarity and imprecarity. The existential use of 'precarious' by Butler (2006) is not the subject of this work.

The theme of precarity has emerged in recent years to describe the precariat 'class-in-the-making', comprising both working class and highly skilled workers unable to obtain regular employment (Standing, 2012, p. 588). The term has since expanded beyond economic conditions, becoming a 'rallying call and connecting device for struggles surrounding citizenship, labour rights, the social wage, and migration' (Neilson and Rossiter, 2005, n.p.). This same precarity is of course easily applicable to refugee and migrant situations; indeed, the concept of insecurity runs so strongly through the corpus of refugee and migration literature that it is difficult to contain. It is often linked to legality (Guarnizo, Portes et al., 2003; Eberle and Holliday, 2011; Goldring and Landolt, 2011), but is also found in numerous contexts in which unofficial arrangements provide the backdrop for varying levels of security and protection for refugee and migrant populations (see, for example, Grundy-Warr and Wong, 2002, p. 111; Brees, 2010).

Three recent attempts made within the refugee literature aim to better define situations of precarity, although not by this name. The first is the concept of 'warehousing,' which in its initial inception noted the ways in which 'refugees are denied the right to integrate in the asylum state, yet are unlikely to be restored to meaningful membership in their home community' (Hathaway and Neve, 1997, p. 131). Later the concept was adopted and promoted by the advocacy organisation US Committee for Refugees and Immigrants (USCRI). USCRI linked the concept to the rights set out in the *1951 Convention Relating to the Status of Refugees* (UN, 1951). For example, following Articles 26 and 17 in the Refugee Convention, refugees who are warehoused are unable to exercise internationally recognised rights such as the freedom of movement and the freedom to work (Chen, 2005). The concept of warehousing, linked as it is to both integration and legal mechanisms, offers a constructive foundation for understanding precarity, and it is used widely among advocates, political commentators, and policy evaluators (Crisp, 2004; Ruiz and Berg, 2005; Chandrasekharan 2006). The term has not been used significantly in academia, possibly because it seems to connote that refugees are dispossessed of their agency concerning their circumstances. USCRI material on warehousing (particularly their *World Refugee Survey* reports from 2005 to 2009, which regrettably have not been produced since 2009) noted not only the legal gaps in domestic legislation that protected or limited international rights to work and move, but also graded countries based on the actual ability of refugees to access these rights (USCRI, 2005; USCRI, 2006; USCRI, 2007; USCRI, 2008; USCRI, 2009; USCRI, 2009).

A second way in which precarity has come to be understood is through the label of 'protracted refugee situations' (PRS). PRS are defined as situations where refugees have lived '5 years or more after their initial displacement, without immediate prospects for implementation of durable solutions' (UNHCR, 2009, p. 3). The literature notes many factors that explain the complexity of PRS, including international strategic priorities that treat refugees as political pawns (Loescher, Milner et al., 2008), social identity conflicts (Adelman, 2008) and/or economic inequality (Castles, 2010). PRS are not technically defined by their location, although the populations who experience PRS reside almost exclusively in the Global South. Today, two-thirds of the entirety of the global refugee population reside in protracted refugee situations, conditions that describes precarity in the geographic, legal, temporal, and identity-related realms for the individuals who remain therein. The number of refugees worldwide in PRS is currently estimated at 7.1 million in 26 different countries (UNHCR, 2011, p. 2).

A third way in which refugees are understood to be precarious (or in precarious situations, used interchangeably hereafter) is through the social forces that guide their lives. Here, social networks play a key role, although whether their absence or presence contributes to precarity can depend on the nature of the network. It has been argued that migrant networks can help to minimize the risk of precarity (Massey, Arango et al., 1993) or equally that they can contribute to processes of exclusion (Zelizer, 2002). While precarity related to social status is in no way unique to refugee populations, the difficulties refugees face in navigating new social codes and cultural norms may compound other forms of precarity. These difficulties, stemming from informal and extralegal sources, suggest that elements such as family power relations, religious traditions, and gender mores in refugee communities should be better incorporated into a notion of precarity. For example, work that examines the particular vulnerabilities of refugee women notes both the legal and social restrictions to which refugee women are exposed (Pittaway, 2005).

The preceding paragraphs note the ways in which refugees have been conceptualised in terms of their precarity, and this paper concludes that none of these approaches offer a comprehensive definition suitable for refugee precarity. Therefore the definition of precarity offered below takes into account legal restrictions, as does Goldring and Landolt's (2011), and then builds on Neilson and Rossiter's (2005) extension of the term to encompass elements outside the workplace. Finally, it acknowledges that social networks are a key but unpredictable variable.

Thus, in this paper precarity is defined as:

> 'Forms of vulnerability and impediments to security and stability that stem from both formal (legal, political) and informal (social, cultural) processes.'[5]

Quite deliberately, the term 'permanence', with its temporal implications, has been discarded. Similarly the term 'security' is insufficient to serve as a pole against which to compare precarity lest the concept be confused with 'human security,' whose focus on overcoming individual deprivation and poverty suggests a developmental, rather than society-focused model.

LEVELS OF PRECARITY

Four ideal types are suggested in the application of precarity to refugee situations, on a continuum of low levels of precarity to high. The definitions below will indicate that refugees in each category are not defined exclusively by their geographical location, and certainly not by the country in which they reside. Depending on the availability of documentation, informal networks and social protection, refugees with varying precarity levels can be found in the same countries, or even the same regions. Thus these four ideal types suggest a model of homeland activism centred not exclusively around geography, but around the precarity of its participants/activists.

Low precarity is characterised by formal legal and permanent status, generally through gaining access to citizenship, most commonly in resettlement countries but also when integrated into

[5] *Imprecarity* is defined as precarity's opposite: the formal processes and informal arrangements that permit security and stability

NCRs. **Mid precarity** describes a situation of security where the means of assuring refugees' ability to reside, move, and transact openly are informal and/or temporary. Refugees in a situation of mid-precarity are those with temporary security, either through documentation or access to effective social networks. Mid precarity can occur in any country where temporary security is a possibility, including both countries of the Global North and Global South, and both urban and rural areas. **High precarity** is characterised by a limited ability to reside, move, and transact openly, where refugees are in a state of vulnerability, but with some measure of protection through either local or international agencies. The clearest example of refugees in situations of high precarity are registered camp refugees, but urban refugees with no documentation and limited social protection may fall into this category as well. **Extreme precarity** describes a situation in which refugees are extremely insecure and have access to neither documentation nor effective networks, such as unregistered camp populations or undocumented urban refugees with no identification or networks. Undocumented migrants in countries of the Global North also fit into this category.

These definitions immediately bring two points to the fore: first, while certain spaces have been identified as being more likely to host populations of specific levels of precarity, the place of residence, and particularly the country of residence, is not a sufficient factor to predict precarity levels. Second, in reality, shades of precarity would locate many refugees who would fall in the grey zones between these four types, or would appear to fall into more than one category. In particular, differentiating between mid and high precarity levels may prove difficult for some populations. Nevertheless, this model is valuable because it allows for the identification of important criteria in thinking about precarity and permits us to infer patterns between precarity and homeland activism, a topic to which we now turn.

PRECARITY AND POLITICAL MOBILISATION

Evidence demonstrating the relationship between precarity and political mobilisation has both theoretical and empirical sources and reveals some ambiguity about the strength and direction of the relationship: is there a correlation at all, and if so, is it positive or negative? The more common claim asserts that precarity as expressed through the absence of political opportunity structures (what we might call political constraint dynamics) discourages political mobilisation. This, it is argued, is because precarious actors do not have the status to take advantage of structures such as electoral rights and access to lawmakers, or other common elements that scholars cite as a basis for political action (Guarnizo, Portes et al., 2003; Smith and Bakker, 2008; Inclan, 2009). Much empirical data supports this claim, in particular evidence that points to the precarity and immobilisation of undocumented migrants in countries such as Japan (Sellek, 1994), Canada (Goldring and Landolt, 2011), and Thailand (Eberle and Holliday, 2011).

Yet it is also noted that precarity and its associated discontent provides the motivation for collective action (Tilly, 1978; Burgerman, 2001; Tarrow, 2005). While the value of applying a political opportunity structure model to precarious migrant populations has been questioned (Ostergaard-Nielsen, 2001), the empirical evidence nevertheless points to repeated situations in which political dissent and precarity are not only correlated but causally linked. For example, migrants in Calais advocate for open borders (Millner, 2011) and female migrants in the UK

advocate for informal roles as advisors to local councils (Sales, 2002) precisely because their situations are precarious.

At the heart of the resolution of these two competing claims is the heterogeneity of both collective actors and their repertoires of contention. Just as Hammar (1990), Soysal (1994) and Faist (1995) differentiate between varying types of citizenship that accord rights of a different nature to denizens and social citizens, it can also be argued that variance in precarity plays a role in mobilisation outcomes: there is no single precariat, and political mobilisation has many root factors. In addition, the *kinds* of mobilisation, as suggested by Brees (2010) are likely to vary, and the *level* of precarity (as described below) can feed into that variance. Thus activists with varying levels of precarity have different motivations and potential for political mobilisation, and political structures utilised by imprecarious collective actors may take a back seat to other repertoires of contention such as, for example, clandestine data gathering.

ELEMENTS OF MOBILISATION AND LEVELS OF PRECARITY

Let us now return to the aforementioned elements that engender mobilisation (motivation, information, resources, media, and international institutions) and the four ideal types of precarity (low, mid, high, extreme). In the following section, each mobilisation element is examined, and hypotheses are offered with respect to the relationship between precarity of refugee populations specifically, and each mobilisation element. The comparisons here between precarity levels indicate the outcomes with respect to one another. That is, if the model indicates that low precarity refugees have 'high' access to resources, this does not mean that all low precarity refugees are wealthy. It only means that they have greater access to resources as compared to high precarity refugees. Examples are provided where possible, and sources of evidence are suggested that could be utilised to test the direction of these hypotheses in the future.

Motivation to participate in homeland activism is likely to be affected by precarity levels. On the one hand, those experiencing extreme precarity may see their home country as a liability and choose to eschew homeland activism. On the other hand, they may have the most to gain from improvements at home, and recognise that reforms in the home country are the only way out of their situations of precarity. While motivation is an individual choice, this paper hypothesizes that the latter argument holds greater sway: motivation is hypothesized to be at its highest level among the most precarious refugee populations, and decreases as precarity decreases. While this hypothesis may be tempered by 'extreme deprivation' as noted by Eberle and Halliday (2011, p. 375), the power of collective political activist identity is strong among refugee populations, as exemplified by O'Kane's examination of Burmese activist-refugees whose motivations to expose their own political trauma and that of their compatriots is deeply embedded in their deterritorialised identities (2007). The strength of their motivation is amplified by the fact that they do not have a homeland where they can escape that identity or choose another. Sources of evidence that could confirm or reject this hypothesis include comparative interviews, focus groups, or surveys of refugees from each category that inquire about motivation.

The ability to collect **information** about home country troubles or violations is of course related to motivation in some instances, as knowledge about human rights violations in a homeland may

spur political mobilisation. But access to information also offers the opportunity for gathering raw testimony, once motivation is present, which provides a critical tool in homeland activists' arsenal (Keck and Sikkink, 1998). It is hypothesized here that physical proximity to the homeland helps to facilitate the gathering of testimonial information directly and quickly, because such information is exchanged by those who are physically able to hear it and record it in person. Yet the ability to access information does not follow a linear precarity pattern. Those most likely to have physical and networked proximity to the homeland are those refugees who have most recently fled or, lacking any documentation, move back and forth across the homeland border because they have less to lose, i.e., those in the extreme precarity category. The other category with excellent access to information is that of mid-precarity, where persons can move and transact with relative ease. Conversely, low and high precarity refugees are likely to have less access to testimonial information. Low precarity populations can generally travel anywhere *but* home, and high precarity refugees (such as those in camps) jeopardize risking the little protection they have if they cross borders.

An example of the relationship between information and precarity comes from the Tibetan diaspora, where, it has been noted, those in India (in situations of mid precarity) collect testimonials of ex-political prisoners (often, having just arrived, in situations of extreme precarity) (Houston and Wright, 2003). Sources of evidence that could confirm or reject this hypothesis include grey literature that critiques the homeland, and the identification of the precarity levels of those who write and source that grey literature.

Access to **resources** among differentiated precarity levels varies according to the type of resource. Two types of resources are discussed here as a starting point. The first is financial resources, which is at the core of resource mobilisation theory, and simply states that **money** allows mobilisers a better chance to carry out their tasks. It is hypothesized that refugees with the greatest access to money to spend on activism are not, as might be expected, those in situations of low precarity. This is because their disposable income is reduced under the assumption that once in a permanent situation, a large percentage of money is spent on housing, health, education, and savings. (In some resettlement countries, the post-arrival stage allows a short-term mitigation of the requirement to pay bills, but the pressure is significant to become economically self-sufficient quickly). Rather, those in situations of mid precarity are hypothesized to have the most disposable income in the short- to-intermediate term, with networks and informal sources allowing the ability to earn income, and fewer expense requirements, while those in situations of extreme precarity must use what little resources they have to secure protection. One method for confirming this hypothesis would be a survey that determines disposable income of populations of varying precarity.

The second resource considered is access to **technology,** examined here because of increasing claims in the transnational and social movement literatures about its importance (see, for example, McGahan, 2010). One can hypothesize that the best access to technology could provide the fastest internet speeds and the best computer programs to build websites, for instance. Technology is hypothesized to be conversely related to levels of precarity, based on the assumption that the best technology requires stability and permanance (a home phone and internet connection, with an annual plan, for example). Thus, those with the lowest precarity have the best access to technology while those in situations of high and extreme precarity have

the least access.[6] Sources of evidence that could confirm or reject this hypothesis include budget line items from funding bodies and comparative interviews, focus groups, or surveys of refugees from each category.

It is hypothesized that those in situations of low precarity have the most difficulty in accessing **media and reporters**, despite the fact that they may live in countries from which international media outlets operate. Conversely, refugees in situations of mid and high precarity are more likely to access the media, because they are secure enough to meet reporters, and reporters are more likely to want to interview them and use their stories as they represent the problems emanating from the homeland. A fine example of this is a recent article published in the *New York Times* by a Bhutanese refugee who wrote his opinion piece while living in a refugee camp in Nepal. Despite the fact that over 60,000 Bhutanese refugees now live in situations of low precarity in countries of resettlement, (out of a total population of 110,000 displaced from Bhutan) the *New York Times* chose to air the voice of a refugee whose immediate situation suggested both precarity and proximity to the source of the conflict (Mishra, 2013). Thus it is suggested that mid and high precarity refugees have the highest access to media because, over time, reporters begin to rely on them in the field for stories and contacts. Sources of evidence that could confirm or reject this hypothesis include a comparative examination of media sources, and interviews, focus groups, or surveys of reporters.

International institutions are of course highly relevant to the study of transnational political mobilisation because they are the gateway through which local claims are made known in the international arena. The ability of refugee populations to access international institutions is very much dependent on their precarity levels, but this mobilisation element requires further disaggregation. First, there are refugees who are in close contact with **international aid agencies**, relevant because most have their own advocacy and lobbying arms or branches. One example is the International Rescue Committee (IRC), which engages in advocacy as well as humanitarian aid and development. International aid agencies are clearly most easily accessed by refugees who are the recipients of their aid, and by definition these are defined as high precarity refugees. Those in the extreme precarity category, i.e. unregistered refugees, are less likely to have access to aid, although this may vary from situation to situation. Similarly, low precarity refugees are not aided by international aid agencies, although in the early stages of resettlement, this may be a grey zone; the IRC, for example, assists both refugees in camps and those in the early stages of resettlement in the United States. Despite the fact that refugees of different precarity levels receive assistance from the same organisation, within the IRC these are very different branches whose substantive and administrative work rarely, if ever, overlap.

The second category within international institutions is **regional and international meetings** of these institutions, relevant for the obvious reason that international/regional policy is made and lobbying is performed at these levels. Examples include the meetings that take place at the United Nations, such as the Universal Periodic Review at the Human Rights Council or the NGO consultations at the Executive Committee of UNHCR. This category likely requires further disaggregation depending on the meetings, but it is important to note that it is not only those of the lowest precarity that are able to attend; mid precarity refugees find ways to travel to regional

[6] An alternate hypothesis might suggest that geography plays a larger role in determining technology access than precarity, because cities and countries either have the infrastructure to support technology, or they don't.

and international meetings. These meetings are, however, out of reach for the extremely precarious. Sources of evidence that could confirm or reject this hypothesis include interviews, focus groups, or surveys of aid workers and international officials.

Table 1 summarises the above discussion, and also indicates by colouring where the highest levels of mobilisation are hypothesized to be found. The areas of darkest shading indicate the highest levels of mobilisation, while the lightest shading indicates the least likely performance of particular mobilisation elements. The table offers two suggestions. First, the elements of mobilisation are spread out among various members of the refugee population. That is, no one precarity group (i.e., resettled refugees, or those in camps) has the best access to the entire suite of tools available to advocates. Second, the table demonstrates that in many cases, high levels of mobilisation align with refugees in situations of mid, high, and extreme precarity.

Table 1: Precarity Levels and Mobilisation Elements

	Low Precarity (formal permanent legal status)	**Mid Precarity** (temporary security with informal means of assuring ability to reside/transact/ move)	**High Precarity** (limited ability to reside/transact/ move)	**Extreme Precarity** (extremely insecure; unregistered populations with no access to longstanding effective networks)
Possible locations for precarity level	Any country where permanent security is assured; most likely in resettlement countries	Neighbouring countries of refuge, likely in urban areas, or countries of the Global North or transit countries while the refugee has temporarily secure status	Refugee camps where persons are registered but have no other permissions	Unregistered camps or urban locations where populations are undocumented or have no identification
Motivation to focus on homeland activism	Low	Medium	Medium	High
Access to first-hand information about HR violations in home country	Low	High	Medium	High
Access to money to spend on homeland activism	Medium	High	Medium	Low
Access to technology	High	Medium	Low	Low
Connections to reporters in media	Low	High	High	Medium
Access to international aid agencies	Low	Medium	High	Low
Access to regional and international meetings (i.e., regional hegemons, UN)	High	High	Low	Low

Table 1 indicates the power of precarity for refugees engaged in homeland activism. Particularly for those who have not resettled and obtained permanent secure residence/citizenship, the varying situations of precarity in which refugees live, work and transact inform their motivation and ability to press for reform at home.

CONCLUSION

As a starting point for understanding the modes and mechanisms of homeland activism as practiced by refugees, this paper has proposed a mobilisation model centred on refugee precarity. It has suggested four ideal levels of precarity that are not exclusively related to geography. Seven elements of mobilisation have been drawn from the social movement literature, and these have been compared to refugee precarity levels. A positive relationship between precarity and homeland activism has been hypothesized, and sources of evidence, both primary and secondary, have been suggested to test these hypotheses in the future.

This paper has implications for the current debate about the relationship between precarity and immobilisation, and it may point to ways in which homeland activism differs from other kinds of activism in its relationship to precarity. While some suggest that precarity is an immobilising factor, these studies have focused on activism directed at the host country, rather than the home country (Eberle and Holliday, 2011; Goldring and Landolt, 2011). Studies of homeland activism, however, yield a more nuanced conclusion that locates political transnational participation even among precarious populations (Banki, 2006; Brees, 2010). This paper's model speaks directly to that debate, and seeks to locate the variables with the most weight in determining homeland activism.

This paper does not wish to make the argument that refugees are the only, or even the most powerful, homeland activists. Nor does it claim that the mobilisation elements that refugees possess are of higher quality or quantity than non-refugee activists. These claims could only be tested with a model that included activists in situations of non-precarity, such as student activists from other countries. The paper instead argues that precarity offers a useful lens through which to understand how refugees engage in homeland activism, and the possible choices they make about the activities in which they engage.

Further, this paper suggests that while precarity may staunch certain forms of political mobilisation for some refugees because access to legal channels is impossible, its very existence encourages other forms. These alternative forms of mobilisation performed by precarious refugees may be, by the fact of their clandestine nature, more powerful. Future research into this topic would offer important insights into social movement tools for all precarious populations, not only refugees.

Finally, it would be a mistake to conclude from this analysis that precarity ought to be endowed with a 'positive' value because of its suggested paradoxical power. Instead, in the context of our current global refugee regime, where the largest share of refugees are in fact in precarious situations, it is crucial that international actors concerned with encouraging state reform acknowledge the agency of refugee activists and understand in-depth the channels through and tools with which they operate.

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'We Didnae Do Anything Great…' Discursive Strategies for Resisting Detention and Deportation in Scotland and the North East of England

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ABSTRACT
The arrival of people seeking asylum in the United Kingdom has been a contentious issue in early twenty-first century Britain. Numerous opinion polls indicate widespread hostility to asylum seekers and extensive support for tougher immigration controls, including more removals. While much of the research on asylum in the UK has focused on the isolation and hardship faced by asylum seekers, relatively little has been written about the numerous campaigns mounted by local people in solidarity with those at risk of detention and deportation. The following article aims to address this gap in the literature by exploring some of the discursive strategies employed by asylum rights activists involved in campaigns against the detention and deportation of asylum seekers whose claims have been rejected. Extracts from interviews with campaigners are examined using discourse analysis in order to explore how asylum is discursively constructed in such a way as to challenge the legitimacy of the UK's asylum process. This material is presented in the form of two case studies, each of which deals with an individual asylum rights campaign, one from Scotland and the other from the North of England. The article concludes with a critical evaluation of the effectiveness of the discursive strategies employed by campaigners in differing social contexts.

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INTRODUCTION

The arrival of people seeking asylum in the United Kingdom has been a contentious issue in the early twenty-first century. Numerous opinion polls indicate widespread hostility to asylum seekers and extensive support for tougher immigration controls, including more removals (see Finney and Peach 2004: 10; Jolley 2013). Although research suggests that many people are sympathetic towards genuine claims for asylum (Independent Asylum Commission 2008), the creation in media discourse of a simplified binary entailing 'bogus' and 'genuine' asylum seekers (Lynn and Lea 2003) has led to a situation in which most asylum seekers are seen to fall into the former category (Lewis 2005). As a result, asylum remains a highly charged political issue, one which the current Government has vowed to tackle as part of an overall strategy to minimise 'abuse' of the system and reduce overall levels of immigration (Gower 2012).

Such widespread hostility, however, has rarely been universal. Historians of migration have argued that campaigns for migrant rights and solidarity have long existed even in the face of overwhelming hostility from the majority (see Fryer 1984; Kushner 2006; Kushner & Knox 1999). More recently, Sivanandan (2008) has written of the 'communities of resistance' which have been mobilised in support of migrants and minorities in working class communities across the UK, echoing the migrant solidarity campaigns which have emerged elsewhere across Western Europe and America (Fekete et al. 2011; Sanders et al. 2013). As the critic Arun Kundnani writes: 'Increasingly it is through networks of support established through schools, churches and community campaigns that the efforts of the Home Office to remove failed asylum seekers are being thwarted' (Kundnani 2007: 163).

The aim of this article is to explore some of the discursive strategies employed by asylum rights activists in localized campaigns such as those described by Kundnani. While much of the existing research on experiences of asylum in the UK has focused on issues such as racism, isolation and destitution among asylum seekers (for an excellent overview see O'Neill 2010), relatively little work has been carried out on the role of community campaigns against the detention and deportation of those whose asylum claims are refused. (Some exceptions to this can be found in the work of historian David Renton (2007), whose work has documented past migrations to the North East of England, and sociologist Tom Vickers (2013), whose research has explored contemporary anti-deportation campaigns in England).

By focusing on the words of the campaigners themselves, including teachers, residents and others with whom asylum seekers have forged social relationships, it is hoped that this article may shed light on a previously understudied area. Extracts from interviews with campaigners are examined using discourse analysis (McKinlay & McVittie 2008; Potter & Wetherell 1987) in order to explore how asylum is discursively constructed in such a way as to challenge the legitimacy of the UK's asylum process. This material is presented in the form of two case studies, each of which deals with an individual asylum rights campaign, one from Scotland and the other from the North of England. Both of these cases involve the detention or deportation of asylum seekers whose claims for asylum have been rejected. The article concludes with a critical

evaluation of the effectiveness of the discursive strategies employed by campaigners in differing social contexts.

