Reframing refugee crisis: A “European crisis of migration” or a “crisis of protection”?

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Abstract
The end of 2015 witnessed a global record in the number of forcibly displaced people fleeing because of wars and persecution. The unprecedented total of 65.3 million displaced individuals, out of which 21.3 million were refugees, was the highest number that the United Nations High Commissioner for Refugees (UNHCR) has recorded since its establishment in 1950. During the same year and in the face of this large-scale crisis, only 107,100 refugees were admitted for resettlement through official resettlement programs, whereas 3.2 million people applied for asylum globally. And in spite of the fact that the majority of the world refugees are hosted in ten developing regions, the dominant narrative in the global media was about the “unauthorized” arrival of more than one million asylum seekers in Europe by sea during 2015. This paper argues that the unexpected nature of refugees’ arrivals has proven that refugees were supposed to be contained in their camps in the Global South, deterred from reaching the territories of the Global North, represented here by Europe. Thus, the paper proposes that these arrivals are rather reflections of a crisis of protection that developed in the Global South where containment and deterrence strategies against refugees from the Global South exacerbate their inhumane displacement conditions in home regions. In the same context, the paper discusses how international protection structures have been reconstructed to serve the same goals of containment and deterrence, with the ultimate aim of putting people ‘back in place’ with minimal access to protection and rights.

Keywords
Refugees, protection, crisis, bordering practices, containment, deterrence, asylum, Syria, Europe, precarity, Global South, Global North

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Introduction

During the summer of 2015, more than one million asylum seekers arrived in Europe by sea (UNHCR, 2015). Their arrival was widely referred to as a “European crisis of migration” that was described as “existential” (US News, 2015), “biblical” (Fox News Politics, 2015), and completely “political” (Human Rights Watch, 2016a). Asylum seekers arriving on the shores of Europe were perceived by many politicians as a threat to the national security, identity, and the social and cultural homogeneity of Europe. The British National Party, for example, accused Chancellor Merkel of committing “a genocide against Europeans” (US News, 2015) while the British Home Secretary at the time, Theresa May, announced her reluctance to assist the refugees as she considered them to be “the ones who are strong and rich enough to come to Europe” (Spiegel Online, 2015). During the same year, the United Nations Refugee Agency, United Nations High Commissioner for Refugees (UNHCR) recorded a total of 65.3 million displaced individuals, of whom 21.3 million were refugees; the highest number recorded since the establishment of the organization in 1949 in the aftermath of the Second World War, with 4.9 million from Syria, 2.7 million from Afghanistan, and 1.1 million from Somalia (UNHCR, 2016). The majority of those refugees have been hosted in the Global South, in countries like Turkey, Iran, and Lebanon (UNHCR, 2016). In response to these numbers, only 107,000 refugees were admitted to official resettlement programs.

Analyzing these events together, this paper reframes the notion of “crisis” and argues that the arrival of one million asylum seekers in Europe was a reflection of a “crisis of protection” that develops in the Global South, where millions of refugees are governed through deprivation and are contained with insufficient protection and no access to their rights as refugees or as persons. They are subject to containment and deterring practices ultimately aim to put them ‘back in place’ in their own regions. These practices are combined with protection frameworks that are reconstructed to serve the same aim of containment and deterrence of refugees from the Global South, neglecting the minimal conditions of protection they receive in their home regions.

This paper is a part of a doctoral research in which I examined the crisis of protection through the lens of Syrian refugee crisis. I explored the predicament of refugees from Syria and illustrated the impact of regional and international responses to the Syrian crisis on their legal status and living conditions outside Syria. I situated their individual travails within the context of a wider crisis of protection, as I showed how containment and deterrence dominated international responses to the crisis, rendering people in the Global South, including Syrians, more precarious as they travel illegally in search of protection. Such policies include chronic shortfalls in international humanitarian aid and in official resettlement, which led to inadequate protection, dramatically worsening conditions of displacement within the region and forcing refugees to look for destinations elsewhere. My work was conceptually inspired by critical migration and refugee studies and particularly builds on the very personal perspectives of refugees who undertook the journey from Syria towards Europe. In this paper, however, I focus on reframing the “crisis of migration” in Europe as a “crisis of protection” rooted in the overlooked conditions of displacement in home regions and exacerbated by the reluctance of the states in the Global North to honor their international commitments towards refugees, as affirmed in the 1951 Convention Related to the Status of Refugees and its 1967 Protocol. To do this, I examine the lack of sufficient protection in the neighbouring countries of Syria and demonstrate how these conditions force refugees to consider journeying towards destinations beyond their region where they become subject to different forms of bordering practices and illegalities.
A crisis of protection

The term “crisis” has been used by some European governments to refer to chaos or disorder vis-à-vis the unauthorized arrival of large numbers of refugees. Critical migration scholars have challenged this usage by addressing its imbedded elements of governance and control (De Genova, 2016; De Genova and Tazzioli, 2016). In this paper, I apply the term “crisis” to the human suffering of many refugees and the conditions that have forced many of them into illegality and vulnerability during their displacement in their regions. The crisis continues as most governments in the Global North have wilfully neglected, even renounced their international commitments towards refugees. Yet, refugees, who escape wars and cannot find sufficient protection in their home regions, are pushed to think of journeying elsewhere to secure their safety and rights. But, since that route is blocked, they see no safe or legal pathway to their intended destinations. To avoid confrontations with control, many risk their lives through often-precarious journeys that may sometimes end in death at the global frontiers. This crisis continues even for those who survive the journey as they transform into illegal migrants who challenge the structures of control presented by borders and yet need to be ‘securitized.’ Many experience illegality and rejection at the borders and also on arrival at their final destinations due to the shrinking asylum spaces and states’ reluctance to honour their international commitments to protect refugees. They join what Reece Jones (2016: 180) describes as “mobile people” who, “by refusing to abide by wall, map, property line, border, identity document, or legal regime, (mobile people) upset the state’s schemes of exclusion, control, and violence. They do this simply by moving”.

During their search for protection, refugees may cross multiple borders and be subject to various restricted bordering practices. In this sense, borders represent sites where the crisis of protection is manifest through deterrence and illegalization. They expand from static, territorial demarcations, to sites of excluding and including practices and also reactions and resistance. The dynamics of borders and border crossing are relevant to refugees’ experiences during their journeys. It is borders and their encounters with border control that may turn refugees into “illegal” figures that are deterred and criminalized. Thus, refugees’ precarious wartime conditions include crossing borders, where they may become illegal for that very act. Further, their illegal transit worsens their living conditions as displaced people. They encounter new forms of precarity in the absence of sufficient protection and because of restrictive policies on asylum. Such circumstances turn refugees into a “disposable commodity” (De Genova, 2014: 179), subject to normalized violence and precarity.

The term precarity here describes a state of social and political marginalization and refers to the uncertainty and unpredictability that may affect people during wartimes and displacement. It effectively characterizes the insecurity, uncertainty, and unpredictability that continue to urge people to flee war zones. It involves the risk of losing property, jobs, and loved ones, even one’s own life. Millions of Syrians have been experiencing