METHODOLOGY

The material on which this article is based originates in two separate studies concerning the integration of asylum seekers and refugees in Scotland and the North East of England, each of which identified campaigns against detention and deportation as examples of 'organic integration' in action (Bates 2012; NERS 2000). In Scotland, the research involved semi-structured interviews with a total of 45 people living in Glasgow, including: workers in organizations that support asylum seekers and refugees; local Scottish people who live in the areas where asylum seekers are housed; and asylum seekers and refugees from 11 different countries in Africa and the Middle East. Similarly, in the North East of England the research involved semi-structured interviews with a smaller number of respondents (25 in total), including 5 asylum seekers and refugees and 20 individuals involved in the 'asylum-migration-community nexus' (O'Neill 2010), such as youth workers, school teachers, activists and community leaders. Interviews were conducted in-depth, lasting up to two hours at a time, and interviewees were encouraged to talk freely about any aspect of their life in the UK that they wished. These research participants were selected on the basis of connections previously forged by the researchers through working and volunteering with local refugee-supporting organizations, groups and individuals. In the North of England many of the respondents were already known personally by the first author, and although Spradley (1979) warns of the dangers associated with such personal familiarity in research settings, it was judged that the advantages entailed by this closeness, such as pre-established relationships of trust and rapport, far outweighed any possible disadvantages (Roseneill 1993).

The interview questions in both studies focused on the experiences of asylum seekers and refugees in the host society, including the challenges they faced as they progressed through the legal process of claiming asylum and the way they were perceived by the local community. Interviews were digitally recorded and transcribed using an abbreviated version of Jeffersonian notation (Jefferson 2004). Participation in the studies was voluntary and confidential; identifying information has been removed and the interviewees have been assigned pseudonyms. The interview extracts featured below are examined using discourse analysis (McKinlay & McVittie 2008; Potter & Wetherell 1987), paying particular attention to how asylum is constructed in such a way as to challenge the legitimacy of the asylum process itself.

The transcriptions use the following conventions:

[ ] Overlapping speech.
(0.8) Pauses in seconds.
(.) Very short pause.
right= Latching: no pause between speakers.
never Stressed sounds.
↑ Rising intonation.
(( )) Transcriber's description.

RESISTING DETENTION IN SCOTLAND

The arrival of asylum seekers in Glasgow began shortly after the introduction of 'compulsory dispersal', a measure whose legal basis was established in the 1999 Immigration and Asylum Act (Hynes 2006). Under this new system, people who lodged a claim for asylum were 'dispersed' to different parts of the UK while they awaited a decision from the Home Office. By 2002 there were approximately 5000 asylum seekers accommodated by the National Asylum Support Service (NASS) in the city, a figure which by 2011 had fallen to around 2400, reflecting national trends (COSLA 2011). Research has indicated that the experience of asylum in Glasgow has mirrored the national experience in key respects, with asylum seekers encountering social isolation, economic marginalization and racism (Barclay et al. 2003; Kirkwood 2012; Mulvey 2009).

Voluntary and community support networks for asylum seekers and refugees, however, were established early on (Wren 2004), including campaign groups such as the Glasgow Asylum Rights Campaign, formed in 2000, and Glasgow Campaign to Welcome Refugees. A number of independent campaigns against detention and deportation appeared in Glasgow throughout the 2000s, many of them gaining a national profile (see, for example, the case of the 'Glasgow Girls'). Indeed, in November 2010 the local press reported claims by 'senior political sources' that the decision to reduce asylum seeker numbers in Glasgow had been made because of the 'public outcry' prompted by the prior detention and deportation of Glasgow-based asylum seeking children and families.

The following extracts are from an interview with two friends and members of a local community in Scotland whose experiences of asylum include active participation in the relatively successful campaigns against dawn raids on asylum seekers. The dawn raids involved agents of the UK Border Agency (UKBA), the immigration wing of the Home Office, entering the homes of asylum seekers in the early hours of the morning to forcibly remove them to detention centres, often with the intention of removing them from the country. In their local area, the interviewees became actively involved in protests against the dawn raids and helped introduce a system whereby residents would warn asylum seekers if UKBA vehicles were sighted, allowing them time to vacate their homes and avoid being detained (Farrier 2012).

These extracts have been selected for analysis because they provide the interviewees' account of their actions and their motivations for their actions, allowing for an exploration of how such actions against the asylum system are legitimised through discourse. The first extract is presented primarily to provide contextual information, and involves one of the interviewees describing the actions they took to disrupt the dawn raids. The more detailed analysis will focus on the second extract, in which the interviewees explain their motivations for being involved in these actions.

Extract 1

1	L2	we started a morning ritual (.)
2	SK	okay
3	L2	(.) uh some mornings (.) we would both go out (.) if if ((husband's name))
4		would man the phones, other mornings I would be here, ((L1)) would go (0.8)
5		walkin' (0.9) and we would watch (0.8) minute she saw a van coming into the
6		[community]
7	SK	[mm-hmm]
8	L2	she'd phone me, ((L2's name)) (0.8) such and such a van (0.7) at block fifty or
9		block sixty=
10	SK	=mmm
11	L2	tell them to get out
12	SK	mmm
13	L2	and I would phone all the numbers that I had=
14	SK	=right
15	L2	(.) move, get out, come down the back stairs coz they would be going up in
16		the lift
17	SK	mmm
18	L2	and they would come with their armoured gear and their [helmets]
19	SK	[mmm]
20	L2	it was hor::rific
21	SK	mm-hmm
22	L2	and fortunately (.) we were very successful
23	SK	yeah
24	L2	and stopped quite a lot of those families from being taken

Extract 2

1	L1	[imagine your son in handcuffs]
2	L2	[imagine you wake up] (.) you watch [two you watch little] (0.9) boys
3	L1	[(unclear) handcuffs]
4	L2	(.) come doon like that with their night- their pyjamas on (0.9) and the boys
5		were separated from their mum=
6	L1	=yep=
7	L2	=they had to go with the father=
8	L1	=they went [with the father
9	L2	[they were pushed into a (.) a big van
10	SK	yeah
11	L1	in a cage
12	L2	((high pitched squeaky voice)) what have they done? (.) not
13	L1	in a cage [in the] back of a van
14	SK	[yeah] right yeah
15	L2	and as my husband said (.) just think that if that was your grandchild
16	SK	mmm
17	L2	I said I couldnae watch it
18	SK	mmm
19	L2	so that was what we did so as I say so (1.0) we only done I think what any
20		decent human being would say well Christ no I cannae watch it let's do- and

21 we had time on our hands as I say I dear say if we'd had to go to work we
22 couldnae have done it but we didnae↑ (0.9) we could go back up the road and
23 have a wee nap so
24 SK hhh hhh=
25 L2 =but we didnae do anything great↑ (.) we didn't think so, still don't to this day
26 don't think I've done anything great

This first extract provides an account of the actions the interviewees took in response to the dawn raids, watching for the UKBA vehicles and notifying asylum seekers so they could avoid being detained. One of the noteworthy aspects of this extract is the way in which the interviewee describes UKBA agents. Specifically, in line 18 she refers to 'their armoured gear and their helmets'. This description brings attention to aspects of their appearance that relate to physical confrontation. Moreover, the interviewee evaluates this as being 'hor::rific' (l. 20), emphasising the extremely unpleasant nature of such experiences. In this extract, the interviewees' actions describe their assistance to the asylum seekers while portraying the agents of UKBA as a threat. This aspect is also explored in the second extract.

In the second extract, the interviewees begin their account with the word 'imagine' (ll. 1-2), which locates them in an empathetic position in relation to the asylum seekers who were being detained, and encourages the listener to do the same. Local 1 uses empathy to position the listener in the place of a parent of a child who is being taken away: 'imagine your son in handcuffs' (l. 1). In a slightly different way, Local 2 requests the listener to imagine watching little boys coming down with 'their pyjamas on', being separated 'from their mum' and 'pushed into a (.) a big van' (ll. 4-9). References to the small size of the boys and their pyjamas highlight the fragile condition of these children. Moreover, the use of terms such as 'little boys' and 'mum' relates them to a notion of family. As other research has highlighted (Goodman 2007; Kirkwood, McKinlay & McVittie 2013), notions of children and families have a range of positive connotations, including the implication that people in these groups should not be separated from each other and that children are inherently innocent. Terms such as 'handcuffs' (l. 1), 'a big van' (l. 9) and 'a cage' (l. 11) describe severe forms of intervention and restraint that appear out of proportion in relation to those they restrain, the 'little boys' in their 'pyjamas' (ll. 2-4). In this case, the juxtaposition of these specific descriptions works to present the actions of UKBA as inappropriate and unjust.

Furthermore, the children are more explicitly presented as innocent through the rhetorical question: 'what have they done?' (l. 12). It is important to note that the interviewees make no reference to the nationality or immigration status of either the children or the parents concerned. Rather, the account relies on general assumptions about the ethical treatment of children as children, rather than the ethical treatment of 'asylum seekers' as such.

This narrative leads into Local 2's account of why she and Local 1 became actively involved in campaigning to end the dawn raids. In the reported conversation with her husband, Local 2 is positioned as a grandmother of one of the children who was being detained. By saying 'I couldnae watch it' (l. 17), she justifies her actions through a stated inability to avoid taking action. In saying 'we only done I think what any decent human being would' (ll. 19-20) and 'we didnae do anything great' (l. 25), Local 2 does not present her activities as heroic or politically motivated, but rather as normalised behaviour stemming from a natural sense of empathy and a sense of human decency.

Overall, this extract illustrates how an imagined and empathetic relationship with the children of asylum seekers, coupled with the depiction of dawn raids as harsh forms of intervention, might lead to a critical view of such events and, further, to the normalisation and legitimization of the actions of local people who campaign against them. Although these accounts do not necessarily prescribe what other people should do in similar situations, they do provide insight into the kind of narratives local people might construct and, by extension, the discourse that others involved in grassroots campaigns may seek to adopt (e.g., Every & Augoustinos, 2008).

RESISTING DEPORTATION IN THE NORTH OF ENGLAND

As in Glasgow, the dispersal of asylum seekers to the North East of England began shortly after the enactment of the Immigration and Asylum Bill in 1999. By 2011, there were approximately 2000 asylum seekers accommodated across the region, concentrated mostly in Teesside (Middlesbrough and Stockton-on-Tees) and Tyne and Wear (Newcastle and Sunderland). Throughout the 2000s, a fairly extensive network of organisations emerged across the region which provided varying levels of support to asylum seekers and refugees. These included Tyneside Community Action for Refugees, which campaigns against the detention and deportation of asylum seekers in Tyneside; Justice First, which offers help to asylum seekers in Teesside whose claims have been rejected; and North of England Refugee Service, a charity funded partially by the Home Office to perform advocacy work on behalf of asylum seekers across the region. Like Glasgow, the North East also saw its share of independent asylum rights campaigns in this period, which rallied communities and often gained the attention of the local press.

The following case study encompasses extracts from an interview with a head teacher whose secondary school organized a campaign to prevent the removal of two students and their mother after their application for asylum was refused in 2009. During the interview, the head teacher described how staff and students at the school rallied to the support of the two teenage girls by organizing a petition, a letter-writing campaign and publicity in the local media. In the following extract the interviewee explains how he was informed about the students' plight in the midst of an external inspection by the schools' regulator Ofsted:

Extract 1

((A teaching assistant)) came to the door and basically started telling me this story and then said what are you going to do about it? (.) So that's how I got involved (.) erm (.) in the case and I think it was (.) you know (.) it was such an extreme predicament for these girls to be in (.) I mean obviously I was aware of them because they'd arrived in the school and aware of the background (.) but then they tended to just become part of the school and part of the student community (.) erm (.) and it was really when she came in and said their appeal's been turned down so theoretically they could be deported anytime from now (.) so what are we going to do about it that it really brought it all to the fore (.) erm (.) and I think (.) erm (.) raised the question

what are we about as a Catholic school and what are we about in terms of our mission and our belief and our values (.) erm (.) and that's right at the centre of it so I had no hesitation really in making it a top priority for me as the head (.) but in effect then making it a top priority for the school.

In this extract the teacher employs a number of discursive strategies that justify his participation in the campaign and result in a challenge to the legitimacy of the asylum process. This is illustrated primarily through the teacher's construction of the school as a community. O'Neill (2010: 13) has noted that the concept of community can be used to refer to 'a sense of place, space, belonging and the togetherness of elective communities bound by shared interests or identity, as well as the intersection or combination of all three aspects.' In this instance the concept is brought into play by the interviewee in order to express a sense of belonging based on shared space and shared values; a school community which is inclusive of all students regardless of nationality or immigration status. In this sense, the construction of community here is partly symbolic, and is accompanied by a sense of moral obligation, arising from the school's Catholic identity, which ultimately overrides immigration categories. The teacher mentioned early on, for example, that he was previously only aware of these students' arrival and of their general background. Following their arrival, he noted, they 'tended to become part of the school, part of the student community' (l.8). This establishes a form of belonging in which the two children become part of a community which is violated by the actions of the Home Office. The campaign to halt the deportation is thus constructed as a defensive course of action.

The construction of community is also given a religious dimension in this extract. The possible deportation of two students and their mother is said to the raise the question of 'what are we about as a Catholic school and what are we about in terms of our mission and our belief and our values' (ll.12-13), and was evidently enough of a motivating factor for the head teacher to mount a fully fledged campaign to retain the students. We can pose the question of whether this is an example of what Snyder (2010), following Smith (1996), refers to as 'transcendent motivation.' Transcendent motivation concerns situations in which theological reasoning advances and sustains support for the plight of asylum seekers and refugees, and the inspiration for such engagements is seen to be rooted in 'ultimate, divine meaning' (Snyder 2011: 574). Elsewhere in the interview, the head teacher develops this theme further:

Extract 2

Where's our model of asylum? (.) Well the holy family Jesus Mary and Joseph (.) What were they at the start of his life? (.) They were asylum seekers (.) They had to flee their land because his life was in danger.

Snyder observes that faith-based organisations often adopt spiritual strategies in their work with asylum seekers and refugees, where religion offers 'an alternative theological vision to the way things are now' (2011: 574). In referring to 'our' model of asylum, the head teacher envisions the school community as one whose values are guided by Christian teaching. With this theological

grounding of his perspective, the teacher and the school can question the legitimacy of the official asylum process and adopt a new 'model of asylum' in which the students' plight is seen to echo that faced by 'the holy family.'

CONCLUSION

A number of insights can be gleaned from the above case studies which may prove useful for activists and campaigners engaged in struggles for asylum rights in the future. In both cases, campaigners have challenged the legitimacy of the asylum process through the adoption of certain identifications with asylum seekers and refugees. These identities establish common ground based on shared experiences and appeal to the common values of refugee and non-refugee communities. Both case studies illustrate ways in which identities may be mobilized to encourage and justify the actions of different constituencies (Reicher & Hopkins 1996) in defiance of immigration authorities.

In the first case study, solidarity with asylum seekers and refugees is justified on the basis of empathic relations and the basic rights of children, with an emphasis on common humanity. In the second case, solidarity is justified through the discursive construction of a community imbued with Christian values, with an emphasis on the school's Catholic identity. The first example has the strength of drawing on general humanitarian values that would apply in similar situations regardless of religion, yet may be limited in terms of their applicability to a wider section of the population, including those who may disagree that such values overcome differences in nationality (Every 2008). The second example demonstrates how a figure with some institutional and theological authority was able to mobilize a school community in keeping with the faith-based ethos of the institution over which he presides. Both can be seen as examples of what Squire (2011: 292) describes as 'enactments of solidarity in which [dominant] cultural categories and legal distinctions disappear or are relatively unimportant.'

It could be argued that the analysis of these discursive constructions of asylum ignores the deeper structural bases of the injustices faced by asylum seekers and refugees in the UK and globally (Marfleet 2006), as often occurs when sympathetic coverage is granted by the mass media (Steimel 2010). Nevertheless, there is much to be said for examining campaigns in which the legitimacy of the asylum process is challenged in this way. These case studies highlight a belief in the rights of children and families whose status as human beings overrides some of the divisions embodied in restrictive and exclusionary immigration practices (Every & Augoustinos 2008; Lynn & Lea 2003).

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Refugee Empowerment and Legal Aid

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ABSTRACT
Using research gathered while working as a refugee legal aid lawyer in Dar es Salaam, Tanzania, and drawing literature on community lawyering and legal empowerment, this article reflects on the position of legal aid lawyers in refugee mobilization and empowerment movements. Lawyers may play a significant role in creating awareness among refugees about refugee identity and refugees as rights-bearers. However, the presence of lawyers can also dampen refugees' own organizing efforts. Instead of serving as their own advocates, refugees may surrender to others the responsibility for advocacy on their behalf, which can lead to refugee disempowerment. This article argues that refugee legal aid lawyers must seek to empower refugees to serve as their own advocates and provides suggestions for fostering such refugee advocacy.

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INTRODUCTION

Refugee legal aid lawyers have made significant contributions in the past decade to refugee protection on the African continent. In Kenya, the Refugee Consortium of Kenya – an organization that provides legal counseling and other services to refugees – played a key role in mobilizing support for the passage of Kenya's Refugees Act of 2006.[7] In Uganda, the Refugee Law Project advocated relentlessly for refugees' rights both before and after the passage of the

[7] Eva Ayiera, *Bold advocacy finally strengthens refugee protection in Kenya*, 28 FORCED MIGRATION REV. 26, 26-27 (2007).

country's lauded Refugee Act of 2006.[8] In South Africa, despite serious issues relating to refugee protection,[9] some lawyers and NGOs have been able to engage in groundbreaking litigation in domestic courts.[10] Asylum Access Tanzania, where I worked from January 2012 to April 2013, has also made some progress in advocating that refugees be allowed to live outside of refugee camps.[11] These legislative and policy changes have generally been seen as positive developments and were achieved despite major challenges.[12]

In addition to these legislative and policy reform initiatives, refugee legal aid organizations have provided legal aid to thousands of refugees every year. Working in coalitions, refugee legal aid organizations have also accomplished a number of notable achievements. For example, in 2005, refugee legal aid organizations succeeded in pressuring UNHCR to publicly release its procedural standards for refugee status determination (RSD).[13] Refugee advocates had long been critical of UNHCR RSD,[14] and the released procedural standards clearly specified for the first time that asylum seekers had some right to counsel.[15] Some refugee advocates have since formalized their coalitions into advocacy networks including the Southern Refugee Legal Aid Program (SRLAN) and the Asia-Pacific Refugee Rights Network (APRRN).[16] Both these networks place advocacy for refugee rights at the core of their work.[17]

Despite legal and policy successes and advocacy for refugees, many of the world's refugees still face harsh conditions. In Kenya and Uganda, advocacy for urban refugees has led to new legislation. The new legislation has not, however, eliminated continuing protection concerns for urban refugees such as xenophobia and discrimination, harassment by immigration and law

[8] Jesse Bernstein & Moses Chrispus Okello, *To Be or Not To Be: Urban Refugees in Kampala*, 24 REFUGE 46, 46 (2007).
[9] *See, e.g.*, Loren B. Landau, *Protection and Dignity in Johannesburg: Shortcomings of South Africa's Urban Refugee Policy*, 19 J. REFUGEE STUD. 308 (2006).
[10] *South Africa: Reprieve for xenophobia refugees*, MAIL AND GUARDIAN, Aug. 18, 2008, http://www.mg.co.za/article/2008-08-15-reprieve-for-xenophobia-refugees; Scalabrini Centre of Cape Town, Press Release, Court finds closure of Cape Town refugee office unlawful, Mar. 19, 2013, http://scalabrini.org.za/wp-content/uploads/2012/11/SCCT-Press-Release-Court-finds-CT-RRO-closure-unlawful.pdf.
[11] *Refugees to live outside camps-Official*, PESA TIMES, Jun. 24, 2013, http://www.pesatimes.com/news/legal-environment/refugees-to-live-outside-camps - .UckLjj5Nuid.
[12] Emily E. Arnold-Fernandez, Mauro De Lorenzo, Barbara Harrell-Bond & Rachel Levitan, *Starting a movement for refugee rights in the Global South: Asylum Access and beyond*, *in* SOCIAL ENTREPRENEURSHIP IN THE AGE OF ATROCITIES: CHANGING OUR WORLD 39, 40 (Zachary D. Kaufman, ed., 2012).
[13] Barbara Harrell-Bond, *Building the Infrastructure for the Observance of Refugee Rights and the Global South*, 25 REFUGE 12, 16 (2008).
[14] Michael Alexander, *Refugee Status Determination Conducted by UNHCR*, 11 INT'L J. REFUGEE L. 251, 255-56 (1999); Michael Kagan, *Frontier Justice: Legal Aid and UNHCR Refugee Status Determination in Egypt*, 19 J. REFUGEE STUDIES 45, 48 (2006).
[15] Michael Kagan, *The Beleaguered Gatekeeper: Protection Challenges Posed by UNHCR Refugee Status Determination*, 18 INT'L J. REFUGEE L. 1, 9 (2006).
[16] Fahamu Refugee Programme, About SRLAN, http://www.refugeelegalaidinformation.org/about-srlan(last accessed July 12, 2013); Asia Pacific Refugee Rights Network, http://www.aprrn.info/1/, (last accessed Aug. 14, 2013).
[17] Fahamu Refugee Programme, *supra* n. 10; Asia Pacific Refugee Rights Network, Who we are, http://www.aprrn.info/1/index.php/about-us/who-we-are(Jan. 21, 2011).

enforcement authorities, and lack of access to employment.[18] Some research concerning urban refugees in Southern and Eastern Africa has resulted in the argument that it is of primary importance to consider criteria other than legal status as a determinant of refugees' success in their countries of residence.[19] Researchers have pointed to other factors such as refugees' social networks as major determinants of refugees' survival and success.[20] Such research reinforces the point that legal and policy reform alone are unable to meet all refugees' needs and raises questions about what refugee legal aid lawyers can do to supplement their existing legal work in order to better assist refugees.

Based on research conducted with Congolese urban refugees in Dar es Salaam, I argue that refugee legal aid providers must adopt strategies aimed at empowering refugees to serve as advocates for themselves and their communities. Focusing on providing traditional legal aid alone, especially that which does not encourage refugee involvement, runs the risk of disempowering refugees by fostering dependence on lawyers to act as their representatives and sole advocates. Drawing on literature on community lawyering and legal empowerment, I argue that refugees have the ability to serve as their own advocates. Lawyers can adopt strategies that also aim to increase refugees' agency.

REFUGEE LEGAL AID: THE LEGAL ASSISTANCE ONLY MODEL AND BEYOND

Legal aid providers do not come in a "one-size fits all" model. The kinds of legal assistance provided can range from help with client testimonies to strategic or impact litigation – the use of litigation to advance broader social goals that affect a large number of beneficiaries or promote legal reform.[21]

Legal aid providers may help refugees access a country's or UNHCR's RSD system by providing information about asylum applications or assisting them with writing their personal and flight histories.[22] They may also provide direct legal representation to refugees, acting as legal representatives before government bodies or UNHCR--or simply accompanying them to government or UNHCR offices.[23] Legal memoranda produced by legal aid providers might argue for the acceptance of a particular claim by providing supporting country of origin information or arguing for specific interpretations of refugee definitions.[24]

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[18] *See, e.g.*, Sara Pavenello, Samir Elhawary & Sara Pantuliano, *Hidden and exposed: Urban refugees in Nairobi, Kenya* 7 (Humanitarian Policy Grp. Working Paper, 2010); Abdi Nur, *I am a Refugee, and I Have Rights*, REFUGEES INT'L BLOG, Apr. 10, 2013, http://refugeesinternational.org/blog/i-am-refugee-and-i-have-rights.

[19] *See, e.g.*, Loren B. Landau & Marguerite Duponchel, *Laws, Policies, or Social Position? Capabilities and Determinants of Effective Protection in Four African Cities*, 24 J. REFUGEE STUD. 2, 2-3 (2011) (arguing that "legal status is [not] a reliable predictor of effective protection").

[20] *Id.*

[21] *See* Abram Chayes, *The Role of the Judge in Public Law Litigation*, 89 HARV. L. REV. 1281, 1302 (1976); Lawyers for Human Rights, Strategic Litigation Unit, http://www.lhr.org.za/programme/strategic-litigation-unit(last accessed July 13, 2013).

[22] Kagan, *supra* n. 8, at 45, 55-56.

[23] Kagan, *supra* n. 8, at 49-51.

[24] Kagan, *supra* n. 8, at 49-51.

In contexts where RSD is unavailable or inaccessible, such as those countries where governments do not conduct RSD, refugee legal aid providers might advocate for refugees' release from detention or represent refugees in deportation proceedings. Some activities performed by legal aid providers may take place in formal judicial proceedings that are not in a court setting, but are quite similar to judicial proceedings. Others may take place in less formal contexts, such as in administrative proceedings before government officials, informal discussions with officials or in written communications.

In East Africa, legal regimes tend to allow little space for the representation of refugees by counsel in administrative or judicial proceedings. In Kenya, UNHCR conducts RSD, but UNHCR generally restricts refugees' legal representatives from making short statements at the end of an RSD interview.[25] In Uganda and Tanzania, refugees are not entitled to counsel in government RSD proceedings.[26] In those countries, refugees cannot have their lawyers present when presenting their claims. In such environments, lawyers may feel forced to identify alternative means to serve their clients, either by serving refugees' non-legal needs or providing innovative legal services outside the RSD context.[27] Refugee legal aid providers in the Global South may aim, among other more traditional legal objectives, to expand legal services and push for policy changes and legal reform. Many legal aid providers in the Global South have expanded their work to include psychosocial counseling, for example.[28] This expansion may reflect the diminished expectation on the part of aid providers that host country governments will or can provide important services to non-nationals, in addition to the perception that refugee clients require psychosocial counseling before they can access legal options.[29]

Thus, while some organizations focus on traditional legal aid,[30] others provide services that are more responsive to local conditions. Moving away from legal assistance-only models may be a product of restrictive legal environments in the Global South that restrict the effectiveness of legal aid services alone.

Further, not all legal aid work is done by those qualified to serve as or recognized as lawyers, solicitors or barristers in the jurisdiction where they work with refugees. However, the Nairobi

[25] UNHCR, Procedural Standards for Refugee Status Determination under UNHCR's Mandate § 4-7 (2003).
[26] Uganda Refugees Act 2006 s.13; Tanzania Refugees Act 1998 s.9.
[27] For example, Asylum Access Tanzania worked to enable more than a hundred self-settled refugees in Dar es Salaam to obtain legal status through immigration channels rather than through RSD. Asylum Access, Forging a New Path for Urban Refugees, Feb. 2012, http://asylumaccess.org/AsylumAccess/news-and-updates/archives/winter-2012-a-new-path-to-legal-status-for-urban-refugees-in-tanzania; Michael Kagan, *AMERA-Egypy, Flagship fo the Refugee Legal Aid Movement, Struggles for Financial Survival*, RSDwatch, Mar. 22, 2013, http://rsdwatch.wordpress.com/2013/03/22/amera-egypt-flagship-of-the-refugee-legal-aid-movement-struggles-for-financial-survival/.
[28] Refugee Law Project, http://www.refugeelawproject.org/(last accessed July 13, 2013); AMERA, http://www.amera-egypt.org/(last accessed July 13, 2013); Frontiers Ruwad Association, http://www.frontiersruwad.org/(last accessed July 13, 2013);
[29] Refugee Law Project, Legal Aid & Counselling Annual Report 2005, http://www.refugeelawproject.org/strategy/LACannualreport05.pdf 7-8 (last accessed July 13, 2013).
[30] Hong Kong Refugee Advice Centre, What we do, http://www.hkrac.org/what-we-do/ (last accessed July 13, 2013); Asylum Access, Our Model, http://asylumaccess.org/AsylumAccess/who-we-are/our-model(last accessed July 13, 2013); Lawyers for Human Rights, Refugee and Migrants Rights Programme Additional Information, http://www.lhr.org.za/programme/refugee-and-migrant-rights-programme-rmrp/information(last accessed July 13, 2013).

Code, a voluntary code of ethical conduct, was adopted by several refugee legal aid providers in 2007. This code provides standards for legal training for those working in refugee legal aid. In addition to lawyers, legal aid providers may employ individuals with legal training or paralegals – community-based legal aid providers that provide basic legal aid.[31] The former may include individuals with legal training from the Global North. The latter appear to be less common. For the purpose of this paper, the term "lawyer" includes persons providing legal services who are qualified in a particular jurisdiction, possess education qualifications and are effectively serving as lawyers. I hypothesize that this group is more likely to provide services traditionally provided by fully qualified lawyers and to be perceived as professionals and decision-makers by refugees.

LEGAL AID AND REFUGEES IN DAR ES SALAAM

As part of a broader project on prospects for local integration, a refugee research assistant and I sought feedback on Asylum Access Tanzania's legal aid work among Congolese urban refugees in Dar es Salaam. Our aim was to better understand refugee livelihoods and survival strategies, relationships with host communities and the long-term goals of refugees. We conducted ten unstructured interviews with key informant Congolese urban refugees selected for their knowledge of other Congolese refugees, four focus groups with twenty-five refugees, engaged in limited participant observation with three refugees, and surveyed fifty-one Congolese urban refugees.

For many respondents, the legal assistance previously provided to help them obtain some legal status in Dar es Salaam was key to what they asserted was a freer expression of their Congolese identity, their access to more formal employment, and, in rarer cases, their ability to establish businesses. The research suggests that legal aid can serve critical functions for refugees, indicating that traditional legal aid can be valuable for refugees).

Moreover, legal aid providers like Asylum Access Tanzania can serve the function of both creating awareness of refugee claims and establishing linkages between refugees.[32] For example, one woman explained that it was not until Asylum Access interviewed her previously that she understood that she had a refugee claim:

> I am a refugee here at Asylum Access – known as a refugee. Before I came here, I was a refugee "*non-identifiée*." It was here that I was identified.[33]

Group workshops and various trainings for refugees were also credited with being important opportunities for refugees to assemble.

> Asylum Access brings us together. Your work is good. Because by gathering at Access, you can meet your longtime missing relatives.[34]

[31] Kagan, *supra* note 8, at 56.
[32] Surveys, NN/SURV/31, Mar. 19, 2013; NN/SURV/34, Mar. 22, 2013; Interview, CP/CL/01, Jan. 28, 2013.
[33] Interview, CP/CL/09, Mar. 12, 2013.
[34] Survey, NN/SURV/34, Mar. 22, 2013.

> I have not seen any problems with Asylum Access. You do well as you assemble us Congolese and teach us many things.[35]

The comments above, however, do not reflect all refugee perceptions that the provision of legal aid did not address other needs and many called for assistance in obtaining food, housing, access to education for their children and health care:[36]

> . . . I think you should also think beyond legal services. There are other needs that people have. We have people who fled the DRC who never went to school. They don't know anything about legal services, but they are suffering.[37]

Others sought assistance that would help improve their livelihoods, from access to starting capital for a business to access to savings schemes to training in particular enterprises.[38] Obtaining legal status remained important for many who did not have some form of legal status and feared being returned to the Democratic Republic of the Congo or eventually wanted to seek resettlement.[39] But for others, living in Dar es Salaam imposed other chronic difficulties that legal assistance alone had not been able to address.

Having legal status did not address, for instance, discrimination, the low social perceptions of refugees or fears of exploitation as a result of refugees' nationality or status—persistent concerns of Congolese refugees in Dar es Salaam. Many of these concerns continue to exist for refugees with legal status.[40] These are in addition to difficulties such as equal access to health services, access to education and access to credit. It is difficult to imagine legal and policy reform alone sufficiently addressing refugees' marginalization.

A colloquy with Congolese refugees about policy advocacy and efforts to encourage the Tanzanian government to adopt an urban refugee policy that would permit refugees to legally reside with refugee status outside refugee camps depicts a gap between advocacy efforts and refugees' needs:

> Author: If the government had that [urban refugee] policy, would any of you consider applying for that?
>
> Respondent: Yeah so do you think—before answering that question—do you think that an urban refugee policy will be a solution to that kind of discrimination? And people will not have as a matter of policy not accommodating or employing refugees?[41]

[35] Survey, NN/SURV/31, Mar. 19, 2013.
[36] *E.g.*, Surveys, NN/SURV/02, Feb. 19, 2013; NN/SURV/04, Feb. 21, 2013; NN/SURV/13, Mar. 1, 2013.
[37] Focus Group with Refugee Women, Feb. 8, 2013.
[38] Surveys, NN/SURV/20, Mar. 8, 2013; NN/SURV/23, Mar. 12, 2013; NN/SURV/26, Mar. 13, 2013; NN/SURV/42, Apr. 5, 2013; NN/SURV/44, Apr. 5, 2013; Interview, CP/PO/01, Feb. 13, 2013.
[39] Surveys, NN/SURV/11, Feb. 28, 2013; NN/SURV/16, Mar. 5, 2013; NN/SURV/25, Mar. 14, 2013; Focus Group with Refugee Men, Feb. 5, 2013.
[40] Focus Group with Refugee Women, Feb. 15, 2013; Focus Group with Refugee Men, Mar. 12, 2013.
[41] Focus Group with Refugee Men, Mar. 12, 2013.

Advocates of such a policy may argue that legal and policy reform may be able to address some of the aforementioned problems. Advocates may also argue that many of the hardships faced by refugees stem from the inadequate provision for and enforcement of refugees' rights. After all, refugees have rights under the 1951 U.N. Convention Relating to the Status of Refugees that, if respected, can serve as the basis for access to education and employment.[42] When policy centered upon refugees is followed or created, one could argue, refugees will in theory be able to access the services they require.

The argument may also be made that fostering rights-consciousness is one of the purposes that lawyers frequently work towards. In Dar es Salaam, one refugee community leader described bringing refugees to Asylum Access specifically to "know their rights as refugees."[43] In individual cases, lawyers can work with refugees to address issues such refugees being detained.[44] Instances where refugees are not able to exercise those rights, it can be argued, do not mean that legal aid is ineffective, but rather demonstrate that more aid and advocacy are needed.

An approach that relies solely on legal and policy reform, however, is inadequate for at least two reasons. First, with the financial constraints that refugee legal aid providers face, it is simply impossible for legal aid providers to address every individual rights violation that refugees experience. Legal aid providers cannot protect every refugee from discrimination even if law and policy reform are put in place. Second, it is possible that viewing refugees as persons who are in need of lawyers' assistance may obscure the role that refugees themselves can play in accessing their rights—and that they may be more effective at doing so. By emphasizing the role of lawyers, the role of refugees might be diminished to that of victims who become beneficiaries of their lawyers.

The discussions held with refugees in Dar es Salaam led to frequent statements by refugees that they had no rights or lacked freedom regardless of their legal status.[45] As one refugee described, her sense of long-term marginalization had left her worn out:

> I think we are all old. I think we are tired of all this kind of treatment that people are showing to us. We are not well cared for. We are not well treated. At my age I see someone saying, "you just go away, you are just a simple refugee." There is not even respect for age. And I think we are tired. We are just tired.[46]

Yet in a few instances, refugees described being able to assert rights in a way that was independent of their lawyers. While several refugee women complained about discrimination in the arena of health care, one woman who had trained as a nurse in the DRC recounted how she asserted herself in a health care setting:

[42] United Nations Convention relating to the Status of Refugees, July 28, 1951, arts. 17-19, 22, 189 U.N.T.S. 150.
[43] Interview CP/CL/02, Jan. 30, 2013.
[44] Interview CP/CL/03, Feb. 2, 2013.
[45] Surveys, NN/SURV/25, Mar. 14, 2013; NN/SURV/26, Mar. 14, 2013; NN/SURV/27, Mar. 15, 2013; NN/SURV/37, Mar. 26, 2013; NN/SURV/40, Apr. 4, 2013.
[46] Focus Group with Refugee Women, Feb. 15, 2013.

> When I was about to deliver my daughter, I was asked by a nurse what tribe I was from in Tanzania. This was after she identified my broken Swahili. Since I know medical ethics, I just stopped her and asked for her assistance. She continued to assist me and didn't ask me any question again.[47]

By drawing on her knowledge of the ethical responsibilities of the nurse, she was able to obtain assistance without reporting the experience of further discrimination. Another refugee spoke about using his legal status as a way of obtaining police assistance after he was the victim of theft.[48] No other refugee respondents, however, even those that had been victims of crime in Dar es Salaam, described going to the police voluntarily. While such accounts are very few in number, they suggest that refugees can serve their own interests without needing intervention from their lawyers.

Advocacy that refugees perform for their own interests has another added value: by representing themselves, they can dispel myths about refugees. During a presentation before a national legal aid organization (one that had assisted organizing focus groups with non-refugees for our study), one of the organization's legal officers expressed concern about allowing refugees to live outside camps. Allowing such a change, she imagined, could endanger her own safety. My research assistant, who is a registered refugee, had accompanied me to the presentation, but had not introduced himself as a refugee. Pointing to himself, he responded, "Did you think I was a refugee when I came in here?" He emphasized that fear of refugees was often unjustified. Speaking as a refugee, he helped challenge the common perceptions that refugees were violent and to be feared. By speaking as a refugee, he could help refute that perception better than I could.

In our discussions with refugees, some seemed prepared to leave responsibility for advocacy to their lawyers. In a discussion about differences in approach to urban refugees in Uganda and Tanzania, for example, participating refugees called for Asylum Access to "fight for us as they [the Refugee Law Project] did for refugees in Kampala."[49] One refugee called for the organization to serve as their intermediary in all conversations with government officials.[50] The latter sentiment, of course, is understandable given legitimate fears of the government by foreign nationals, some of whom may lack legal protections. Avoiding all contact with government officials, however, may also result in diminishing opportunities for refugees to speak on their own behalf.[51]

Another refugee called for Asylum Access to put into effect an urban refugee policy in Tanzania as had been "promised."[52] Such statements appear to hold lawyers accountable for enacting wide-reaching legal reform, and may also indicate that refugees do not see a role for themselves

[47] Survey, NN/SURV/38, Mar. 28, 2013.
[48] Interview, CP/CL/30, Feb. 7, 2013.
[49] Focus Group with Refugee Women, Feb. 15, 2013.
[50] *Id*.
[51] For examples of refugee mobilization, see Elizabeth Holzer, *A Case Study of Political Failure in a Refugee Camp*, 25 J. REFUGEE STUDIES 257 (2012); Paula Worbly, Lessons learned from UNHCR's involvement in the Guatemala refugee repatriation and reintegration programme (1987-1999) (1999), *available at* http://www.alnap.org/resource/2951.aspx.
[52] Survey, NN/SURV/16, Mar. 5, 2013.

in that work. "We thought it could take over all of our problems," one woman explained to me when she talked about Asylum Access opening in Dar es Salaam.[53] Providers of legal aid thus must walk the line between effective advocacy that solves problems and encourages advocacy by refugees themselves without, by introducing and discussing such topics, creating the expectation that legal aid can solve all the problems laid before refuges.

EMPOWERMENT AND SOCIAL MOVEMENTS

Although scholarship exists on relationships between refugees and academic researches that empower the former, little appears to exist about relationships between lawyers or legal aid organizations and refugees that do so.[54] The discussions with refugees I describe above show that there is a need to examine the strategies that legal aid providers are using as well as whether these strategies are serving refugees' expressed needs in a way that involves them. Two related streams of scholarship concerning lawyers working with the communities they intend to benefit—the literature on "community lawyering" and "legal empowerment"—are particularly useful as starting points for thinking about this relationship and the fostering of refugee empowerment.

The diffusion of community lawyering models of public-interest advocacy—largely emanating from an U.S. civil rights context—has drawn attention to alternative modes of lawyering in which lawyers work within social movements.[55] "Social movements", for their part, are commonly defined as consisting of collective action with the goal of some social end, such as a redistribution of resources or recognition of a particular social group.[56] Community lawyering models blur lines between practising law and community organizing. Instead of emphasizing lawyers' ability to alter relationships of power and distributions of resources through litigation, community lawyering models stress that effective solutions to structural inequalities must come from broader societal changes and from encouraging community members to serve as their own advocates.[57] More recently, scholars have stressed partnerships between lawyers and the communities they serve, where legal advocacy complements other strategies for reaching particular outcomes, such as organizing protests or affecting policy decisions made by the local government.[58]

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[53] Interview, CP/CL/03, Feb. 2, 2013.
[54] *E.g.*, Eileen Pittaway, Linda Bartolomei & Richard Hugman, *'Stop Stealing Our Stories': The Ethics of Research with Vulnerable Groups*, 2 J. HUMAN RIGHTS PRACTICE 229 (2010).
[55] *See* Scott L. Cummings & Ingrid V. Early, *A Critical Reflection on Law and Organizing*, 48 UCLA L. REV. 443, 446-47 (2001); Thomas Hilbink, *The Profession, the Grassroots and the Elite: Cause Lawyering for Civil Rights and Freedom in the Direct Action Era, in* CAUSE LAWYERS AND SOCIAL MOVEMENTS 60 (Austin Sarat & Stuart A. Scheingold eds., 2006).
[56] Nina A. Kohn, *The Lawyer's Role in Fostering an Elder Rights Movement*, 37 WM. MITCHELL L. REV. 49, 56 (2010); William Eskridge, *Channeling: Identity-Based Social Movements and Public Law*, 150 U. PA. L. REV. 419, 423-25 (2001); Tomiko Brown-Nagin, *Elites, Social Movements, and the Law: The Case of Affirmative Action*, 105 COLUM. L. REV. 1436, 1439 (2005).
[57] Cummings & Early, *supra* note 49, at 447 ("In general, this new framework offers a vision of social change directed by community-based organizations in which lawyers are ancillary to the definition and implementation of a transformative agenda.").
[58] Scott L. Cummings & Ingrid V. Eagly, Review Essay, *After Public Interest Law*, 100 NW. UNIV. L. REV. 1251, 1275 (2006).

Legal empowerment has been defined as an approach that uses "legal services and related development activities to increase disadvantaged populations' control over their lives."[59] Legal empowerment approaches prioritize, among other goals, increasing the agency of community members, focusing attention on the needs of communities rather than top-down strategizing, using both formal and informal tools, and working with all levels of government and community leadership structures.[60] Legal empowerment can differ from traditional legal aid and advocacy by focusing less on litigation and law reform. It is worth considering that litigation and legal reform may be less effective at promoting access to justice on a daily basis as a result of the scarcity of access to lawyers or because the results of law reform and litigation can take time to be actually felt.[61] In practice, legal empowerment approaches may see lawyers working to train community-based paralegals to help community members organize or access basic services like health and education, explain accountability and complaint mechanisms of NGOs and other decision-makers to their beneficiaries, and negotiate with local leaders.[62]

The functions that lawyers might serve in legal empowerment as community lawyers are very similar to roles that are observed in social movements. Legal education programs can bring refugees together to inform refugees of their rights and compare the legal content of those rights to their actual implementation.[63] Education programs also can also prompt participants to think critically together about the institutional structures that affect the lives of refugees.[64] Enabling marginalized people to interrogate such structures can encourage them to take action.[65] In doing so, refugee legal aid providers may be pushing refugees to mobilize around a particular social identity, which can serve as a precursor to mobilization.[66] Even litigation has a role in social movements as it can serve as a means of validating and crystallizing rights claims.[67]

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[59] Stephen Golub, *Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternative* 3 (Carnegie Endowment for International Peace Rule of Law Series Working Paper No. 41, 2003).
[60] *Id*. at 25-26; Vivek Maru, *Between Law and Society Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide*, 31 YALE J. INT'L L. 427, 464 (2006); Meena Jagannath, Nicole Philips & Jeena Shah, *A Rights-Based Approach to Lawyering: Legal Empowerment as an Alternative to Legal Aid in Post-Disaster Haiti*, 10 NW. J. INT'L HUM. RTS. 7, 8 (2011).
[61] Vivek Maru, *Allies Unknown: Social Accountability and Legal Empowerment*, 12 HEALTH AND HUM. RTS. PRACTICE 83, 84 (2010).
[62] *See supra* n. 54.
[63] *See, e.g.*, Refugee Law Project, Information Sessions, http://www.refugeelawproject.org/information_sessions.php(last accessed July 16, 2013); Asylum Access, Ecuador, http://asylumaccess.org/AsylumAccess/who-we-are/ecuador(Apr. 16, 2013).
[64] Focus Group with Refugee Men, Feb. 5, 2013.
[65] Tiernan Mennen, *The mystery of legal empowerment: livelihoods and community justice in Bolivia, in* LEGAL EMPOWERMENT: PRACTITIONERS' PERSPECTIVES 64, 66 (Stephen Golub, ed., 2010).
[66] *Cf.* Eskridge, *supra* n. 50, at 425.
[67] Sandra A. Levitsky, *To Lead with Law: Reassessing the Influence of Legal Advocacy Organizations in Social Movements, in* CAUSE LAWYERS AND SOCIAL MOVEMENTS 146 ("Litigation can raise expectations, spark indignation and hope, and stimulate a rights consciousness among movement constituents and supporters; it can help legitimize a movement's goals and values, publicize the movement's causes, and provide leverage in bargaining with powerful elites.").

Some organizations already involve refugees in community organization or provide them with the training to function as paralegals.[68] Refugee paralegals in Egypt provided services that assisted refugees to access RSD, such as transcribing refugees' flight histories.[69] Community-based paralegals can be a key component of legal empowerment programs, extending access to justice within the communities they serve.[70] In Tanzania, refugee paralegals based in refugee camps aimed to empower refugee women and girls to address sexual and gender-based violence.[71] In the latter case, paralegals' work encouraged refugee women to bring their claims to law enforcement officers and to press them to take their cases seriously.[72]

It is crucial to take into account, however, the ways in which legal restrictions shape the possibilities for such work with refugee social movements and empowerment. The law not only defines the extent of refugees' and asylum seekers' general political rights but it may also play a role in prescribing their places of residence, eligibility for employment, opportunities for education and their opportunities for political or social activism.[73] In Africa, the 1969 Organization of African Unity Governing the Specific Aspects of Refugee Problems in Africa was designed with one of its aims being that of controlling refugees' political activities.[74] It requires refugees to "abstain from any subversive activities" without defining which activities might be deemed "subversive."[75] One of its stated goals is eliminating the source of "refugee problems" as a "source of friction among many Member States."[76] Likewise, domestic laws impose limitations on refugee activism. In Tanzania, for example, the restrictive Refugees Act of 1998 restricts refugees' physical liberty and their freedom of assembly.[77] This narrows the options available for refugees to make their voices heard and creates additional challenges for legal aid providers.[78]

There are at least a few ways by which legal aid providers can contribute to or themselves be part of social movements by or for refugees. The training of refugee paralegals, the implementation of accountability mechanisms that hold legal aid providers to account in the communities they serve, and involving refugees in developing strategic priorities are all ways for legal aid providers to strengthen refugee voices.[79] Lawyers may provide refugees with training on community organizing tactics, preemptive counseling regarding refugees' campaigns, and legal support for the formation and registration of refugee organizations or refugee-run

[68] Kagan, *supra* n. 8, at 49-50; Juliet Kaira Chibuta, Women's Legal Aid Centre (WLAC) Final Evaluation of the "Access to Justice for Refugee Women and Girls" Project in Tanzania 2008-2011, http://www.baringfoundation.org.uk/IntevalOneworldaction.pdf.
[69] Kagan, *supra* n. 8, at 49-50;
[70] Maru, *supra* n. 54 at 466-67.
[71] Chibuta, *supra* n. 62.
[72] Chibuta, *supra* n. 62, at 42-43.
[73] Jeff Crisp, *No solutions in sight: the problem of protracted refugee situations in Africa* 11-13 (UNHCR Evaluation and Policy Analysis Unit Working Paper No. 75, 2003).
[74] George Okoth-Obbo, *Thirty Years On: A Legal Review of the 1969 OAU Refugee Convention*, 8 AFR. Y.B. INT'L L. 3, 57-64 (2000).
[75] 1969 Convention, Sept. 10, 1969, art. 3(1), 1001 U.N.T.S. 45.
[76] 1969 Convention, Preamble s.3.
[77] Khoti Kamanga, *The (Tanzania) Refugees Act of 1998: Some Legal and Policy Implications*, 18 J. REFUGEE STUDIES 100, 110-11 (2005).
[78] Chibuta, *supra* n. 62, at 44.
[79] *See* Maru, *supra* n. 54, at 442.

institutions. In such collaborations, refugees and lawyers may more closely approach a condition of equality in which lawyers are specifically engaged by refugees for their technical expertise and then supervised by them.[80]

Legal education programs, as described above, can continue to provide refugees with knowledge about their rights. But a focus on empowerment require doing more than providing refugees with knowledge about legal options that they can exercise through their lawyers. Instead, legal education programs can provide refugees with knowledge about legal options and strategies that they can use everyday when accessing healthcare, negotiating transactions, and communicating with authorities. Lawyers can first learn from refugees about the justice issues they face regularly and then begin to understand how some refugees have been able to meaningfully respond to those issues. Such solutions can be incorporated into educational programs, where, for instance, refugees are enlisted to educate other refugees. In this way, education programs can be collaborations that highlight refugee agency.

Bringing refugees together may be valuable in itself. While counseling refugees on an individual basis makes sense in terms of individual legal aid, it does little to assist refugees in the development of social networks amongst one another. Helping refugees develop their own support networks may do more to allow refugees to access effective protection through access to social support.[81] It should be emphasized, however, that the nature of legal empowerment activities will undoubtedly differ from context to context, depending on what refugees find significant and the interventions that might be available. In Dar es Salaam, issues like identification, education and livelihoods appear particularly relevant.

Whether legal empowerment can facilitate the formation of a social movement is more difficult to foresee. Social movements may be understood as "dense informal networks of individuals and organizations" that "cannot be fully represented or controlled by a single entity or organization," and thus require more than one organization or actor to lead, organize or implement their causes.[82] A movement requires participation by many, and legal empowerment activities for refugees could conceivably be represented by one or a few organizations from which refugees might not necessarily operate independently. In addition, social movements—especially if they are to be based around refugee rights or identity—would also require refugees to mobilize specifically around those issues rather than, for example, another characteristic like ethnicity.[83] As Amisi and Ballard note, in South Africa, Congolese refugees appeared to mobilize as Congolese or as members of specific Congolese ethnic groups rather than as refugees.[84]

If a refugee social movement does arise, lawyers will have to face questions about their role within a social movement. As others have noted, cooperation between lawyers and social

[80] Scott L. Cummings, *Law in the Labor Movement's Challenge to Wal-Mart: A Case Study of the Inglewood Site Fight*, 95 CAL. L. REV. 1927, 1966 (2007).
[81] Landau & Duponchel, *supra* n. 13, at 13.
[82] Kohn, *supra* n. 50, at 56-57.
[83] *See* Baruti Amisi & Richard Ballard, In the Absence of Citizenship: Congolese refugee struggle and organisation in South Africa (2005), *available at* http://ccs.ukzn.ac.za/files/Amisi Ballard Refugees Research Report.pdf.
[84] *Id.*

activists poses risks for both.[85] For non-lawyers, working with lawyers poses the risk of control or domination by legal professionals.[86] Perceived as experts or as elites, lawyers may be able to take control of and direct advocacy. Legal aid providers that work with refugees and asylum seekers in social movements may find themselves working with individuals who are their current clients. Lawyers may need to take steps to preserve the integrity of the individual lawyer-client relationship, especially the clients' control over their own case. This may include creating internal divisions between legal counselors and organizers and greater efforts to clarify lawyers' responsibilities to clients.

CONCLUSION

The increase in the number of refugee legal aid organizations in the Global South represents an opportunity to not only assist refugees through traditional lawyer-client relationships and policy advocacy, but also to empower refugees and contribute to their mobilization. This paper has focused on the ways that lawyers and legal aid organizations have and might, in the future, increase refugee agency and aid refugees in advocating for themselves. Certainly, encounters with refugee legal aid providers should not result in refugees feeling more helpless or vulnerable than they did before, especially given the hardships that refugees have necessarily already had to overcome and their ability to find solutions to these challenges.[87] Instead of assuming that traditional legal aid and policy advocacy are the sole ways that refugee legal aid providers can assist their clients, providers need to consider the ways in which refugees already do serve as their own advocates and work to expand their capacity to do so.

[85] *E.g.*, Austin Sarat & Stuart Scheingold, Introduction, *What Cause Lawyers Do For, and To, Social Movements*, *in* CAUSE LAWYERS AND SOCIAL MOVEMENTS 2-3.
[86] Levitsky, *supra* n. 61; Cummings & Early, *supra* n. 49, at 457-58.
[87] Nondo Nobel Bwami, *It Takes Courage to be a Refugee*, Realizing Rights, July 6, 2012, http://realizingrights.wordpress.com/2012/07/06/it-takes-courage-to-be-a-refugee/.

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Innovation in Education: Borderless Higher Education for Refugees

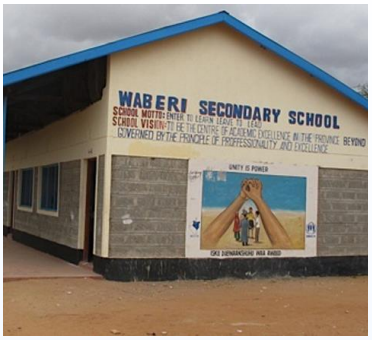
ALLISON MAGPAYO*

The Dadaab refugee camps lie in the North-Eastern province of Kenya, roughly 80 miles south of the Kenyan-Somali border. Made up of six different camps housing nearly half a million people, its immense size is matched only by its longevity; founded in 1992, this once temporary camp has become a permanent fixture in Kenya's geo-political and social landscape. Despite the longstanding presence of the encampment, Dadaab refugees have little opportunity for integration into Kenyan economies. With the exception of a few "incentive jobs" offered by the United Nations High Commissioner for Refugees [UNHCR], for which they are paid less than the local Kenyans, refugees are prohibited from working in Kenya and forced to rely on international aid for their basic needs. Dadaab refugees are also prohibited from moving beyond the camps without a permit, limiting their freedom of mobility and making them, in effect, prisoners within the camps. "Without access to higher education, the choice of occupations is very limited for refugee youth. The alternatives for young men and women are in very precarious forms of employment such as working for a militia, working for the pirates, drug running, working as a prostitute," says Professor Wenona Giles. Professor Giles and Professor Don Dippo, both from York University in Toronto, lead the Borderless Higher Education for Refugees [BHER]. Though still in its infancy, BHER is developing the world's first program to provide innovative, equitable, and internationally accredited university education to encamped refugees.

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The BHER team is comprised of a global consortium of NGOs and academic institutions committed to improving the quality and accessibility of education for refugees. At present, they administer education initiatives with refugees along the Thai-Burma border and are developing a program within the Dadaab refugee camps. The impetus behind the Dadaab branch of BHER came from Dr. Marangu Njogu of Windle Trust Kenya, the NGO responsible for running secondary schools in the Dadaab refugee camps. Long frustrated by the limited education in the camps, Njogu envisioned a new program that would provide teacher training for primary and secondary school teachers in order to improve the overall quality of education in Dadaab. In 2008, pursuit of this vision lead him to Philip Landon, African director of the World University Service of Canada, an organization best known for offering scholarships for refugees to study at Canadian universities. As Giles shares, "WUSC was also interested in expanding what they could do beyond individual scholarships. Scholarships tend to be more of a drop in the bucket- there are not many for the number of refugees that need them." So, in 2008, Landon and Njogu traveled to York University in Toronto, a WUSC partnership university with a specialized research centre focused on refugee issues. It was there they met with Professor Giles and and Professor Dippo, both of the Centre for Refugee Studies.

THE BHER MANDATE



(1) Improve the equitable delivery of quality education in refugee camps and local communities through accredited university programs, to prepare a new generation of male and female teachers and professionals

(2) Create targeted, continuing opportunities for young men and women in university programs that will enhance their employability through portable certificates, diplomas and degrees;

(3) Build the capacity of Kenyan academic institutions that already offer onsite/on-line university degree programs to vulnerable and marginalized groups.

Giles and Dippo were excited about Njogu's ideas on improving teacher training in Dadaab, but realized the potential for installing a program that went beyond just teacher certification. In fact, Giles had recently concluded a study with York University Professor Jennifer Hyndman on the Globalization of Protracted Refugee Situations, which looked at the living situations in long-standing refugee camps like Dadaab. She was struck by the lack of schooling options available to refugees, noting that, "beyond secondary education, most refugees all around the world in refugee camps have practically no access to higher education." The inconsistency or unavailability of quality education for refugees stems largely from the fact that education is not prioritized within the array of emergency responses in refugee situations. Funding from NGOs and international agencies tend to go toward the most basic survival needs like food rations, shelter, and emergency health care. This problem is exponentially compounded, however, by the increasing lengths of refugee situations.

THE COMMUNITY RESEARCHER

At the heart of BHER is the community researcher. Using the ***participatory action research*** model, the BHER team headed to Dadaab to recruit refugees and local Kenyans to act as eyes and ears on the ground. Throughout the winter and spring of 2012, BHER community researchers spoke extensively with individuals and focus groups, providing a comprehensive picture of how the residents of Dadaab would like their education system to take shape. With this input, BHER plans to offer Dadaab refugees courses from partnership universities via a combination of internet, DVD, and on-site learning. The first cohort of BHER students will be those already teaching in the primary and secondary schools in Dadaab, most of whom cannot afford lengthy periods of time off to upgrade their skills. Studying via BHER's flexible delivery framework will allow the teachers to upgrade their skills without sacrificing their income. It will also enable them to apply the new material they are learning in to their primary and secondary school classrooms. By this arrangement, BHER will improve the quality of education for the children and youth of Dadaab while opening the door for teachers to gain post-secondary accreditation.

THE BHER VISION

Year 1: Admitted students enter the 30 credit Instep program, a program to designed to prepare students for university.

Year 2: Students will take a 30 credit module to obtain a certificate in education.

Year 3: Students who choose to continue on from year 2 will now complete another 30 credit module, earning them a Diploma in Education. This 60 credit diploma in education is the Kenyan standard for teacher certification.

Years 4 and 5: Students who choose to continue their studies may apply their 60 credit diploma toward a bachelor's degree one of the following disciplines: Business, Education, Science, Public Administration, Health, and Community Development.

It is hoped that community engagement in BHER, present from the start through its community researchers, will increase naturally as the program matures. "I don't think it's out of the question for us to think that there might be some community researchers who earn degrees in our program, who end up teaching or assisting in our program," says Dippo. Additionally, the design of the project will pair up BHER researchers working in partnerships universities with people living in the camps. This will help to keep teaching methods relevant to the community-specific cultural and social needs, as well as provide more opportunities for people who live there to participate in the project in more important and meaningful ways.

WORKING TOWARD EQUITY

Although BHER was envisioned to meet the educational needs of Dadaab's refugees, the program is fully accessible to Kenyan nationals from both Kenyan and Somali descent. This is

important because while Dadaab's refugees and Kenyans live in similarly dire conditions of poverty, refugees are eligible to receive international aid in the form of food rations or healthcare, while the local Kenyan residents are not; a fact that has been an ongoing point of contention in the community. "They are living in a situation that is structured in very glaring unfairnesses," nods Dippo. Given these inequities, Dippo was initially surprised at the ease with which the Dadaab locals and refugees worked together during BHER's two week community researcher training session in Nairobi. Giles offered an explanation of her own: "the thing about education is that it brings people together.

Giles and Dippo admit, however, that while inter-group relations between Kenyan citizens and refugees is more amicable than they had anticipated, gender discrimination in the community is still severe and pervasive. For instance, UNHCR data from 2012 indicates that only 26.5 percent of school-age girls attend primary schools. At the secondary school level the percent of school-age girls enrolled drops to only 3.7 percent. The dearth of education for girls aggravates their marginalization in the community as it limits their access to employment and scholarships for further schooling. This is a problem BHER hopes to redress. "You can't just declare you're getting 50/50 [fifty percent male students and fifty percent female students] and then get it. Even in order to begin to make the smallest shift in the gender dynamics, women are going to have an awful lot of challenges," says Dippo.

To transition toward more equal representation, the BHER project plans to incrementally increase the proportion of women in their program each year. By training more women teachers through the BHER program, it will strengthen the role of women in education and provide academic role models for younger girls in the primary and secondary schools. BHER stresses the need for innovation and flexibility in the delivery of education for women and girls. "It's a lot of navigation and a lot of listening," says Giles. As Dippo shares, the education of girls has often been seen as a lesser priority than that of boys. Indeed, girls' education has often been constrained by domestic duties, early marriages, safe transportation, or even a lack of sanitary napkins. BHER will offer things like MP3 players for at-home study and buses for safe transport, while keeping student security a top priority. "Whatever it is that is offered as an explanation for why the participation rate of girls is low, we have to be prepared to shift what we're doing around in order to address it," says Dippo. According to Giles, the community researchers have been crucial in formulating different ways to optimize inclusivity in learning initiatives. For instance, community research in the Dadaab context suggests that a women's only computer lab will help foster a safer, comfortable, and conducive learning environment.

The New Scholars Network [NSN] will also play an important role in providing support to women in the BHER program through their online student mentoring program. The NSN will be teaming up with BHER to provide one-on-one mentoring to students in the Dadaab camps, pairing them up with students and scholars from across the globe. Access to academic role models and peers is especially important for the young women of Dadaab, who face an uphill battle in accessing education. Dippo is also quick to point out the reciprocity of the mentorship relationship, suggesting that, "Given the online modality that technologies like Skype offer, I think it could be very, very productive and very satisfying for both parties."

WORKING FOR THE FUTURE

The portability of BHER degrees will offer refugees something that has thus far eluded them: options. The degrees will be fully accredited and universally accepted, allowing them to continue in to graduate schooling should they so choose. For those hoping to resettle elsewhere, this foundation may also make them more attractive as privately sponsored refugee applicants.

For many of the young Somalian refugees in Dadaab, education is deeply embedded within their hope for return to their homeland. "One of the things when we talk to people there is that they really live in the most profound hope for return. I mean, people who were born there [in Dadaab] are looking forward to the day when they will be able to return [to Somalia]. They are all imagining that they're preparing themselves for the day when they're able to return," shares Dippo. In an interview with BHER, Education Officer Maureen Kopiyo of the UNHCR, put it another way, "education is the *only* thing the refugees can take back home with them. So it is only fair to give them the best."

On a more immediate level, however, BHER is concerned with contributing to efforts to improve the overall quality of life in the camps. As Dippo states, "you may be returning, but it's not going to be tomorrow." It is hoped that short of return, BHER can help to restructure the camps in significant ways. As Giles points out, "It's a small, well, not so small city". "So how do you run a city?" she asks. "Humanitarian agencies are not really experienced in running cities. So what we're doing will hopefully help in that regard. It will contribute to imagining a better space for people to live in. There are lots of aspects of living there that can be re-envisioned."

Adaptation and Modification of Funeral Service for Immigrants and Refugees in Sherbrooke, Quebec

JAVORKA ZIVANOVIC SARENAC*

INTRODUCTION

The fact that I belong to a different ethnic group of Quebec has made me realize that life as an immigrant brings a different way of living. Therefore, it creates a different attitude to religion, death, funeral rites and the choice of the place of burial. I noticed that in my Serbian community, in the case of death, family members did not know how to organize a funeral. There are some people who want to be buried in their country of origin, but families do not know the process, do not know where to turn for information or do not have enough financial support.

Some families have chosen Quebec as the place of burial for their loved ones, but many rituals are not respected. Some family members did not know where to bury their loved ones and they lived with a sense of guilt that the burial place was not well chosen. The family suffers after such a sad event. It is not surprising that after such an event we see the appearance of depression, anxiety and nervousness.

I wondered if all immigrants, after their death, wanted to be buried here in Quebec. We know that there are immigrants who came voluntarily to live in Quebec, but that does not mean they want to be buried here. We also know that there are refugees who were forced to leave their country, but that does not mean that, after their death, they have no right to be buried in their home country.

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In fact, I had so many questions in my head: Where do immigrants want to be buried? I wondered whether the choice of a burial place tells us something about a sense of belonging or acceptance by the host society as experienced by immigrants or refugees. Are the rituals of different cultures respected in Quebec? I also wanted to know if there was a great demand for the repatriation of the body to another country. If there was, why was it important for the immigrant to be buried in their own country? In a case where the body of the family member cannot be sent to the homeland, what can the family do? How do they live if the last wish of the deceased has not been fulfilled?

Where do immigrants want to be buried? What can the family do? How do they live if the last wish of the deceased has not been fulfilled?

Desiring to answer all these questions, at the end of 2010 I went to explore the subject of death among immigrants in Quebec. Unfortunately, very soon I realized that there were no articles about this topic. I accidentally found a working paper on the internet, "Rites and rights in death: contemporary management of the repatriation of African humans remains," presented by a student at a conference in Dakar, Senegal earlier in the year. The paper spoke of the process of repatriating the remains of immigrants from South Africa to their respective home countries, and I found that this article mentioned many of the concepts that I wanted to explore here in Quebec. The author's e-mail address was available on the Web, and I felt free to write her. I explained my project and asked if she knew of articles that talked about death and the repatriation of the remains of immigrants to their home country. Thus began a cooperation between us, and our exchange of information concerning the projects we currently work on. This article followed from that collaboration.

PROGRAM DEVELOPMENT

At about the same time that my interest was growing around this issue, I continued my master's education at Sherbrooke University. My personal observations, as well as my professional involvement in the health and social services system in Quebec, led me to involve myself seriously with this issue. I shared my ideas and questions with my supervisor at the social service department for mental illness at The Health and Social Services Centre – University Institute of Geriatrics of Sherbrooke (CSSS-IUGS). She agreed that this issue seemed very pertinent because she herself worked with immigrants.

With my great desire to work on this issue and with her knowledge of social networks, she first sent me to a professor who deals with immigration issues at the academic level, Michéle Vatz-Laroussi, professor titular at the University of Sherbrooke's Department of Social Work. Second, she sent me to a social worker, Anne Caron, who works at the Department of Community Action at CSSS-IUGS. The community organizations of the CSSS-IUGS, along with citizens, partners and co-workers, work to enhance the ability of individuals and communities to take action to reduce social and health inequalities (often around education, housing, poverty, etc.).

The project's goal was to identify and document, from the perspective of different ethnic communities (immigrants and refugees), the needs surrounding the issue of death. These

included repatriation to another country, the burial of their dead in Quebec, the possible incorporation of important funeral and cultural rites, and financial and other assistance. The secondary goal of the project was to identify the questions and needs of professionals associated with immigrant families who have lost their loved ones (nurses, doctors, social workers, advisers).

The most important goal of our project, however, was to share the realities and needs of ethnic communities, and those expressed by professionals associated with immigrant families, with partners working in the field of immigration and those involved in the management of funerals. For example CSSS- IUGS, the Ministry of Immigration, Cooperative Funeral in Estrie, SANC (Help Service for New Canadians), and the Clinic for Refugees, were all identified as potential partners. We aimed to stimulate discussions about death, funeral rites, the choice of burial and the mourning process among immigrants and refugees in Sherbrooke and to take into account the importance that these issues have among members of ethnic communities.

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BASIC METHODOLOGY

After a thorough explanation of my pre-project to Ms. Vatz-Laroussi and Ms. Caron, we decided to bring this project to light at the close of 2011. We determined that the project had to meet several criteria, such as being of interest and use to immigrant communities, being acceptable to CSSS-IUGS, and being an appropriate and manageable project for a master's degree with limited duration.

After the project was accepted by University of Sherbrooke and CSSS-IUGS, Ms. Caron and I officially formed a committee which included representatives from CSSS-IUGS, the Ministry of Immigration, Cooperative Funeral in Estrie and SANC. From September 2012 on we worked together to recruit communities or families from different countries wishing to participate in the project. At the same time, we organized individual interviews with professionals (nurses, doctors, social workers, spiritual guides and advisers). Our plan was that by the end of November 2012, interviews with members of five communities (from Algeria, Bhutan, Colombia, the Democratic Republic of the Congo and Serbia; the largest immigrant groups in the city) and a number of professionals would be complete. In December 2012 we would start to analyze the results.

During my interviews with the five communities, I tried to understand their beliefs surrounding the time of death and the afterlife. To better understand the rituals that are practiced in their country, I divided my questions into four parts: Questions surrounding death rituals at the moment of death; Questions about rituals occurring between the moment of death and the ceremony; Questions about the ceremony itself; and finally, Questions concerning the days and weeks after the funeral ceremony.

I then asked these representatives of ethnic communities what rituals they are able to practice here in Sherbrooke. I identified the consequences experienced by ethnic communities when some of the rituals they wish for are not able to be practiced here. From here, these communities had a chance to share desired improvements and to enumerate their needs.

PROBLEMS AND CHALLENGES IDENTIFIED

After analyzing the results, we identified the fact that ethnic groups deal with many difficulties during the organisation of a funeral here in Sherbrooke. I identified several problems and needs in each community. The following listed problems are common among many or all of the five ethnic communities, but it is also important to note that these problems represent only a small portion of those identified[1]. The problems include:

- Difference in perceptions of disease and death between themselves and the host community (all communities)
- The need for there to be only a short time between the death and burial (In Algeria, for instance, burials must occur within 24 hours.)
- Impossibility of the family performing ablutions at the moment of death (DRC)
- Inability to gain access to the deceased, whether in the home or as part of an overnight vigil (Colombia, DRC, Serbia, Algeria)
- Problems with cemeteries (For instance, the deceased not being buried in the correct orientation (Algeria, Serbia) or the closure of the cemetery for services on Saturday afternoons and Sundays)
- The need for rituals to be performed over several days (9 nights among Colombians)
- Difficulty within the neighborhood, when crying or noise are not well accepted by the host community
- Lack of legal information (such as information on mandates in cases of incapacity, wills, bank accounts, and, in all interviewed communities, the procedures to follow after death)
- The challenges surrounding repatriation of remains in the country of origin (all interviewed communities)
- Lack of information about the health system and social services (all interviewed communities), including a lack of information about their rights in connection with work-related leave to act as a caregiver or to attend the funeral in the home country (Algeria, Serbia, Colombia))
- Insufficient funding given by the government for people on social assistance to fund a funeral ($ 2500), such that the weight rests on the community

Following this, I asked each ethnic community to enumerate their needs. The problems and enumeration of needs strongly correspond because if some rituals are not practiced, family members may live with the fear and the feeling that they will be punished in some way or that the deceased person will not find peace in the afterlife. The stated needs include:

- To bring the deceased to the church the day before the funeral in order to be able to hold a vigil with the remains at night (DRC, Colombia, Serbia)
- To be able to perform ablutions, either in the hospital or the Cooperative Funeral (DRC)

- To make changes concerning several problems surrounding cemetery and interment policies, including facing the deceased to the desired side, installing a temporary wooden cross during the preparation of the tombstone, leaving flowers on the grave for a duration of time, installing a small fence around the grave so that the grave is not walked upon (Serbia), finding another cemetery or a place within current cemeteries for Muslims (currently Muslims cannot be buried at the Catholic cemetery in Sherbrooke), being allowed to stay beside the grave until the end of the ceremony (Colombia, Serbia), and being present and active during an incineration (Bhutan)
- To be understood and tolerated by neighbors (Algeria, DRC, Columbia, Serbia ("A, C, C, S"))
- To learn about resources in the health system and social services (A, C, C, S), including the issuance of an immigrant guide for what to do and where to go at the moment of death (A, C, C, S)
- To learn about the repatriation process (A, C, C, S)
- To learn about the testaments, workers rights, and leave opportunities to help a family member at the end of life (Algeria, Colombia), including the right to attend the funeral of a colleague / friend / neighbor in Quebec during working hours (Colombia) and without the threat of job loss (Colombia, Serbia)
- To have the information and assistance to organize their own mandir (Bhutanese church) in Sherbrooke (Bhutan)

I also held individual interviews with eleven professionals: a spiritual leader at the CSSS-IUGS, two social workers, two nurses, two doctors, and two counselors and two directors at the Funeral Cooperative. The difficulties identified by professionals included:

- Language barriers and difficulties with finding good translators
- A lack of knowledge of different cultures (including lifestyle, food habits, values, man-woman relations, notions of privacy, etc.),
- Lack of suitable services and interventions for immigrants (Current problems include too many interventions and professionals focused on one family, very regulated and formal interventions, and complications due to differences in preference for helping an individual versus a family)

Following from this, the common needs of professionals are:

- Intercultural training, including a brochure or document summarizing key information about different cultures living in Sherbrooke (such as concepts of disease and death)
- To have more immigrants working as official translators, and gaining a more specific vocabulary to help the translator

PROJECT REALISATION

After we realized that there are many difficulties on several levels, from January 2013 we split our project into three smaller sub-projects.

- **Sub-Project 1**: The first sub-project is related to the health and social services system. We will work on getting to know professionals that are knowledgeable about different cultures and their understanding of illness and death. This will help professionals in our health and social system to adapt their interventions to the needs of ethnic communities.

- **Sub-Project 2**: In the second sub-project we will work on introducing our project to the broad population of our city and aim to contact new partners who are knowledgeable on relevant issues.

- **Sub-Project 3**: The third sub-project will directly involve the ethnic groups in our city. The Cooperative Funeral Estrie took the initiative on this sub-project, and is organizing oral presentations by ethnic communities in September 2013. Each ethnic community will have the opportunity to share the funeral rituals of their country. These presentations will be open to the general public, including professionals who work with immigrants, and advisers from cooperatives. We believe this will be a great opportunity for Quebec society and our city to learn and to become familiar with the rituals of other countries.

We realize that this project is huge, and that it will take time, financial support, and most of all, patience and persistence. Fortunately, the four leading individuals working on this project recognize that the importance of the issues surrounding death, rituals and the selection of burial site are as important for immigrants as their adaptation and integration in a new country. For these reasons, we will continue to work on this project. We are already very satisfied with what we have achieved, but are also aware that the toughest time is yet to come.

APPENDIX: DIFFICULTIES NAMED BY COMMUNITY

The Algerian community

- The placement of the deceased person at the time of death: The members of the Algerian community are not certain that this ritual is done according to the rules of their religion (in the hospital, nursing homes, hospice, etc.).
- The deceased person is alone at night, so the community cannot hold a vigil with the remains at night.
- In their country the deceased person is buried without a coffin, but here, it is mandatory to have one.
- A very important issue is that the Muslim Algerians are buried in Montreal. In Sherbrooke, there is no Muslim cemetery and as Muslims they cannot be buried at the Catholic cemetery (they also do not want to be buried among Catholics).
- Another problem identified is that the embalming of a body that is not accepted by Islam, but is mandatory here in Quebec. (If the deceased person is not buried within 24 hours of death, it is mandatory for the person to be embalmed.) Very often, funeral organizers cannot do this in such a short time; because of this the Algerians are torn between the laws of Quebec and religious laws.

The needs of this cultural community are mainly to have a cemetery in Sherbrooke or places in a cemetery for Muslims – purchased or leased. Such a cemetery would allow for the quick and easy organization of a funeral and, at the same time, respect the rules and laws of Quebec. Also, the Algerian community needs to know more about the resources surrounding the "end of life" in Sherbrooke, including administrative processes after death (testaments, mandates in the case of incapacity, repatriation insurance) and the possibilities for accompanying family members in the grieving process. A guide for what to do and where to go for immigrant Muslims would be helpful.

The Bhutanese community

To date, in Sherbrooke, there has not been a death in the Bhutanese community. Therefore, I could not identify their current problems in the same way.

However, they realize that their ritual cremation of the body next to a river will not be possible here. They are willing to change their ritual and adapt to the laws of Quebec. They want to attend the cremation at the Cooperative and for the eldest son in the family–if he can not start a fire–to press the button for cremation. Thus far, the Cooperative Funeral Estrie has not accepted the presence of family members during the cremation.

The community identified another problem surrounding the tradition of family members staying at their home for 13 days after the death of a loved one; something which has already created problems when the death of a family member occurred in their home country. According to Quebec laws, each person has three to five days of leave in the case of a death. After this period a person has to return to work or school.

Lastly, the community needs help for organizing (or building) their own temple here in Sherbrooke, as well as information on the health system and social services in Quebec, which they do not currently know well.

The Colombian community

- The deceased person is left alone during the night until the funeral.
- Family and community members can not to hold a vigil with the remains at night
- Colombians have many problems with the neighborhood: Quebec neighbors do not tolerate noise during the nine nights of prayer, when many people come to the house of the bereaved family.
- Community members cannot walk from the Cooperative to the cemetery and they cannot bury their loved ones with shovels.
- Opening hours of the St. Michel cemetery are problematic because they do not have access to the graves of their loved ones whenever they want.
- The community lacks information on health system and social services (services for end of life support for bereaved members, etc.), wills, the rights in connection with work leave, asset management (freezing bank accounts) and other administrative processes following death (especially concerning repatriation to the country of origin).

Their explicit demands are to have the right to be with the deceased in the church the night before the funeral and then be able to hold a vigil; to have the opportunity to walk from the Cooperative (where the deceased resides) to the cemetery; to bury their deceased with a shovel; that the neighborhood be more tolerant; that they have the opportunity to attend the funeral of a family member without the threat of job loss; that they become aware of all the services provided by the health system and social services in Sherbrooke.

The Congolese Community (DRC)

- They mention that they cannot be present at the time of death or a few minutes before death. In fact, if the patient is in the hospital and if he / she is dying in the night, no one notifies the family. Thus, the family cannot accompany the dying person with prayers and cannot make the necessary rituals at death.
- There is a lack of accessibility to the deceased and an inability to hold a vigil with the body during the night
- he community has had great difficulty with some neighbors who do not support the crying and noise during the evening following a death
- A problem specifically identified in the Congolese community is the dilemma regarding the choice of burial place. They believe that their rightful place is next to their ancestors in their country of origin, but on the other hand, the repatriation of the body to the DRC is very expensive. Because of the judgment of family members in the home country, who believe that such a large sum of money could be better spent—or would go so far as to feel a whole village at home for half a year–burials generally take place in Quebec.
- Another problem identified is that family members are often isolated in their grief process and will not seek the help of official institutions.

The Congolese community requests to accompany the dying person and to be advised that the last time has come (if possible). They also asked that the neighbors try to tolerate cultural rituals. They also ask that professionals involved in health and social services use a different approach and find an effective way to join the Congolese mourners who stay at home, very isolated. They also need to be informed about the services provided by the health system and social services.

The Serbian Community

- They identified similar problems within the neighborhoods in which they live
- There is an inability to hold a vigil during the night with the deceased, leaving the Serbs with a feeling of not having performed the final acts of respect for the deceased.
- In the Funeral Cooperative, they are unable to light candles due to this action activating alarms in the building.
- In the cemetery, the deceased person is not located to the east, leaving the members of the Serbian community with a sense that the person is buried upside down. Also, in the cemetery, a temporary wooden cross cannot stay until the installation of the headstone. The tomb has no small fence, so everyone can walk on the grave, which is forbidden in the Orthodox religion. Also, they cannot leave flowers on the grave.

Serbs in general require awareness, tolerance and understanding from their neighborhoods. They ask to transfer the deceased person from the funeral home (or hospital) to their church, and they seek to hold a vigil for the person at night. For non-practitioners, Serbs ask to have the opportunity to escort the body from the cooperative to the cemetery. At the cemetery, their explicit requests are that the deceased is buried looking east, that they can install a temporary wooden cross during the preparation of the headstone, that they can leave flowers on the grave and that they can install a small fence so that the grave is not walked over. They too need information on the repatriation of the body to the home country, as well as information on the testament, bank accounts, their rights as workers in the event of death, and other information about existing services at the end of life.

Hard Hearts: A Critical Look at Liberal Humanitarianism in Refugee Support Movements

DANIELLE EVERY*
MARTHA AUGOUSTINOS**

Increasingly, political responses to asylum seekers and refugees have become more punitive and exclusionary in many receiving countries. This hardening reflects a broader shift to the right: toward an emphasis on national security and borders, on economic rationalism, and monoculturalism.

How can people who are campaigning for less exclusionary policies and laws respond? We review an ethnographic case study in the town of Woodside, South Australia and the first author's discursive research on the political speeches of Australian politicians. These suggest that pragmatic interventions emphasizing win/win solutions and mainstream appeals are useful.

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Two of these interventions, which we review in this paper, are: 1) creating social and economic benefits for both asylum seekers and residents in the communities in which they are housed, based upon an evidence base developed by establishing the social and economic impacts of asylum seeking; 2) using discourse and rhetoric that presents arguments and interventions made on behalf of asylum seekers as practical, pragmatic and moderate.

These strategies are focussed on enacting broad-based change via appeals to the mainstream, which is not the goal of all advocacy or activism, and is not appropriate in all circumstances. The interventions that we propose for community engagement also require that we reconcile the sometimes conflicting needs of asylum seekers and refugees and the residents of communities in which they are housed, which is not always possible. Despite these limits to the applicability of these strategies and interventions, our research suggests that they can create positive changes in attitudes towards asylum seekers and refugees.

SOCIAL AND ECONOMIC IMPACTS OF IMMIGRATION IN HOST COMMUNITIES

Previous research on responses to immigration, though not always specifically focused on asylum seekers and refugees, has identified a pervasive public belief that immigration negatively impacts the economy and social cohesion (e.g. Every et al. 2012; Esses, Brochu & Dickson 2012; Goodall 2010; Dawson 2009). Research conducted in the United States on the relationship between beliefs about economic impacts and attitudes towards immigration, summarised in Esses, Brochu and Dickson (2012), found that negative attitudes increased when immigrants were perceived to be competing with members of the host society for economic resources. Goodall's ethnographic research in Stoke-on-Trent in the United Kingdom suggests that the relationship between economic impact and attitudes towards immigration is also likely to affect attitudes towards asylum seekers. Her conclusion, drawn from interviews and observations, was that where there are no discernible economic benefits for the host population, but rumours about asylum seekers receiving unfair benefits proliferate, hostility and violence in the form of graffiti, letters to the editor, and organised campaigns against asylum seekers escalated (Goodall 2010). In relation to social impacts, research in the United Kingdom on attitudes towards immigration found that the belief that immigration reduces social cohesion was a more significant factor in negative attitudes towards immigration than concerns about negative economic impacts (Card, Dustmann & Preston 2012).

The above research, based in the UK and the US, has predominantly focussed on immigration as a whole. The research project led by the first author (Every et al. 2012), and summarised below, sought to explore the relationship between social and economic impacts and attitudes towards asylum seekers in the South Australian town of Woodside, which houses a new asylum seeker detention facility. The project's focus on these impacts was prompted by the previous research, which demonstrates the implications of such attitudes. It was also inspired by an initial scoping study which found that opposition to new arrivals in Woodside was formulated as a concern with social and economic impacts by the host population. The interviews, ethnographic observations and analyses of media such as letters to the editor revealed that residents of Woodside argued that their town was struggling economically, suffering from poor health services and reduced education quality. They feared that asylum seekers would further weaken this social and

economic infrastructure, and the immigration facility would have negative economic and social impacts on the town. Consider the following examples from the local debate in Lobethal, South Australia about the economic and social experience of those living in the town, as compared to what they believed were those of asylum seekers:

> *… they will be getting 24 hour emergency services in that so called detention centre. I have two young children that I have to drive down to the Women's and Children's Hospital at midnight … to wait in there for eight hours but they've got it at their doorstop, they don't even have to get out of their house.*
>
> *… what we see from the outside looking in, is a free education…my child has a $10 excursion and they get theirs for free…why [are] community outsiders coming in, getting a free ride and getting favouritism over us who pay taxes, the residents?[1]*
>
> *…the people smugglers, what is that's actually happening that's making their lives harder, like it makes our lives harder?*
>
> *…can someone give us a guarantee that our kids' education and valuable starts to life won't suffer. Can somebody give us a guarantee that they won't be pushed out of programs, that they won't, in any shape, way or form, have their education level dropped and suffer?*

These extracts illustrate the fears and concerns of the local population about the social and economic impacts of the new immigration detention facility.

Were these fears borne out? The first author led the research team that undertook the social and economic assessment in Woodside to evaluate these impacts. Using interviews, ethnographic observations, media analysis and economic analysis, the assessment found that the arrival of asylum seekers did not have any negative impacts on the local economy, health and education services, policing or social cohesion (Every et al. 2012).

How is this research relevant to advocacy campaigns in relation to asylum seekers? Firstly, the findings themselves are an evidence base which can be drawn upon in debates about asylum seeking. Impact assessments can be used to allay people's fears by presenting them with research on the actual impacts. Secondly, the research also considered the factors and interventions that mediated negative impacts. This knowledge can be used for planning interventions.. The important preventive factors in Woodside included: 1) the use of targets for local employment quotas and business contracts by the management of the detention facility; 2) increased government funding for schools and health services to supply equipment and staff in areas where the new arrivals created further demand (importantly, these funds were utilised to benefit the whole of the community; for example through a new ultrasound machine and new teaching staff); and 3) local leadership from health providers, educators and the local council which provided significant opportunities for the new arrivals and for residents to meet. These initiatives were found to be critical in not only minimising any potential negative social and economic impacts, but also in reducing local residents' hostility to asylum seekers.

This research highlights the potential of engaging with and addressing the social and economic concerns of host communities, particularly in ways which create a win/win situation for both the new arrivals and the existing residents. Such an approach has also been advocated by those researchers we reviewed at the beginning of this section who found links between impacts, both perceived and actual, and negative attitudes.

Based on this, we propose that refugee supporters might engage with concerns about economic and social impacts as another way to decrease hostility towards asylum seekers. First, engagement with these concerns can occur through undertaking research on the very questions that local communities raise–namely, how do refugees and asylum seekers affect the local economy, health services, education, policing and social cohesion? Social and economic impact assessments (SEIA) can be used to do this (Every et al., 2012). Second, engagement with these concerns about impacts requires acting on this research. Whether there are negative or positive effects found, these should be communicated to the host community. Where negative effects are found, these can be addressed through programs and policies that benefit both the host and asylum communities.

In the next section of this paper, we look at another practical intervention which may be useful in campaigning and promoting or conducting activism around refugees and asylum seekers. This intervention focuses on language, discourses and rhetoric. In particular, we look at the use of the language of humanitarianism and its benefits and disadvantages. We report on our research that analysed the political speeches made by politicians in Australia that argue for more humanitarian policies towards asylum seekers.

HUMANITARISM

Much of the support for refugees and asylum seekers, and many of the campaigns created to increase support in the wider population, are based on appeals to humanitarianism (Dauvergne 2005; Every 2008; Gibney, 2004; Hyndman, 2000). That is, in establishing that they are people in need, advocates can then appeal to citizens' compassion, and call on them to uphold their national ethics of Good Samaritanism and meet their obligations as international citizens. We can see this reflected in two extracts from our research with Australian politicians advocating for more favourable policies for asylum seekers. In these speeches, politicians focus on the duty Australia (and other host countries) owe to asylum seekers as people in need:

> *…this is a human problem and the Christian reaction to this situation would be to care for and assist these people in need. Let us recognise that it is not just a legalistic argument; this is an issue of humanity.[2]*
>
> *We are telling the world that international law has no place here, that Fortress Australia is more important to us than responding compassionately to human need.[3]*

Although their advocacy is based in arguments that appeal to humanitarianism, this can be a problematic basis for creating greater support for asylum seekers. Dauvergne (1999), Gibney (2004) and Gosden (2007) propose that, historically, humanitarianism embodies two conflicting

principles: a duty to others, which is emphasised in appeals like those above, but also a concern with what this duty will cost our selves or our nation. Dauvergne (1999) translates this as a 'minimal moral duty,' where there is a duty to assist others only when the cost to one's self is small. Shacknove (1988: 134) provides this definition of humanitarianism:

When persons or associations can improve the conditions of the destitute at little cost to themselves, they bear a heavy moral obligation to do so. By the same token, as the burden increases, the obligation to assist the destitute diminishes. These are the dictates of good samaritanism, known more formally as the principle of 'mutual aid'.

Gibney (2004) argues that, although the principle of mutual aid is proposed to be a balance between these two competing ideals, it is the second (the duty to self and nation) that holds more weight. His theory is supported by discursive research mapping the dominant discourses that construct humanitarianism in relation to asylum seekers. In this research, which covers political speeches, media, interviews and focus groups in the UK, Europe and Australia, a recurring theme appears. Host countries are characterised as already doing more than enough, the research shows, whilst there are few examples where politicians, media or residents emphasise duties and obligations to the less fortunate (e.g. Corlett 2002; Jones, 2000; Wodak & van Dijk, 2000).

One theory is that these narratives dominate the discourse about asylum seeking and immigration more generally because they reflect pervasive social norms and values related to the liberal philosophical binaries of reason versus emotion, pragmatism versus idealism and moderation versus excess. This theory proposes that the values of individualism, reason, practicality and moderation are highly prized in Western liberal thought and everyday thinking, whereas emotion, idealism and excess are less acceptable (Billig 1982; Dauvergne 1999, 2000, 2005; Gergen 1991; Wetherell and Potter 1992). Thus the individualist argument, applied to humanitarianism and asylum seekers and refugees, is powerful because it can be presented as reasonable, practical and balanced. Within this narrative, those appealing to a 'duty to others' are often positioned as emotional, impractical and excessive in their demands by those who respond negatively to asylum seekers and refugees (Every 2008).

What does this mean for refugee advocates? One conclusion we may draw is that appeals that focus on a 'duty to others' may not be persuasive. Another conclusion to consider is that emotion must be used with care. In particular, statements that resonate with emotional, impractical and excessive sentiments, such as, *"We should open our arms to these newcomers"* and *"They can come and live in my house,"*[4] have the potential to be used against advocates.

Understanding how the opposition's arguments draw upon liberal philosophical ideas can be a useful point around which to develop advocacy discourses and practices. For example, if the opposition emphasises reason, moderation and practicality, can supporters' arguments be framed similarly? As just one example, many refugee supporters argue for increasing the number of refugees and asylum seekers under Australia's immigration quotas. Rather than arguing for this using the rationale of fairness and humanitarianism, it may alternatively be presented as a solution that balances the needs of refugees and the claims of citizens, and may thereby be more likely to be evaluated as moderate, practical and reasonable (Gibney 2004).

CONCLUSION

This paper emphasises a reconsideration of community engagement, and presents two interventions that are based upon research surrounding the economic and social impacts of asylum seekers and the use of humanitarian language when engaging the opposition. The paper has included suggestions of using caution when employing emotional language that may alienate the opposition, and constructing campaigns and interventions that demonstrate an understanding of the social and economic concerns of the home community.

Such approaches bring significant challenges, not least of which are negotiating the long-standing tension between the sometimes competing demands of host communities and asylum seekers and, further, seeking broad-based change in the wider population and more radical campaigns and actions. However, we suggest that understanding the opposition's arguments – concerns about social and economic impacts, and the liberal philosophical basis of arguments based on practicality, pragmatism and moderation – provides more possibility for engagement for refugee supporters and advocates. Although not appropriate for all situations and issues, these interventions were found to be effective in reducing hostility towards asylum seekers and refugees in a community in Australia.

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[1] Meeting at Lobethal Town Hall, South Australia, 24 November 2011

[2] Senator Andrew Bartlett, Australian Democrats, Senate Hansard, 28/8/01, p. 26784

[3] Senator Vicki Bourne, Australian Democrats, Senate Hansard 24/9/2001, p. 27712

[4] Meeting at Woodside Town Hall, South Australia, 21 October 2011

Comparing Racist Colonial Discourse in the Tamil Canadian Protests and the *Idle No More* Movement

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For several months beginning in January 2009, members of the Tamil Canadian community held public demonstrations in various Canadian cities in an attempt to draw attention to what they saw as a grievous humanitarian tragedy taking place in their homeland. These were not the first demonstrations held by Tamil Canadians, but they were perhaps the most vocal and emotionally charged. At that point in time, the almost two year old ceasefire between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) was broken, and the bloody and violent three decade civil conflict had resumed.[1]

As the Sri Lankan military's onslaught against the LTTE intensified, so did the level of protests and demonstrations by members of the Tamil diaspora around the world. At the conclusion of the armed conflict in mid-May 2009, during which the UN estimates that tens of thousands of Tamils had lost their lives primarily due to government shelling, several hundred Tamils escaped Sri Lanka with the intention of seeking asylum in Western nations.[2]

On August 13, 2010, a cargo ship carrying 492 Tamil men, women and children seeking asylum in Canada was escorted by two navy tugboats into a Canadian forces base, Esquimalt. The ship, *MV Sun Sea*, was entering the traditional territory of the Songhees First Nation in what is now Victoria, British Colombia.[3] When the ship docked in Canada, the Tamil refugees on board were met by two different groups of Canadians with two very different messages.

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One group held signs reading: *Tigers: don't unpack, you're going back* and *Send them back*.[4] At the same time, some residents of the Esquimalt First Nation held spiritual prayers welcoming the safe arrival of these newcomers into their traditional territories.[5] In addition, refugee rights groups as far away as Toronto and Montreal dropped banners that read, *Welcome Tamil Migrants*.[6]

These differing responses echo the division in sentiments across Canada regarding the mass arrival of racialized[7] refugees such as these Tamil refugees. The responses further fueled a heated debate about Canada's refugee determination system. Even further, these reactions reflect the complex relationship that still exists between First Nation peoples and the Canadian state, spurring a conversation not only about current immigration policies but also about the long-term consequences of white settler colonialism.

RACE, LAW AND COLONIALISM

Sherene Razack, a critical race theorist, argues that a national mythology is generated and propagated through laws that portray white European settlers as the original inhabitants of the nation through a "disavowal of conquest, genocide, slavery, and the exploitation of the labour of peoples of colour".[8] Western laws and legal institutions played an important role in the establishment of colonial states in the first instance, in part through a disposition of indigenous lands and peoples that continues to affect Canada and other white settler nations today[9]. Incentivized migration has historically been utilized as a tool to populate or settle colonized land with white Europeans and, both during and after this process, to perpetuate the myth of the white nation state.[10] Migration laws have also paved the way to exploit racialized labour in the process of nation building by regulating foreign arrivals.[11] Such systems within Western laws may limit the rights of indigenous peoples and racialized immigrants.

The mythology behind the white settler colonial state that Razack speaks of is in fact a form of creation myth. Western laws are used to not only deny the history of genocide, racism and slavery as part of the nation-building project of the past, but also to continue to justify the modern state's existence and its racist present. Such a mythology often relies on new myths to maintain and sustain the original myth. Over time these myths become regarded as truths when they are institutionalized within an official version of the law, and by other social institutions.

The institutionalization of a policy of multiculturalism in Canada reveals one such new myth. As Nandita Sharma argues, the discourse of multiculturalism in present day Canada legitimizes discourses that both "obliterate the distinctions between colonizers and immigrants", and "conflate the process of colonization with that of [all] migration".[12] One rhetorical tool bound up in this discourse is the slogan "we are all immigrants"[13], which seeks to erase indigenousness and the racial inequalities of migration policies by equating the experiences of white Western European migrants with those of differently racialized migrants.[14] This effort also conflates the experiences of different types of migrants, ignoring the important distinctions between immigrants and forced migrants, such as refugees. As Sharma indicates, the result of such a discourse is the depoliticization of "the process of constructing a racialized Canadian nation state though colonial practices."[15]

Those who study Canada's history will observe that the Canadian nation state was established and sustained though a legal system based on racial hierarchy. There are numerous instances of this, and migration laws are only one example. In examining the historical institutionalization of racism in Canadian law Constance Backhouse writes that "[i]mmigration laws shaped the very contours of Canadian society in ways that aggrandized the centrality of white power"[16]. In the modern state, maintaining controls and restrictions on borders becomes an important and essential component of the nation state's identity. The ability to exercise control over borders affirms and asserts the nation state's sovereignty, with the exclusion of undesirable migrants being a critical tool for the regulation of racialized migration. In Canada, there are many examples of exclusionary migration policies and laws that have been implemented throughout its history, such as the continuous journey regulation, the Chinese Head Tax and Exclusion Act, and the refusal to allow the SS St. Louis carrying Jewish refugees fleeing Nazi concentration camps during World War II to enter a Canadian port. We also see this actively taking place in present day Canada through the government's agenda on immigration and refugee reform–in particular the efforts to drastically alter the refugee determination system after the arrival of the two boats of Tamil asylum seekers.[17] We see this effect trickling into the fabric of social institutions and Canadian society's treatment and policies towards Aboriginal peoples and racialized migrants.

COMPARING REACTIONS TO THE TAMIL PROTESTS AND *IDLE NO MORE*

Two movements will be used to illustrate the multiple facets of race, colonialism and the law in the context of migration by examining how the myth of colonial nation-building continues in the present day through the subjugation of Canada's indigenous peoples and stigmatization of racialized asylum seekers. The first example examines the responses to the months of demonstrations by Tamil Canadians to raise awareness of the humanitarian situation in the Tamil's homeland. The second example explores the discourse surrounding reactions by some members of the Canadian public to social movements organized by First Nations peoples in Canada under the banner of *Idle No More*.

While these are two distinct forms of social movements with different objectives, from differently marginalized groups, there are also similarities within the movements and their reception by members of the Canadian public and officials of the state apparatus. This paper largely examines online commentary and reaction to the Tamil protests and the *Idle No More* movement. Online sources were examined both because of the widespread availability of such communications, and the anonymity of online technology that may allow for racist sentiments to be overtly displayed without fear of repercussion.[18] There are limitations to examining only this form of public sentiment, and methodological questions might arise around anonymity and sample bias in a more thorough treatment of this topic. Nonetheless, this brief discussion concerning the prolific amount of online commentary that used racist characterizations of the groups represented in these social movements is warranted, and has the potential to be expanded in the future.

THE WINTER OF TAMIL PROTESTS

Beginning in January 2009, in response to the humanitarian tragedy that was unfolding before their eyes, Tamil Canadians organized protests, rallies, and demonstrations to draw attention to the civil war between the LTTE and the government of Sri Lanka.[19] These protests were organized by a cross-section of Tamil Canadian community organizations, and took various forms in locations from coast to coast. One group of protesters camped out across the street from the U.S. Consulate on University Avenue in Toronto for several months, including weeks after the armed conflict was declared over in May 2009.[20]

After several months, culminating in the occupation of the major artillery highway, the Gardiner Expressway, on Mother's Day 2009, the Tamil protestors began to be viewed with increasing hostility.[21] When the LTTE was militarily defeated by the GOSL in mid-May 2009, the Tamil Canadian protests dwindled, although a small, dedicated group of protestors continued a steady vigil for weeks at University Ave.[22]

Public reactions to the Tamil Canadian protesters were often mixed, as expressed in online news articles and commentary covering the protests.[23] Some members of the public believed that the Tamil protesters had a right to peacefully express their opinions.[24] Others felt that the protesters were in fact breaking the law by impeding traffic flow with their demonstrations and favoured an approach that would shut down the protests entirely.[25] Some of those voices who were critical of the protesters included racist expressions that echoed a colonial discourse. [26]

The Tamil Canadian protesters were portrayed and perceived as being pre-modern, uncivilized, and barbaric in a number of online comments. They were often associated with their counterparts back home (the LTTE), who were also characterized as primitive and barbaric. This was especially the case concerning the blockage of the Gardiner Expressway, which was viewed with extreme hostility by some Torontonian commenters. This is vividly displayed in response to a moderated blog posting about the Gardiner Expressway being blocked:

> *…these people need to compose themselves in a proper manner if they want to get anything across to the government. On that note, from the footage I have seen on the news websites, these Tamils are BARBARIC!!!!! in that case I agree that some of them need to get arrested or at least get a ticket.*
>
> Comment by canadian chick[27]

Comments such as these were also common on news talk radio, in letters to the editor, in online comments responding to news articles, and in statements made to protesters and reporters covering the protests.[28]

Public comments made during the Tamil Canadian protests expressed racist sentiments about Tamil Canadians. For example, many public comments stated that the protesters were bringing their baggage to Canada, and that they should go back to where they came from.[29] These comments ignored the fact that many of those who were protesting were young people who were born and raised in Canada and had never even been to their parent's homeland.[30] This reaction may be interpreted as part of a national myth wherein it is reinforced that Tamil

Canadian protesters and the larger Tamil Canadian community are not considered authentic Canadians because they have an attachment to their (or their parents') homeland.

THE *IDLE NO MORE* MOVEMENT

While the discourse around the Tamil Canadian protests at times invoked a belief that protesters should return home or stop bringing their homeland's conflict into Canada, much of the discourse surrounding the First Nations Idle No More movement ignores the fact that First Nations peoples were the original inhabitants of Canadian land.

The *Idle No More* movement emerged in 2012 and was a grass-roots movement sparked by four First Nations women in Saskatchewan. They held teach-ins to educate the community around omnibus bills, such as Bill C-45, which impacts indigenous treaty rights and territories by making it easier for the federal government to take control of reserve land and otherwise affect land management.[31] First Nations communities across Canada were not consulted on these proposed legislative measures and sought to meet with political leaders in the federal government so that their concerns could be heard. The *Idle No More* movement's message spread to other First Nations communities across Canada and sparked a national and international movement.

Similar to the Tamil Canadian protests, the *Idle No More* movement took various different forms across the nation. The movement included flash-mob dances, a liquid-only hunger strike by Attawapiskat Chief Teresa Spence, and blockades of railway lines and bridges to express frustration with the lack of consultation with First Nations communities about matters concerning their governance.[32]

Similar to the Tamil protests, the *Idle No More* movement at first intrigued some members of the public via the media attention it received. Social media campaigns helped spread the message of *Idle No More,* sparking the aforementioned similar movements.[33] However, as the coverage of the movement's activities faded in the media, so did its impact on the public consciousness. Yet, the *Idle No More* movement continues to educate the public about the continued colonization of the indigenous peoples in Canada.[34]

A similar racist and colonialized discourse was also evident in examining the public reaction to the *Idle No More* movement. Indigenous protesters, like the Tamil Canadian community, were also characterized by their otherness. Many of the comments and reactions from the public to the *Idle No More* movement relied on racist stereotypes of First Nations peoples. Some reactions to the *Idle No More* movement also portrayed the First Nations protesters as being "terrorists in their own country".[35] First Nations peoples were also often characterized as being lazy, unproductive members of society that are a drain on public resources.[36] For example, in response to a news article on the *Idle No More* protests, a commenter stated:

> *Idle no more/occupy movement or whatever. Makes no difference. It's time [for] folks to get real. Participate in Canadian life. Cut the welfare nation.. GET a job, pay taxes. And contribute.*

Comment by Mach1[37]

In addition, many online commenters stated that the authorities were slow to respond to shut down the *Idle No More* activities and argued that had the protesters been white Canadians, the police would have used force.[38] In fact, several commenters on an online news item echoed the rationale of an Ontario Superior Court Judge who expressed dismay at the provincial police for being passive.[39] An online commenter exemplary of this sentiment stated:

> *We have laws against blockading roads, railways and bridges. We all know what would happen if a bunch of non-natives tried to block them for political reasons.*

Comment by Mike Miller[40]

This discourse insinuates that the police were unable to take appropriate actions because the protesters were racialized in a way that meant their treatment as protestors was different from that of white Canadians. Similar comments were also made during the Tamil protests and police were criticized by some members of the public for failing to take stronger and swifter measures to clear up the Gardiner blockage. One online commenter linked the Tamil Canadian protest on the Gardiner Expressway to the *Idle No More* protest on a railway line stating:

> *Since Chris Lewis (the coward OPP commish) came out yesterday and basically told the natives that they can do whatever they want, this will get nasty. Just like the Tamils that shut down a major highway in Toronto while the cops stood there and watched*.

Comment by A-Chord[41]

In comparing the reaction to these two different social movements, the Tamil Canadian protests and the *Idle No More* movement, issues of race emerge as an important point of analysis.

CONCLUSION

First Nations peoples and other racialized migrants challenge the status quo and mythology of the white settler colonial state in Canada, especially through the social movements they organize around issues that affect them deeply. Through public protests and demonstrations, these groups raise awareness, within larger Canadian society, of the Canadian government's failures to adequately address their legitimate concerns and grievances. First Nations peoples and other racialized migrants also have a commonality in their experiences when Canadian laws and policies continue to delegitimize their status and the public, as expressed above, questions their right to do so. Strong alliances between First Nations peoples and other racialized migrant communities must continue to be forged, lest the Canadian state succeed at a divide-and-conquer strategy wherein racialized migrants do not see their commonality.[42] It is especially important for new racialized migrants to be aware of and understand the history of colonization, genocide and slavery that formed the basis of the present Canadian state that is excluded from most official versions of history and the law.

Multiculturalism, immigration, and humanitarianism all form an integral part of the mythology of Canada's national story. Canada prides itself as being an immigrant country and promoting humanitarian values through what it perceives as a generous refugee protection program. Despite restrictions and exclusions placed on migration throughout its history, the Canadian immigration system has led to the diversity of present-day Canada and sets the stage for its multicultural polices. However, imagining Canada as a fully humanitarian nation ignores periods of inhumanity, such as the genocidal treatment of First Nations peoples, anti-Asian immigration laws such as the *Chinese Head Tax and Exclusion Act*, and the internment of thousands of Canadians of Japanese, Italian and German decent during World War II. More recently, however, Canadian humanitarian values are being undermined by ideological reforms to immigration and refugee programs and a failure to address self-governance issues regarding First Nations peoples. Protest movements by First Nations communities and Tamil Canadians challenge these government policies and advocate for more inclusive policies. The narrative of Canadian multiculturalism and humanitarianism is clearly tested by the underlying issues fueling events such as these protest movements.

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Martina Vodikcova is a student at Masaryk University in Brno, Czech Republic, where the focus of her PhD concerns the educational system for refugee children in the Czech Republic. Until recently, she worked as a social worker at the SOZE organization. She continues her practical work on behalf of migrants as the coordinator of the project "The increasing of learning and professional perspectives of children and young people from socially disadvantaged backgrounds". Since 2009 she has worked as an assistant within the Department of Social Pedagogy (Masaryk University in Brno, Czech Republic).

Discussion Series (Volume 1) How, Why and With Whom?

In the first Discussion Series, the New Scholars Network asked the following scholars and practitioners–ranging from undergraduates to established professionals–about how they entered the field of forced migration. The following nine individuals gave us insight into their personal connections to the work they have done and hope to do, as well as their professional aspiration and advice on doing meaningful work.

How did you enter the field of refugee studies?

Guiomar Acevedo López: Coming from a Spanish Civil War Refugee family, my life and my work have always been deeply bound to the everyday experiences of exile-hood… My scholarly work points to the crosshatching of the familial and the historical analysis of forced displacement.

Allison Magpayo: One day while on vacation in Beirut in 2009, my friends and I decided to grab a cab to find a nearby beach. A combination of road closures, unfamiliarity with the area, and a chatty cab driver landed us as far away from the beach as possible, smack dab in the middle of a Palestinian refugee camp. While I'm embarrassed to admit it, at that time I had never really given much thought to the Israeli-Palestinian conflict nor the status of refugees in general…When I got home I began to do research. Soon I was noticing refugee issues, people, and places where I hadn't noticed them before: my new boyfriend casually remarked that his father worked in a refugee welcome centre; an old friend expressed surprise, "Didn't you know my family and I



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Guiomar Acevedo López is a historian born in 1984 and living in Mexico City. She graduated with distinction from the Universidad Nacional Autónoma de México (UNAM) and is currently obtaining an MA degree from El Colegio de México. Her work focuses on the historical analysis of social disruption processes and forced displacement in the twentieth century. She has studied both Spanish and Bengali cases of these phenomena and is the author of *Entre memoria y olvido: ochenta años del pasado contemporáneo español (Between Memory and Oblivion: Eighty Years of Contemporary Spanish Past).*

fled here as refugees?" For me all this signaled something very important—the status of refugees affects us all. After that summer I went back to school.

Martina Vodikcova: I entered the field about 9 years ago as a volunteer for the NGO Nesehnuti which was organising leisure activities for refugees in refugee camps in the Czech Republic. Then I had refugee issues as my main topic in my Master's thesis at the university. Now, I still study migration issues during my PhD. studies (the topic of my PhD. thesis is the education of the refugee pupils in the Czech Republic). I still cooperate with the Czech NGO´s on the campaigns for the public, and I still work with the migrant kids during their leisure times.

Brittany Wheeler: I entered the field very gradually. I had been working in the museum field for a few years, on the educational and interpretive end, and became more actively interested in issues of migration when I spent time interpreting an exhibit on Colonial slavery in the United States. I became very interested in finding parallels to modern society, and often talked to visitors at the museum about social justice in past centuries and now. In conjunction with this, I one day came across an employee page for an interesting organization, and found a woman who had studied Forced Migration at the University of the Witwatersrand in Johannesburg. It was suddenly quite clear that I should start hunting the administrator of this programme, and find out what I could about this new direction.

Edward Ou Jin Lee: My first experiences supporting refugees was when I met a gay refugee claimant while I was living in Calgary. This refugee spoke about his experiences at an LGBTQ (Lesbian, Gay, Bisexual, Trans, Queer) human rights conference and his story really impacted me. A few months later, I moved to Montreal to pursue my masters in social work. I ended up being hired as a research coordinator for an LGBTQ refugee research project. Interestingly, I continued to assist this gay refugee claimant and even participated in a long term campaign for him to gain residency through an H & C (Humanitarian and Compassionate) permit, after he was initially refused in his refugee claim. Five years after I met him and six years after he arrived in Canada, his H & C was finally accepted!

Danielle Grisby: Through a series of fluke events. While tenured in Moscow teaching theatre to Russian students, I began to work with refugees and forced migrants from outside the CIS (Commonwealth of Independent States) who were living in temporary accommodation centres and pseudo refugee camps north of Moscow city limits. Never before had I experienced people so complex, work so nuanced and interesting.

Oana Petrica: In September 2006 I arrived from Romania to Canada to start a PhD program in Women's Studies. However, like many other Romanian colleagues, pursuing a graduate degree in Canada is just a safer and easier means of actually migrating there. As a female migrant studying in the School of Women's Studies, I thought I would find a feminist network of support right there in the department between my community of women. Surprisingly, it wasn't the case. Although there was some curiosity in getting to know me, there was also lots of cornering on the grounds of my 'white' Eastern European, and supposedly 'privileged' background…In the field of refugee studies I found other migrant women for whom the experience of migration or refugee[hood] centrally structured their life, and through whose generosity and care I became integrated into a work and study community.

Amna Arabi: I started some free reading on refugee studies while I was working for The Sudanese Popular Committee for Relief and Rehabilitation (SPCR) in Nyala, South Darfur in 2004. Then I had the opportunity of working with UNHCR in community services and protection sections since 2008. The daily interaction with refugees and forced migrants has encouraged me to research more in-depth on what are the gaps between the needs met and the ones remaining, unmet? And what can be done to better address these gaps?

Andrea Pacheco Pacífico: I had never heard about the refugee dilemma before 1998/1999, when, though being a lawyer, I moved to the UK to study my LLM/MA at Lancaster University. There, I took a course on Politics and IR in the Middle East and was introduced to the Palestinian refugees' dilemma…Two years later, in early 2002, I moved to Brasilia, the capital of Brazil, to start my PhD in Comparative Studies in the Americas at the University of Brazilian, with the aim to do my research on the integration of refugees in Brazil, particularly Muslim refugees… Some



Edward Ou Jin Lee is the Research Coordinator at the Speak Out! LGBTQ Refugee Research Project, a doctoral candidate at the McGill School of Social Work, and a board member of Action LGBTQ with Immigrants and Refugees (AGIR).



Brittany Wheeler is the Repatriation Specialist at the Field Museum of Natural History in Chicago and part of the Executive Committee of the New Scholars Network. She holds a Master's degree in Forced Migration Studies from the University of the Witwaterand in South Africa in 2011, conducting research on the repatriation of migrant bodies in the U.S. and South Africa and assisting with the facilitation of the Hotel Yeoville Project.



Amna Arabi is a Senior Protection Assistant for the UNHCR in Khartoum, Sudan. She can be reached at afarabi2005@yahoo.com

other opportunities came to me after taking the 2004 Summer Course at the Oxford University Refugee Studies Centre, the six-month period as a visiting fellow at York Centre for Refugee Studies in 2007, the twelve-month Post-Doctorate at York Centre for Refugee Studies in 2009, and a twelve-month period as a visiting research fellow at Oxford University Refugee Studies Centre.

Kataryna Patsak: I have for a long time been passionate about human rights. While I myself have not experienced anything even close to any of the hardships that refugees face I can identify with perhaps a certain aspect which is migration as I immigrated to Canada from Ukraine. I had come to Canada when I was around 8 and had found the transition rather difficult and for some time had remained hopeful that we would go back home. Remembering this inspires me to not only academically venture further into the field of refugee and migration studies but to also volunteer and lend my time and effort to programs and organizations which aim to help those who may be facing such hardships in their recent move to Canada whether it be voluntary or forced.

Do you think particular fields of study or work experience currently lend themselves to refugee studies more than others?

Allison Magpayo: …With the implementation of new security policies in the post 9/11 paradigm, migration has become increasingly politicized. Thus, fields of study like political science and law have become increasingly engaged with refugee studies. However, fields as far ranging as health studies and linguistics all lend themselves to working with refugees and I have had the pleasure of meeting with students in various disciplines who have honed their research to focus on refugees and migration.

Brittany Wheeler: Once you are working in "a field" or have "an expertise," it is easy to lose sight of things around you, as you bury yourself in your work. It's important to always try to recognize the stake others have in what you are doing. Many museums, for example, are being created or re-defining themselves to speak to social issues through their collections or lack thereof. This overlaps with the field of migration in some direct and some indirect ways. Though I wouldn't suggest that groups that have very divergent goals



Danielle J. Grigsby has over a decade of practical and academic work in the field of forced migration. Grigsby's prior experience spans the realm of direct-service provision to urban forced migrants in Moscow, Russia; education development in South Africa; resettlement policy in the USA; and refugee-rights activism in Thailand and the Asia Pacific. Grigsby is a current PhD Candidate in Political Thought with emphasis in Migration; she holds a Masters in International Social Welfare, and a certificate in Forced Migration Studies from Oxford University. Grigsby's original research on service delivery models for urban forced migrants in hostile environments is published in several journals, and has presented at a plethora of conferences across the globe.



Oana Petrica is a PhD candidate (ABD)in the School of Gender, Feminist and Women's Studies at York University in Toronto. She is finalizing a thesis that applies a feminist critique of the current brain drain phenomena by examining Romanian women's role among highly skilled Romanian migrants to Canada. Her research interests include international migration, refugee issues, feminist political economy and transnational feminism.

or lack common ground and common goals force a relationship, well-managed relationships that are inclusive of the idea of sharing insights, theory or practice that crosses fields can be crucial to growth.

Danielle Grigsby: I am one of the first social workers most forced migration academics have encountered while presenting at conferences, or via my original research and publications. While not alone, my background makes me something of a minority in the academic side of this field. However, social work allows me, academically, to conduct original research, present my findings and then ask the, often times crucial, "so what" of my results. It is the "so what" that can be used to influence policy, service delivery, etc.

Oana Petrica: I still think that there are huge gaps between all the elements involved in the refugee process. There is lots of communication that needs to be done, and lots of room to look for more partnerships and building up more connections. …In my opinion, the education system needs to do better in terms of training and developing more ethical imaginaries and much more compassionate subjectivities that are more connected to human rights and social justice issues, especially in the fields of science and engineering as well as business degrees.

"There is a lot of work to be done, little money to do it or to be paid to do it, and it's discouraging to see so many people want to help, but not know how. This is a continual discovery process–how to be effective, and how to get on track to begin with. It takes courage, dedication and luck."

Brittany Lauren Wheeler

Andrea Pacheco Pacífico: Yes, of course. The refugee dilemma is not new, though the current refugee regime (rules, norms, procedures and institutions) have been created after the World War II. The problems seems to be the same: people are persecuted, are forced to leave their country of origin, need permission to enter another country, need local and international assistance to be adjusted and integrated in the host place and have their basic human rights protected wherever they are settled.

Kataryna Patsak: I believe that through using critical reflexivity academia may advance the field of refugee and migrations studies greatly. Just as I believe that all fields of study can lend themselves to refugee and migrations studies, I also believe that almost all types of work experience can also lend themselves to the refugee and migrations field.

What has been your greatest accomplishment so far? Can you also name some of the most problematic challenges you have faced?

Danielle Grisby: I gain the most satisfaction from an international advocacy campaign I was able to orchestrate through the Fahamu Refugee Legal Aid Network in the UK. This campaign led to the resettlement of 16 Somali refugees who had been held, without status, inside a terminal in an airport in Moscow for 15 months. It brought together advocates from the US, UK, Switzerland, Russia, and Sweden and was orchestrated using blogs, emails, and telephone calls.

Martina Vodikcova: Nowadays, I work with refugees in the field of education. I'm always happy when one of my clients finishes the grammar school or the university, when I can help them with the difficult process of nostrification, because I think education is one of the ways for their better future. The same issues are also the biggest challenges because sometimes the bureaucracy is against you…

Allison Magpayo: I have been fortunate to be involved with several student conferences and organizations dealing with refugee and migrant rights…I am very proud of my community involvement and currently have the privilege of working with the YMCA Canadian Post-Secondary Access Partnership (CPSAP) on a project designed to address how CPSAP can help to increase post-secondary access and outcomes for refugee youth… One of the things I have found challenging is balancing volunteer responsibilities, work, school, family, and social life. Taking on too much, especially in a field which can be emotionally overwhelming, doesn't benefit anyone in the long run as your quality of work may be compromised and your health and relationships may suffer…

Brittany Wheeler: Interacting with the city of Johannesburg and turning my degree into something more than an academic exercise or a cloistered foray into a foreign country or continent was something that felt like progress to me. I was able to work in a migrant community on an art project with a great group of people after simply being participatory on a particular listserv. I conducted research that revealed new information on community leaders from numerous African nations in regard to repatriation, and was funded to travel to Senegal to present my research at a conference. I think the biggest challenge, for myself and many others I know, is knowing what to do in the field, and even more so, how to do it. There is a lot of work to be done, little money to do it or to be paid to do it, and it's discouraging to see so many people want to help, but not know how. This is a continual discovery process– how to be effective, and how to get on track to begin with. It takes courage, dedication and luck."

> "…such a dialogue should not only allow room to different academic approaches, but also allow and encourage the participation of practitioners and refugees themselves. By bringing together seemingly contradictory narratives, which unfold on terrains public as well as familial, refugee studies can help vindicate deeply significant and obscure histories, which affect everyday realities."
> *Guiomar Acevedo López*

Oana Petrica: My greatest accomplishment in the field of refugee studies relates more to gathering some people together and working for common purposes, whether that means activism, advocacy, or research. For example, last year I organized a graduate student conference on refugee issues at York University. It wasn't anything of gigantic proportions or impact, but young people got together and, for two days, unified their thoughts and energies into improving the refugee system worldwide.

Andrea Pacheco Pacífico: My greatest accomplishments so far have been, on one hand, the feeling of being helpful for refugees and asylum seekers and, on the other hand, their gratitude. These vulnerable people know how to demonstrate their feeling even when they are under pressure. To have access to their lives and problems and being able to assist those in need have given me strength and power to struggle for a better life for refugees and asylum seekers in host

places as well as for improvements in domestic legislations where they are settled, making them feel like full citizens wherever they are. Additionally, I am proud of the accomplishments that the Study and Research Centre on Environmentally Displaced People (NEPDA/UEPB) has achieved.

Kataryna Patsak: Thus far I am relatively new to the field and am still at a learning stage. I have volunteered with some initiatives and programs designed to help newcomers to Canada and participated in conferences which had some discussion on refugee and migration issues. Fortunately I do not feel as if thus far I have faced any major or notable challenges. Some of the more minor problems or challenges that which I have come to face are: striking a balance between the academic and non-academic field and doing what I believe to be meaningful work in both, focusing or choosing only one field or area of study, or not being able to learn in an interdisciplinary manner.

How do you see academic, practitioners, migrants, and refugee themselves working together most adequately for a successful future? Do you have any practical examples?

"The only way to interconnect the gaps between academics, practitioners and refugees efforts is through building constructive partnerships… For example, a community-based approach is one of the useful tools…"
Amna Arabi

"Ideally, it would be great if refugees and migrants could participate directly in the process of knowledge production. For example, community-based research projects usually have an advisory committee that is made up of various stakeholders, including refugees themselves."
Edward Ou Jin Lee

Guiomar Acevedo López: My very own experience tells me that in order to truly unravel the complexity of refugee studies, a dialogue between disciplines is key. But such a dialogue should not only allow room to different academic approaches, but also allow and encourage the participation of practitioners and refugees themselves. By bringing together seemingly contradictory narratives, which unfold on terrains public as well as familial, refugee studies can help vindicate deeply significant and obscure histories, which affect everyday realities.

Amna Arabi: Academics continue to provide…theoretical analysis [as] to the root causes of the issue of refugee and forced migration, which with no doubts has enshrined the field of refugee studies with up-to-date knowledge and research…Practitioners in the field have enormously contributed to the protection of the refugees by providing valuable direct assistance by implementing good practices, contested at the field level and found to be workable to certain refugee's situations. Refugees and migrants have remained the central focus for both academics and practitioners envisioning their future to better address their problem and enabled their voices to be heard! However many experts can argue that refugees and forced migrants are not being fully engaged on the decision making for the issues affecting their own lives and most of these proposed solutions have been made on their behalf! The only way to interconnect the gaps between academics, practitioners and refugees efforts is through building constructive partnerships… For example, a community-based approach is one of the useful tools to build partnership within communities, practitioners and policy makers.

Edward Ou Jin Lee: Ideally, it would be great if refugees and migrants could participate directly in the process of knowledge production. For example, community-based research projects usually have an advisory committee that is made up of various stakeholders, including refugees themselves. Another kind of research process would be participatory action research projects. ..However, it is important to acknowledge the importance of knowledge produced that specifically addresses the legal and policy level of refugee studies.

Andrea Pacheco Pacífico: From my point of view, academic, practitioners, migrants, refugees, as well as local governments and international organisations, such as the UNHCR, should be closer partners and work closer to one another in order to improve protection and promote human rights implementation. Migrants in general, as well as refugees and asylum seekers, need to take an active role in the integration process before, during, and after moving.

Kataryna Patsak: I believe that there must also be focus placed on the means through which refugees are created. Those which can be changed must be focused on. For example, in the Development field there is a focus on natural resources and their role in fueling conflicts, which displace many people and create many refugees. This focus then attempts to address the problem through various means. It seems to be extremely important to look for both long term and short term solutions to various problems as well as focus on local as well as global issues.

What advice would you give to new scholars or practitioners for inserting themselves into meaningful work?

> "Be creative! Be brave. Network! Read the work of today's experts. Take opportunities, and create your own when none arise."
> *Danielle Grisby*

Allison Magpayo: I'm more used to seeking advice, rather than giving it! Keeping up to date with relevant issues and news (through lectures, listservs, etc) has been crucial in maintaining ongoing engagement and facilitating opportunities for meeting like-minded people. I also encourage new scholars to go out on a limb when it comes to volunteer work. Many organizations are (sadly) underfunded and understaffed. A willingness to learn coupled with a respectful, yet persistent manner can open many avenues for collaboration or observation…

Danielle Grisby: Be creative! Be brave. Network! Read the work of today's experts. Take opportunities, and create your own when none arise. Pursue advanced degrees. Also, be persistent!

Brittany Wheeler: Keep a very active ear to the ground. The more you do this, the more a habit it will become. At the same time, know what you can handle, work-wise and emotionally, and be present in what you do, rather than half-committed and uninformed. Send out emails to people that you find interesting; so many people, even people that seem amazing and remote, *will* reply to you (not all of them of course, but may well find yourself surprised). Keep defining and re-defining what interests you and thinking about where it could apply. Find out what is happening in different geographical areas—find out what is making people angry, what people are accomplishing—and try to incorporate it into your worldview, your conversations and your

efforts. Try not to have the mentality that things are beneath you as you search and do actual work; you can learn something from almost anything. Don't apologize for your age, or feel you're too old to embark on something, but also don't get wrapped up in yourself as a young person that thinks they can do everything. No one else is going to do 'it' for you, and you'll have to do it over and over again. Endlessly adjust.

Oana Petrica: I would say it's important to always throw yourself out there for any opportunity that might show up around. I mean, exposing oneself might mean a lot of vulnerability, but also lots of satisfaction and fulfillment (if it is a volunteer project, or anything of that sort, do not be afraid to jump in). Also, don't be afraid that your age, gender, immigrant status, foreign accent, or expertise are insufficient or not good enough for what you want to pursue: don't be deterred by the ones who want to demean your courage, energy, or your good will. You're always 'good enough' for fighting your marginalization, or acting in solidarity with the oppression of others! Working in groups, and in solidarity is also important since you get to be confirmed in your enthusiasm and actions, and don't end up feeling lonely and isolated. Of an equal importance is having time to take care of oneself at the end of a burdensome day. Being involved in refugee and forced migration issues can be a burdening thing, so make sure you have time to pamper yourself at the end of the day, or let others reward you with conversation, company, tea, etc. Also, be sure to never forget that it's in our hands to fight injustices, and that now more than ever we can stand against them. Together!

> "You do not need to publish only academic papers, because your ideas are the most important, particularly if you are a practitioner and your daily activities, challenges and experience will make a difference for bureaucratic civil servants and scholars doing research in the field."
> *Andrea Pacheo Pacífico*

Amna Arabi: I strongly advise new scholars and practitioners joining this field to uphold the key principles including provisions of physical security and restoration of human dignity. It involves supporting communities to rebuild their social structures by realizing their rights and finding durable solutions. In order to master this field new scholars may need to consider linking academics knowledge with practical working experiences at the field level to enhance the scope of international protection.

I strongly advise new scholars and practitioners joining this field to uphold the key principles including provisions of physical security and restoration of human dignity. It involves supporting communities to rebuild their social structures by realizing their rights and finding durable solutions. In order to master this field new scholars may need to consider linking academics knowledge with practical working experiences at the field level to enhance the scope of international protection.

Andrea Pacheco Pacífico: The first and main advice I would give them is to ally theory and practice– that is, never stop studying and reading updated information published from official sources, doctrine, field reports, legal norms, rules and procedures–particularly those regarding their local workplace. Secondly, do as many courses as you can in different places, in order to know how people from different places and with different backgrounds think about the same

issue, as well as to meet people and to establish links with future partners. Thirdly, I would say: Publish! Don't forget to publish your ideas, your experience, or your findings. You can publish them orally, through presenting papers in seminars or conferences, or publish them in academic journals or local websites. You do not need to publish only academic papers, because your ideas are the most important, particularly if you are a practitioner and your daily activities, challenges and experience will make a difference for bureaucratic civil servants and scholars doing research in the field. Lastly, practice and observation are of paramount importance. In the end, never forget those people you met during your career and helped you to be what you will be in the future – or you are already today – since networks of cooperation and trust are at the top of any personal and professional career.

Kataryna Patsak: Although I am a new scholar myself, I believe that it is important to use personal experiences, strengths, and things which impassion you in order to immerse yourself in meaningful work. It is also very important to not only actively participate in the academic field but also to venture outside of it and interact with the practical field, which will allow you to see and understand the realities which academics address.

Discussion Series (Volume 2)
How Has Refugee Law Been Politicized?

YUKARI ANDO*
BRÍD NÍ GHRÁINNE**
HILLARY MELLINGER***
HARINI SIVALINGAM****

In the second Discussion Series, the New Scholars Network asked new scholars to contribute their opinion to an international discussion around the question, How has refugee law been politicized? With this question, we wished to examine the directions that refugee law and legislation are taking around the world. In particular, we were interested in how new legislative changes being intertwined with political, social and economic considerations. Does such a consideration provide any answers to questions such as, Why may one group or claim be designated as 'bogus' as opposed to another? Why are 'safe third country' agreements set up between certain countries and not others? Who are the 'desirable' refugees and why?

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******Harini Sivalingam** is currently a PhD Candidate in the Socio-Legal Studies program at York University. She obtained her LL.B. at Osgoode Hall Law School and was called to the Ontario Bar in 2006. Harini completed her LL.M. in International Comparative Law at McGill University in 2009. Her research interests include immigration and refugee law and securitization of borders.*



An Irish Perspective

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The Irish economy, formerly known as the "Celtic Tiger" was one of the largest success stories of the recent boom. In 2008, however, Ireland entered into recession after 24 years of continuous growth, which resulted in the collapse of the property market and what has been described as "one of the most expensive banking crises in history". Today, Ireland faces a 14.6% unemployment rate (as of January 2013), harsh austerity measures, and widespread immigration.

"The most disturbing aspect of the system of direct provision…is that the weekly allowance has remained the same for 12 years – thus even when Ireland was riding on the crest of an economic wave, a family of four asylum-seekers were living on less than €3,000 a year."

Although Ireland has one of the lowest refugee recognition rates in Europe, refugees and asylum-seekers are seen as an unnecessary fiscal burden on a country steeped in recession. This culture of resentment is most evident in the headlines concerning asylum-seekers: most, if not all, deal with what is portrayed as "excessive" or "incredible" expenditure. Take, for example, the payment of €89.5m to the owner of Mosney, a former holiday camp providing accommodation for asylum seekers in County Meath, in the east of Ireland. Another story focuses on the payment of €620,000 to a lawyer for work as a member of the Refugee Appeals Tribunal, which hears the appeals of asylum-seekers who have had their claims rejected. Significantly, none of these large payments were made to asylum-seekers themselves.

In stark contrast to these figures is the dire poverty facing the individual asylum-seeker. The system of "direct provision" is described by the Reception and Integration Agency of the Department of Justice as "full board and accommodation free of utility or other cost" intended "to ensure material needs [of asylum seekers] are met". This entails a weekly allowance of just €19.10 a week for adults and €9.60 a week for a child. In 2012, more than 60% of asylum - seekers had been dependent on "direct provision" for over three years. In addition, unlike other EU countries, asylum-seekers do not have the right to seek work. The most disturbing aspect of the system of direct provision, however, is that the weekly allowance has remained the same for 12 years – thus even when Ireland was riding on the crest of an economic wave, a family of four asylum-seekers were living on less than €3,000 a year.

Change in legislation concerning asylum-seekers has been on the agenda, however. The failed Asylum, Residence and Immigration Bill 2010 provided numerous reforms, including the introduction of a single protection procedure, replacing the current two-step process whereby subsidiary protection may only be applied for after an asylum claim has failed. Unfortunately, the Bill neglected to address the system of direct provision. Considering that the system of direct

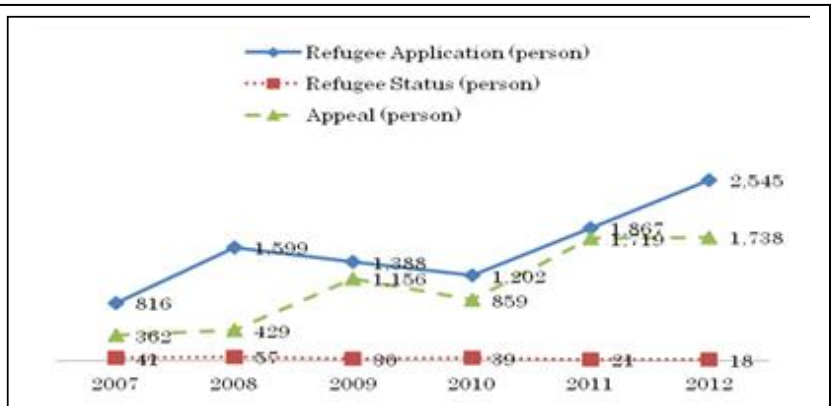
provision remained unchanged in the boom years, it is unlikely that positive change is on the horizon in the current economic climate and significant further expenditure on behalf of asylum-seekers seems a no-go area insofar as the Irish politician is concerned.



A Japanese Perspective

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The Immigration Bureau, Ministry of Justice, Japan has recently announced its 2012 data. 2,545 applications for recognition of refugee status have been submitted—a 36% increase compared with 2011. 18 persons were granted refugee status—a 15% decrease compared with 2011. 1,738 persons filed an appeal when their requests were denied. The number of both asylum applications and appeals were the highest they have been since the system was created in 1982. The top ten countries of origin are: 1. Turkey, 2. Myanmar, 3. Nepal, 4. Pakistan, 5. Sri Lanka, 6. Bangladesh, 7. India, 8. Nigeria, 9. Ghana, and 10. Cameroon. The highest number of applicants have been from Myanmar for a long time, but in 2012, this shifted to applicants from Turkey. The applicants from Africa, such as Nigeria, more than doubled, and Ghana did not even appear the top ten in 2011.



Source：Immigration Bureau, Ministry of Justice (19 March 2013)
http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03_00094.html

What do these numbers tell us? Which kind of messages do we receive? Has the Immigration Control and Refugee Recognition Act been politicised in Japan?

It is true that we must be aware of the trick of numbers, and that we must take into account every individual case and consider whether s/he has met a well-founded fear of persecution. I feel, however, a little strange that the graph curves are not parallel—namely, why have the number of persons granted refugee status decreased, while the refugee applications and appeals have increased?

We cannot deny that Japan has been facing a critical period after the Great East Japan Earthquake on 11 March 2011. What do the following economic numbers tell us?

	GNI per capita (in dollars)*	ODA (in millions of dollars)**	Unemployment Rate (%)***
2008	37,840	9,601	4.0
2009	37,580	9,457	5.1
2010	42,050	11,021	5.1
2011	44,900	10,831	4.6

Sources: *http://data.worldbank.org/indicator/NY.GNP.PCAP.CD
**http://www.mofa.go.jp/mofaj/gaiko/oda/shiryo/jisseki.html
***http://www.stat.go.jp/data/roudou/sokuhou/tsuki/index.htm

I am actually surprised by this data, since newspapers are often telling us "How severe the economic situation is!" or that the "Livelihood protection subsidy has recorded the highest numbers," etc. I can imagine that many people have almost the same impression. Certain people in Japan tend to think: *Why must we receive people from abroad, while people in Fukushima are displaced due to nuclear power plants and are really suffering? Why we must use money, while we need to reconstruct Japan after the tragic natural disaster?* Those people probably have an understanding of the situation only in specific areas or particular regions of Japan, but are not considering the entire country. While we should be facing the severe situation after the tsunami, this cannot be a justifiable excuse to exempt Japan from the obligations of the 1951 Refugee Convention as a State Party. This example of the discrepancy between applications for recognition of refugee status and the acceptance rate in Japan has made me realise how mass media influences the image of events which is likely to establish the wider public opinion. This consequently politicizes refugee policy and affects amendments of refugee law or legislation in the future.

Another interesting phenomenon in Japan is the pilot case of third country resettlement. Japan has received several families (45 persons) since 2010 for 5 years as a pilot project. This screening process is ad hoc, and it is not an ordinary refugee determination process. 16 persons from three families, however, declined to come to Japan under the third country resettlement programme, and no one else came under the scheme of third country resettlement in 2012. These three families had participated in pre-departure/cultural orientation outside of the Mae La Refugee camp in Thailand, and they experienced heightened anxiety due to leaving their aged grandparents behind in the camp. Then, on 8th March 2013, the Government of Japan broadened the concept of family, with the intention of broadening third country resettlement. The initial concept of family included only the applicant, their spouse, and their children. The current concept, however, includes parents and unmarried sisters and brothers of the applicant and applicant's spouse. Having said that, persons considered eligible for third country resettlement are still limited to only those from Myanmar who stay at specific refugee camps in Thailand, such as Mae La, Noh Poe or Umpiem Mai.

"Another interesting phenomenon in Japan is the pilot case of third country resettlement. Japan has received several families (45 persons) since 2010 for 5 years as a pilot project. This screening process is ad hoc, and it is not an ordinary refugee determination process."

Although the number of persons settled through third country resettlement is not big, this is the first third country resettlement project in Asia. The third country resettlement project is not based

on the Immigration Control and Refugee Recognition Act in Japan. It entirely relies on politics. If Japan would like to take a role of leadership in Asia, Japan must take initiate good practice. It might have the effect of broadening this to the other Asian countries. I hope it will have a positive effect on a brighter future in refugee resettlement in the entirety of Asia.



The Extraterritoriality of State Responsibilities Towards Refugees: An Australian and Canadian Perspective

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Migration laws have historically been a means for nation states to regulate their population levels as well as control migration into the country. These laws are often created, sustained and reformed due to political, economic and social-cultural motivations and rationales. Asylum laws concerning vulnerable refugee populations are at the most risk of being politicized by refugee receiving countries around the world.

One recent trend in how refugee laws have been increasingly politicized is the extraterritorialization of migration laws to screen out *undesirable* refugee populations. While visas have historically been used to control who is allowed entry into states, Western nations who receive large refugee influxes, such as Canada and Australia, have increasingly been extending their migration laws outside the confines of their borders to monitor and regulate the flow of refugees into their states.

> "In exchange for receiving unprocessed (and unwanted) refugees from Australia, Malaysia (a country that has not signed the 1951 Geneva Convention on the Status of Refugees) will send refugees already processed and approved by the UN into Australia."

There are two ways in which extraterritorialization of borders is being executed in Australia. The first is outsourcing the processing of refugees from the refugee receiving state. The Australian government implemented the Pacific Solution, a strategy to process asylum seekers off-shore on small islands, some of which were excised from Australia for the purpose of refugee processing. Part of this strategy involved the interdiction of boats carrying asylum seekers by intercepting boats destined for Australia and diverting them to small Pacific islands or third countries such as Indonesia. More recently, Australia has undertaken another form of extraterritorialization of its asylum laws by outsourcing its refugee resettlement efforts to third party countries, such as Malaysia, through a refugee swap program. In exchange for receiving unprocessed (and unwanted) refugees from Australia, Malaysia (a country that has not signed the 1951 Geneva Convention on the Status of Refugees) will send refugees already processed and approved by the UN into Australia.

Another method of extraterritorialization of migration laws is the extension of a state's presence into another state, as seen in Canada. These methods of border control measures have been used in preventing refugee flows as well as enforcement. After its own experiences with unwanted and unwelcomed boat arrivals of refugees, the Canadian government has increased its efforts to prevent asylum seekers in transit from Southeast Asian countries from seeking refuge in Canada by utilizing human smugglers. The Canadian government has dispatched senior boarder control officials (CBSA), intelligence officers (CSIS), and law enforcement officials (RCMP) to countries such as Thailand and Indonesia to assist local officials in dismantling operations that attempt to transport asylum seekers aboard. Another example of the Canadian government's border control policies extending beyond its own national borders is an advertising campaign by the Canadian government in Hungry to prevent or dissuade those intending to seek asylum from coming to Canada because of its harsh climate. Finally, the Canadian government has also undertaken outsourcing another aspect of its refugee processing to an international non-governmental organization. This program encourages failed refugee claimants to voluntarily return to their homeland by providing monetary incentives through the offices of the International Migration Organization (IMO).

All of these programs have been extensively criticized by refugee advocates. These global trends to prevent refugees from seeking asylum are both alarming and disturbing and go against the spirit of the Geneva Conventions. These measures also reinforce the notion that the only genuine refugee is one selected by refugee receiving states through their national refugee resettlement programs. Refugees that arrive at the borders are perceived to be illegitimate and bogus. These trends also highlight the presence of a two-tiered refugee system where rights and protection are established by mode of arrival rather than the merits of their claims of persecution. Extraterritorialization of migration laws results not only in the offloading of refugee populations to other countries, but also in shifting state responsibilities for protecting vulnerable refugee populations.



Terrorist or Asylum Seeker? A U.S. Perspective

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On May 6, 2006, *The Spectator*, a British magazine, featured a political cartoon of a judge asking, *"How does the prisoner plead? Innocent or asylum-seeker?"*[i] Such a characterization of asylum seekers exists within the US immigration system today. The US has sought to uphold two goals – protecting national security and providing a safe haven to bona fide asylum seekers. These goals are not mutually exclusive, yet US immigration law is phrased in such a way that asylum seekers are often conflated with terrorists and consequently barred from accessing protection from persecution.

US immigration laws have traditionally barred from asylum those individuals who are or were members of terrorist organizations, participated in terrorist activities, persecuted others, or committed particularly serious crimes.[ii] However, following September 11, 2001, the US took a much harder stance towards immigration. The USA Patriot Act of 2001 expanded the definition of a "terrorist organization" by defining it as "any group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, terrorist activities." [iii] The REAL ID Act, passed by Congress in 2005, further expanded the definition of what constituted a terrorist organization or a terrorist activity. [iv] In addition, the REAL ID Act barred anyone who provided "material support" to an "organization engaged in terrorist activity" from being eligible for asylum. [v] These immigration laws are often referred to as the "terrorism related inadmissibility grounds," or TRIG.

"For example, a Burundian refugee who had his lunch and four dollars stolen from him by a rebel group was labeled as having provided "material support" to a terrorist organization. Similarly, child soldiers who were recruited and forced into combat are also barred from asylum." [vi]

These laws were written in a very expansive and all-encompassing manner. For example, the definition of "material support" is construed so broadly that it can include almost any act – even those not traditionally associated with terrorism. For example, a Burundian refugee who had his lunch and four dollars stolen from him by a rebel group was labeled as having provided "material support" to a terrorist organization. Similarly, child soldiers who were recruited and forced into combat are also barred from asylum. Likewise, freedom fighters — even those that collaborated with the US in overthrowing a regime, or whose mission was aligned with US foreign policy – are often deemed to be terrorists.[vi]

As a result of these broad and inclusive definitions, the USA Patriot and REAL ID Acts produced the unintended consequence of limiting access to the asylum system by actual, bona fide asylum seekers and refugees. [vii] As a 2006 *New York Times* article notes, "The number of refugees admitted to the United States fell 23 percent this year [2006] because of provisions in two antiterrorism laws… The laws, the USA Patriot Act and the Real ID Act, deny entry to anyone who belongs to or has provided material support to armed rebel groups, even if that support was coerced and even if the armed groups fought alongside American troops or opposed authoritarian governments criticized by the Bush administration."[viii]

These acts underscore the tension between safeguarding refugees and protecting national security. Congress passed these acts in an effort to prevent terrorists from abusing the US immigration system. In essence, however, these acts prevented many bona fide asylum seekers from accessing protection from persecution.

This ongoing debate between national security and the security of asylum seekers and refugees is all the more prominent in light of the Boston Marathon bombings on April 15, 2013. It is important that we seek to safeguard national security in ways that are not to the detriment of the very populations that US immigration law and the 1951 Refugee Convention seek to protect.

[i] The Spectator, May 6, 2006. Found in: Bohmer, Carol and Amy Shuman, 2008. Rejecting Refugees: Political Asylum in the 21st Century. USA and Canada: Routledge.

[ii] Human Rights First. 2002. "Denial and Delay: The Impact of the Immigration Law's "Terrorism Bars" on Asylum Seekers and Refugees in the United States." Available at http://www.humanrightsfirst.org/wp-content/uploads/pdf/RPP-DenialandDelay-FULL-111009-web.pdf, page 10 [accessed May 3, 2013].

[iii] INA §212(a)(3)(B)(vi)(III)

[iv] Human Rights First. 2002. "Denial and Delay: The Impact of the Immigration Law's "Terrorism Bars" on Asylum Seekers and Refugees in the United States." Available at http://www.humanrightsfirst.org/wp-content/uploads/pdf/RPP-DenialandDelay-FULL-111009-web.pdf, page 7 [accessed May 3, 2013].

[v] Nezer, Melanie and Anwen Hughes, 2009. "Understanding the Terrorism-Related Inadmissibility Grounds: A Practitioner's Guide." *Immigration & Nationality Law Handbook*. American Immigration Lawyers Association. Available at http://www.ailawebcle.org/resources/Resources%20for%208-16-11%20Seminar.pdf (accessed April 8, 2013), Citing from the Immigration Act of 1990 (IMMACT90), Pub. L. No. 101-649, 104 Stat. 4978, §601(a) (adding INA §212(a)(3)(B)) and §602(a) (adding INA §241(a)(4)(B))

[vi] Human Rights First. 2002. "Denial and Delay: The Impact of the Immigration Law's "Terrorism Bars" on Asylum Seekers and Refugees in the United States." Available at http://www.humanrightsfirst.org/wp-content/uploads/pdf/RPP-DenialandDelay-FULL-111009-web.pdf, page 6 [accessed May 3, 2013].

[vii] Nezer and Hughes

[viii] Swarns, Rachel L. 2006. "Terror Laws Cut Resettlement of Refguees." September 28. *New York Times*. http://www.nytimes.com/2006/09/28/washington/28refugees.html?_r=1 [accessed April 12, 2013].



Interview: Migration and the Social Order

IAN WILLIAMS

As the New Scholars Network (NSN) prepared its journal dedicated to social movements and forced migration, it reached out to the young and involved to hear their stories of what it was like to be a part, or to attempt to be a part, of the study and work surrounding refugee and forced migration situations. Ian Williams, who independently met two members of the NSN over the past two years, is such a person. Currently, Ian is living and working in Brooklyn, NY while on leave from a Master's in Social Work program at Hunter College. Influenced by new social movements such as Occupy Wall Street, he is keenly interested in rethinking the genealogy of community organizing as taught and trained in its professionalized forms. (October 2012)

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How did you begin working with Somali refugees in Vermont?

I started working with Vermont's Somali Bantu community when I was hired to work an AmeriCorps*VISTA position in the summer of 2010. VISTA – Volunteers in Service to America – is a domestic version of the Peace Corps, where participants live at the US poverty level and work on anti-poverty projects.

I took the position with the Somali Bantu Community Association of Vermont, Inc. (SBCAVT), knowing almost nothing about Somali or East African history and culre, but somehow qualifying for it as someone who was familiar with the bureaucratic and social protocols relating to refugee populations in the nonprofit sector. I did have my doubts about my kind of expertise being transferable.

The term cultural competency is thrown around quite a bit in the non-profit sector, and while it's a well-intentioned attempt to adjust programs and services to the varying life-worlds of different cultural backgrounds, it is often deployed in service of liberal multiculturalism, an ideology that ignores historical and structural causes of oppression – particularly capitalism, settler colonialism, and white supremacy. I find it highly problematic, and frankly, disturbing when difference is reduced to diversity.

What useful tools did you leave that experience with? Did it point you in a particular direction for future work, or extinguish any old desires that you learned weren't as useful as you hoped?

I learned quite a bit about bureaucracy and professional-managerial culture, as well as the culture of professionalized activism. I also learned about the history of resistance movements, theories and values around community self-determination, and what James Scott calls the "hidden transcripts" of oppressed peoples – that is, the things that occur and are said when those in power are no longer present.[iii]

I added to this mix by sitting in on some courses at Concordia University, the focus of which was to put academic research in service of radical activism. I wanted some background and context to situate my work, and felt I needed some outside expertise to guide me through the incredibly confusing and convoluted work world I occupied. Applying this analysis to my work, I found that government and non-to-para-governmental agencies are incredibly hostile to critical analysis – and in particular, the progressive, neoliberal "good governance" types that have flourished in the Burlington [Vermont] area.[vi]. Equally, though, I learned quite a bit about how the formal education I received as an undergraduate student, which is so effective at critical analysis, failed to train me in a critical awareness of myself, and how I utilize that in community practice. [vii]

It was a time where I started to really reassess how I interacted and communicated with others, and how I could work collaboratively in a community-based setting while still maintaining a critical edge. It's something I am struggling with, particularly now that I'm in social work school. But in my earlier experience, I generally found organizations run by communities on the margins of society – be they immigrants, people of color, low income, or some other kind of marginalized social status – to be far easier to navigate as a worker. The hidden rules, rituals, and etiquette of state-regulated organizations, given my own structural position as a white, English-speaking male with a university education, seem far harder for me to operate within, and tend to draw out my rebellious and anti-authoritarian tendencies. Probably this set the stage for me to jump right into Occupy Wall Street.

How did you become involved in the Occupy Wall Street movement?

I heard rumblings about Occupy Wall Street from friends in activist and political circles – generally anarchist, libertarian, and conspiracy theory-inclined friends seemed the most excited. I had been involved in a few activist projects prior to OWS's inception, primarily through my then-partner – who at the time was working as a labor organizer – and the Vermont Workers' Center. When it started, I watched some Livestream videos of arrests over the first weekend, and noticed Occupy-related posts rapidly dominate my Facebook friend feed.[viii]

Between some pretty serious changes in my personal life and a year of struggling against far too many levels of government bureaucracy, I felt burned out and exhausted. At the end of September 2010, I went down to Boston for the Right to the City Alliance's (RTTC) annual membership congress. Several thousand people marched on Bank of America's Boston central office, and then wandered into Dewey Square, where Occupy Boston was setting up its camp. My curiosity piqued; after attending more actions with RTTC, I went back to Dewey Square and stuck around for a General Assembly.

That moment blew me away, changing the course of my life. I knew the collective communication and decision-making processes it incorporated – consensus decision making, facilitation, and Open Space Technology – through my previous work and studies, but never experienced something beyond small groups or trainings, often organized within strictly activist circles, municipal bureaucracies, or classroom environments. Here, everyone could participate, say what they wanted, and no one was a leader – at least, not in the sense that term usually implies.[ix] After having some of the most inspiring conversations with strangers in years, I knew I wanted more. I went home and back to work at the end of the weekend, and immediately felt the ecstatic inspiration starting to slip in the banality of everyday life. That night I called up some friends who were planning to go down to Zuccotti Park, quit my job, and got a bus ticket for the next day.

I spent a week in Zuccotti Park – or, as it's commonly known within the movement, Liberty Plaza – while exploring all the nuances of this living, growing, pulsing entity that was hard to make sense of. Every day was a new series of adventures, new information, new working groups, another series of deep, honest conversations with complete strangers who felt like family, flash conflicts with police and the authorities, and all of it felt both precarious and full of life. It felt like the well-worn phrase of the Industrial Workers of the World: "building a new world in the shell of the old."[x]

After returning from NYC, I got involved in Burlington's nascent Occupy group and found myself swept up in starting a general assembly and planning an encampment. My lease expired, and, to stretch my meager savings, I moved into the encampment and, after its eviction, onto friends' couches. I moved down to Brooklyn in late December to be more involved with Occupy Wall Street. At that point I threw myself all the way into it, spending the winter and most of the spring organizing and participating in a whole host of projects and actions in NYC and Washington, DC.

Do you think that there are similarities and parallels between your work in refugee resettlement and Occupy Wall Street?

To describe each – refugee resettlement (more broadly, contemporary forms of migration) and Occupy Wall Street – as distinct entities ignores some of the shared histories of struggle that such worlds have encompassed. The struggles of refugees, a particular classification of immigrants – and here I think it's important to refuse state definitions of who is legitimately struggling and who is not, and therefore who deserves sympathy, solidarity, and aid – are tied to the transformation of the world amid growth of global capitalism, a process that has spanned centuries and significantly intensified over the past several decades.

Today, human migration is more frequent than ever before in history. There are many intersecting forms of displacement – economic, environmental, political, situations of protracted war, and so on. States have responded to these crises through increased securitization, regulation and control of borders, and increasingly sophisticated systems of regulating, tracking, detaining, and processing immigrants. This has created policies that criminalize the very notion of migration, or at least, migration that is not deemed legitimate by the state's regulations – which are absurd, illogical, and fail to correspond to people's lived realities.

> "These waves of migration are all tied up in the global financial system: structural adjustment policies putting farmers and peasants out of work, land-grabbing displacing indigenous peoples, intensified commodification of land and common resources fostering resource wars, and disaster capitalist "emerging markets" that spring out of climate crises, to name a few."

On the other hand, Occupy Wall Street's genealogy is incredibly complex and difficult to decipher, but I tend to draw from David Graeber's analysis of forms and subcultures of neo-anarchist direct action organizing that grew with anti-globalization movement.[xi] Given that the state – in its present form, that of the nation-state – is only a few hundred years old and human social history is far, far longer, there's little reason to believe that currently dominant and popular forms of collective social management are necessarily the best or only possible options.

In that sense, current trends within refugee resettlement are not at all different from current social movements like Occupy Wall Street – both are, quite simply, people trying to redefine the world around them to better suit their needs, in the failure of established institutions and figures of authority to provide, and thus the failure of their moral legitimacy.

Do you find a parallel between the way in which the 'Global North' might disrupt the lives and economies of its citizens (or its 'underclass') and the way in which persons in the 'Global South' are disrupted physically, socially and economically such that they become refugees or displaced persons? Is this a useful way of thinking about things?

This is definitely a useful way to conceptualize things. The disruption of lives, and livelihood, of marginalized populations is very much a systemic process, one that has only intensified through global neoliberalization. Simon Springer, a geographer at the University of Victoria, wrote a fascinating article on the variegations of this process throughout the world – that is, its uneven and locally specific effects. Simon's research has mostly focused on the role of state violence in Cambodia during the post-transition years, and he's made a number of interesting observations about the relationship between NGO development policies and state violence.[xiv] The spread of an American vision of democracy throughout the post-Cold War world brought with it a judicio-political apparatus of market economies, embedded notions of property and social hierarchy, and has engendered certain kinds of marginalization that simply didn't exist before.

This marginalization through neoimperialist economic and political development policies has displaced countless individuals. So have the ecological effects of resource extraction, climate change, wars, and industrialization. Trade agreements, too, have led a chain of causal relations between the actions of the Global North and the Global South, which has certainly intensified

migration as a response to these disruptions of existing social systems that have been affected by these policy changes.

How would you comment on the lack of social movements on behalf of refugees? Or, are there such movements? What prevents these movements from happening, and what mobilizes them? How are refugees best served when they cannot be or are not involved?

A movement is rarely a singular entity; more often it is a diverse field of forces coalescing and breaking apart, but nonetheless unified. How it is defined operationalizes how its possibilities are perceived – even how a social movement might be defined, in terms of how it is "on behalf of" a particular cause, group, or interest. For example, a movement around refugees certainly exists, but the framing of your question ("social movements on behalf of the refugees") is very different than, say, a movement that exists alongside or is led by refugees.[xv] If one looks for a movement on behalf of refugees, there is a presumption of a certain process: professionals, often non-refugees, who organize their efforts so as to appeal to some external cluster of power. As professionals, they often build their careers around such projects and thus become experts and spokespersons – those who are sanctioned by the powers that be to speak on behalf of the issues. This is less of a social movement (as a diverse field of forces operating in some sense of coordination with each other) than advocacy, which certainly serves a valuable purpose in the struggle for the rights and wellbeing of refugees, but it in and of itself does not constitute a wider societal revolt against a particular configuration of oppressions, and is likely not accountable to "frontline communities." [xvi]

"Hence, the refugee silo – and the self-imposed limits on expectations and linkages by a generation of professionals trained to think of their work in terms of a menu option of competencies and specializations, instead of a reconfiguration of the relation between such things or going after the root causes of such phenomena."

Some of the problem of understanding the migrant justice movement comes from the role of community practitioners, and their perspective on societal unrest. The professionalization of community practice, a hallmark of neoliberal ideology and policy, comes at the expense of practitioners' engaging in radical and grassroots efforts towards social change – and also, in the capacity to determine one's struggles in one's own language, on one's own terms. In the largely positivist ideologies of professional community practice, the infinitely complex processes of community self-organization have become streamlined into a series of predictable and manageable methodologies, partitioned by specialization and discipline, with the professional sitting as the manager of such technocratic systems. Hence, the refugee silo – and the self-imposed limits on expectations and linkages by a generation of professionals trained to think of their work in terms of a menu option of competencies and specializations, instead of a reconfiguration of the relation between such things or going after the root causes of such phenomena.

What is the potential for solidarity between social movements that resist various types of marginalization?

There is great potential for solidarity between social movements; the early days of the Occupy movement hinted at that as the political dead-end of single-issue and identity politics seemed to sweep back into a total structural critique of society. In and around OWS now, there are thriving alliances, campaigns, coalitions, and working groups that are connecting social movements of many stripes. These various movements have cross-fertilized and are producing new modes of analysis, new critiques of the structures of society (like Strike Debt), and new ways of being.

The potential for solidarity also exists within individuals like myself, who are operating in and outside of activist circles. I very much seek for my social work education to be in service of my radical politics; not in a dogmatic, ideological way, but as a my firm conviction that someone seeking to help people in their social circumstances ought to seek the total and complete eradication of the forces that produce alienation and oppression.

OWS is a rather interesting movement as it, for a while, was able to claim legitimacy of not only representing, but being comprised of a wide-enough variety of individuals to represent incredibly diverse array of constituencies. It is also at once unified and completely decentralized – more a field of forces than a singular entity. It has a kind of semiotics backing it – the various memes, which even go back to the Adbusters call to action and subsequent Twitter hashtags like #OWS, whom no one can really claim domain or ownership over, and thus they operate as open-sourced tools for communication and messaging.

If we're to return to the Occupy Wall Street movement, as you know, protesters have often been referred to collectively as ''hippies', 'anarchists', or 'communists' in the media. How would you comment on that?

I would first comment on the role of the media, by which you must mean corporate, mainstream media. Their role, though a more public discourse might refer to them as the watchdogs of society, is to process information about society and everyday life in such a way that it reproduces its basic structure – that is, relations of capital, power, private property, and production. Thus it cannot be assumed that corporate media is likely to, let alone is capable of, portraying activists in a positive or sympathetic light. There are moments, certainly, where this happens, but by and large such moments fit into a larger framework and narrative that may not be defined by the activists themselves. It may, instead, be defined by the terms of a largely white, middle class liberal audience.

In the Occupy movement there are many kinds of political and subcultural identities, though to reduce any one person to a category or a label within is a kind of positivist methodology that I am struggling with in the beginnings of my Social Work education. There are indeed hippies – although what that means is up for wild interpretation – as well as punks, travelers (hitchhikers), mystics, rappers, Burning Man participants, etc. There are also doctors, nurses, lawyers, social workers, engineers, chefs, professors, priests, and all sorts of professionals whom corporate media might be more likely to depict in a positive light. This was actually one of the most

exciting things about the Occupy movement – it blurred, and sometimes eradicated, social boundaries amidst an attempt to create egalitarian communities, often in the heart of urban financial centers where such divides are perpetuated and profited upon every day.

Most people participating in Occupy Wall Street, though, were not doing so because of their political ideologies or lifestyle choices. They were doing so because of the fundamental crisis of our economic, political, and social systems – one in which poor and middle-class families are increasingly robbed of a future they grew up with the promise of, while an increasingly small number of powerful, wealthy individuals (the 1%) consolidated their control over the state. But none of this, like the above-mentioned portrayals or questions, is really what matters. What matters is that people were fed up, felt that conventional politics had failed, and found promise in seeking out a new kind of society – creating it, if temporarily, in the parks and squares they occupied.

On a related note of terminology used for those involved in 'social movements,' refugees and asylum seekers may be portrayed in the media as "terrorists" and "criminals." Do you think the media uses similar mechanisms to create categories of unwanted or undesirable persons when it comes to refugees? How widely does this marker of undesirability go, as you have seen it, and what problems might it create?

Refugees and asylum seekers often come from incredibly different backgrounds than those they encounter in their new homes. Self-organizing to seek material needs, their actions are often extralegal. Some of these other types of non-state entities, militant in their approaches, have been labeled as terrorist by state and para-state security entities, a practice that has a long history prior to its codification into law during the War on Terror. Thus, the tropes of undesirability – be they through criminalization of dissident individuals, marginalized communities, or groups whose existence pose a threat to the legitimacy of the dominant social order – come to play, and are a convenient distraction to focus the attention of communities on while their futures are being stolen from them by the ruling elite. We're living amidst a number of global crises that pose a threat to the very social order we're living in, and it's quite laughable that media, particularly North American mainstream media, can devote so much effort to delegitimizing the claims people have to basic needs – often around safety and survival – while also uncritically celebrating the lavish lives of the wealthy and powerful.

A fundamental problem this creates is illusory divisions between groups of people whose self-interest has far more in common. A working class person of EuroAmerican descent has a lot more in common with an individual risking their safety to cross borders and reach some degree of economic stability than they do with the managers of the companies that are relocating working class jobs to other countries and privatizing the commons, forcing people to seek the means to meet their basic needs farther and farther away from their families and homes. Yet the illusion holds strong through embedded ideologies of monoethnic nationalism, Eurocentrism, and white supremacy, giving social support to a rise in right-wing violence against immigrants and people of color in the name of "lawfulness." From the rise of neo-fascist violence against immigrants in Greece under the auspices of the Golden Dawn party to last fall's attack on a Sihk temple in the State of Wisconsin by a self-identified neo-Nazi, we are seeing a rise in

EuroAmerican countries in violence against immigrant and minority communities. This is terrifying.

It's also stuff that needs to be combated on multiple fronts, from advocacy and public education campaigns to the revival of community self-defense groups. Groups like CultureStrike are emerging to push dialogue – through culture jamming and creative interventions – about immigration policies and their effects on people's lives. [xx]

Is there any potential for these movements to actually disrupt the social order? What is their potential to undo inequality, marginalization and disparity? Can you speak from experience, or, historically, of success or failure in creating change on a local, national or even global scale?

How would you measure the success of a disruption? Does it need to be a permanent change, a rupture, a systemic transformation – or simply moments that glimpse at something else? There is ample potential for these movements to disrupt, but disruption always takes place within systems and relations of power that produce social order-as-reality. It is imperative that social movements, particularly those that seek to radically restructure and redefine the very stuff of social life, develop their own tools for critical analysis and new languages to speak about problems and solutions. And this is certainly happening already, from the cultures of Internet communication – be they memes, the mimetic gestures of popular assemblies, Twitter hashtags, Anonymous videos, or theory journals like Tidal [xxi].

The possibility of these movements posing a threat to the social order is great. The global social order – that is, neoliberal global capitalism – has unleashed a torrent of crises that reach the very infrastructure of the political and economic order, and thus bring about its own limitations. Crises of debt and ecology go hand in hand with crises of geopolitical boundaries and imaginaries –the same forces that extend an endless "war on terror" throughout the world extend a kind of war on autonomy, a war on other ways of living in through the imposition of financial markets and programs of intensified and industrialized resource extraction. All of this further pushes a system towards what feels like a global self-destruction. We are living amidst a spiral toward our own extinction, which more and more people are waking up to the realization of every day.

Given that this journal is likely to be read by students, emerging scholars, and community practitioners in the refugee and forced migration studies field, I suggest to them that the best way to be involved in these emerging social movements and to understand their potential is to practice them. Experiment, learn new things, and get outside of the professional or disciplinary boundaries you are situated in. Try prefigurative and radically democratic practices. Get uncomfortable, and get your hands dirty. And recognize that we're all collectively responsible for our well-being: if we want to change things, we have to start now, and we have to hold ourselves responsible for seeing things through.

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[vi] Henry Veltmeyer (2007) *Illusion or Opportunity: Civil Society and the Quest for Social Change,* Fernwood Books, particularly "Chapter 4: Bad Government, Good Governance" p.68-84.

[vii] Steve Burghardt has written in great detail about what he calls "tactical self-awareness" in community practice. See Burghardt (2010) *Macro Practice in Social Work for the 21st Century*. SAGE Press. See also Burghardt (1983). "Broadening the 'use of self' steps towards 'tactical self-awareness'" in *Journal of Applied Sciences,* 7 (2), 203-224. Also see Deena Mandell (2007), "Use of Self: Contexts and Dimensions in *Revisiting the Use of Self: Questioning Professional Identities*. Deena Mandell (Ed). Toronto: Canadian Scholars Press, Inc.

[viii] Global Revolution TV was the first major hub of OWS livestreaming (as well as other protest movements around the globe). Set up by veterans of the Indymedia movement, it's a pretty important project in the history of autonomous activist media. http://globalrevolution.tv/

[ix] The emergence of informal leadership is another issue altogether; what struck me was the unsettling of the conventions of leadership development, and thus the trajectory such structures operated upon.

[x] The Industrial Workers of the World (IWW) is an international labor union that seeks to organize workers across sectors and shops, and abolish the wage system. Formed in the late 1890's, it peaked during the late 1910's-1920's

[xi] David Graeber (2009). *Direct Action: An Ethnography*. AK Press. A recent anthology of perspectives on the Occupy movement from a range of individuals involved in it is also well-worth exploring. Khatib, K., Killjoy, M., and McGuire, M. (2012). *We Are Many: Reflections on Movement Strategy From Occupation to Liberation.* AK Press.

[xii] http://www.vermonthistory.org/index.php/anarchist-barre.html

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[xiv] Simon Springer (2010). *Cambodia's Neoliberal Order: Violence, Authoritarianism, and the Contestation of Public Space*. Routledge.

[xv] Here I am drawing from the notion of accompaniment, or "seeking to create the preferential option for the poor" – that is, accompanying them on their journeys towards improving their own lives, instead of seeking to lead them or instruct them on how to do so. The concept waas first put out in the practice and writings of El Salvadoran liberation theologist Archbishop Oscar Romero, and more recently developed by labor historian and lawyer Staughton Lynd. See Lynd, S. and Grubacic, A. (2011). Wobblies and Zapatistas and Lynd, S. (2012) Accompanying: Pathways to Social Change.

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[xviii] See, for instance, the National Network for Immigrant and Refugee Rights' International Migrant Rights & Global Justice program: http://www.nnirr.org/drupal/programs/international-migrant-rights.

[xix] http://www.npr.org/templates/story/story.php?storyId=4833613

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Interview: Forced Migration Issues in the European Union

ADRIANO SILVESTRI

Adriano Silvestri is the Head of Sector Asylum, Migration and Borders in the Freedoms and Justice Department at the European Union's Fundamental Rights Agency (FRA) in Vienna, Austria (The European Union's Fundamental Rights Agency (FRA) is an advisory body of the European Union that collects and analyses data on a variety of human rights issues in the E.U.). His area of expertise includes international human rights and refugee law as well as the EU acquis relating to asylum, borders and immigration. Before joining the FRA he was at the United Nations High Commissioner for Refugees (UNHCR), where he worked in the field for several years (Armenia, the Russian Federation and Austria) as well as at UNHCR headquarters.

How did you begin working with refugee and forced migration issues?

I started working on refugee issues over 20 years ago. After my studies, I worked in UNHCR, where I was dealing with asylum and statelessness issues in Eastern Europe, before being deployed to the field. I stayed with UNHCR for some 15 years, before moving to the EU Agency for Fundamental Rights in 2009.

What are the useful tools that you were left with after that first experience? Did it point you in a particular direction for future work?

In UNHCR you work with people and with the Government officials at the same time. Through the experience at UNHCR I learnt that it is essential to address protection gaps at different levels simultaneously. For example, if a refugee community reports instances of arbitrary detention of asylum seekers, it may not be enough to raise this with the competent authorities, asking them to refrain from doing this. There may be a number of factors which contribute to creating an environment conducive to human rights violations: inappropriate legal basis to protect asylum seekers in national law, unclear instructions, lack of police training, no place where asylum seekers can turn to seek protection, no or insufficient documentation hold by asylum seekers. Therefore, a response to instances of arbitrary detention has to consider all these factors, and may include several parallel actions ranging, for example, from the creation of a 24 hours hot line where asylum seekers can report instances of arbitrary detention, to the provision of documents to asylum seekers or the involvement in amending national legislation. It is important not only to look at how things are on paper, but also what happens in practice, something which can only be done by reaching out to and communicating with refugees.

"It is important not only to look at how things are on paper, but also what happens in practice, something which can only be done by reaching out to and communicating with refugees."

At the Fundamental Rights Agency (FRA) in Vienna, you lead research projects that shifted the focus of analysis from refugees themselves to the possible agents of harm (border guards, the media, etc). How did you make this choice, and what are the benefits of such an angle of analysis?

I prefer to speak of duty-bearers. Often harm comes from a third person and the duty of the authorities is to protect a person from such harm. FRA's approach is to undertake comprehensive research, which includes also collecting the views and experiences of Government officials. In the European Union context the main challenge for authorities is how to apply fundamental rights in practice, when decisions need to be taken immediately, often within very short time frames. For example, if a person who is going to be removed objects at the last minute to enter the aircraft that would bring him or her back home, a police escort officer will have to decide whether to continue with the return operation of such individual or not, often within few minutes, as otherwise the aircraft would meanwhile take off. It is not sufficient for the police officer to have theoretical knowledge on human rights. What is needed is concrete guidance which can help him or her to decide whether to continue the operation or not.

Through the work at FRA we can collect promising practices from Member States and share practical guidance which can hopefully ease the task of police and other authorities. For example, a research project on migrants in an irregular situation revealed instances in which migrants are apprehended and arrested for lack of papers when they go to medical facilities to seek assistance or while they wait for their children outside the school. These practices

discourage the whole community of migrants in an irregular situation from accessing essential services, such as health and education services. They have a disproportionate effect on migrants' fundamental rights. To assist immigration police, FRA has compiled – together with national immigration law enforcement authorities – a document with fundamental rights considerations of apprehending migrants in an irregular situation. The document includes a list of concrete do's and don'ts for law enforcement officials.

At the same time, at the FRA we continue to have a direct link with what is happening on the ground. One of the characteristics of the agency I work for is to collect data and information from the field. This means going out and speaking to migrants, asylum-seekers, passengers at airports, as may be the case. Such social research gives us a comparative overview of what happens in reality in the 28 EU Member States on a given topic.

Have you found that working for an EU Agency on behalf of refugees and asylum seekers is similar to any other work, such as an NGO? Or, is it different? In particular, would you characterize the nature of your work as being fueled or influenced by any of the same systemic problems or assistance infrastructures as your previous work?

The results of the work undertaken by FRA are clearly addressed to EU policy makers and to EU Member States when they implement EU law. This means that FRA does not directly engage with communities to find possible solutions to recurrent fundamental rights violations, as would for example be the case with UNHCR. The mandate of FRA is to provide fundamental rights expertise to policy makers and to a lesser degree to practitioners in Member States or within other EU agencies, such as Frontex. Therefore, our opinions suggest what EU bodies and Member States could or should do to address a certain issue, which emerged from FRA research as being in need of attention.

What do the problems surrounding refugees and forced migration look like today, based on your experiences? Do we need better policies and research, or different dialogues and collaborations to find solutions to these problems? Between which specific actors?

Although there are many different fundamental rights questions that require a policy response, I would like to highlight three concrete issues which I find particularly challenging in the European Union for the years to come.

The first concerns access to protection by persons who flee persecution, war or violence. Visa policies and border control measures have made it increasingly difficult for asylum seekers to find safety in Europe. Although on paper such policies provide for safeguards for asylum seekers, in practice asylum seekers are often only able to reach European soil by making use of services offered by human smugglers, thus exposing themselves to serious risks of abuse and exploitation, as documented by FRA through interviews carried out with migrants in North Africa who were planning to cross the sea to Europe.

The second issue concerns the increased use of databases where the personal data of a large number of foreigners is stored for visa, asylum and border control purposes. While such databases may have an added value in improving efficiency of the systems, the implications of

storing large quantities of personal data, including biometric information, on fundamental rights have not yet been fully examined.

Finally, the third issue concerns the situation of migrants who are in the European Union without any papers. FRA has published a comprehensive report on them in 2011 where we describe the type of fundamental rights violations they are exposed to. For example, women without valid residence papers employed in the domestic work sector may be exposed to serious forms of abuse and exploitation in private households. Due to their irregular status and the fear of being deported, they cannot go to the police to seek help which leads to impunity.

For some of these issues more research is needed, as in the case of large-scale databases. For others, the situation is already well known and what is required is concerted action involving all relevant stakeholders, including policy makers at the EU and Member State level, courts, practitioners as well as civil society organisations.

How would you comment on the lack of a social movement on behalf of the refugees themselves? Or, are there some? What prevents this from happening, and what, or who, might mobilize such movements? How are refugees and forced migrants best served when they cannot be or are not involved?

"I find it important that organisations who work with refugees have mechanisms to consult regularly with the communities, so that the refugee's views feed into the planning of their work."

Refugee communities play an important role in some European Union countries, although the degree to which refugees are organised varies. Much of the refugee work, particularly on the legal side, requires sophisticated knowledge of constantly changing national legal frameworks and can therefore only be carried out by specialists. This is one reason that could explain why in the European Union the work of NGOs, lawyers, civil society organisations and international organisations are more visible than the work of refugee communities. The latter often work at a local level. In any event, I find it important that organisations who work with refugees have mechanisms to consult regularly with the communities, so that the refugee's views feed into the planning of their work.

In 2012 the EU received the Nobel Peace Prize for advancing the causes of peace, reconciliation, democracy and human rights in Europe, and for transforming most of Europe from a continent of war to a continent of peace. What do you make of this award in the context of the policies and realities that asylum seekers and refugees face in the European Union? Do you believe there is any special potential for organization, policy change or the treatment of forced migrants in such a climate?

Since the Lisbon Treaty, the European Union has been equipped with a very powerful tool, the EU Charter of Fundamental Rights. This is a legally binding document that sets out in simple and clear language the rights, freedoms and principles that the European Union has to adhere to. The provisions of the Charter are addressed to the institutions, bodies, offices and agencies of the

European Union as well as to EU Member States when they implement EU law. The Charter reflects in many areas standards which have already been included in international human rights instruments or in the European Convention on Human Rights (ECHR). In some cases, however, the Charter goes further: it is, for example, the first supranational instrument which contains the "right to asylum" (Article 18), as other instruments are limited to the "right to seek asylum". Its Article 47 on the right to an effective remedy and to a fair trial goes beyond its equivalent provision in Article 6 ECHR, as the safeguards contained in Article 47 apply not only to civil and criminal law procedures, but also to administrative procedure, such as asylum or return.

The Nobel Peace Prize reminds us that there cannot be lasting peace without respect of fundamental rights. It gives us an additional impulse to fully utilise the potential that the Charter offers to uphold the rights and dignity of all persons present in the European Union.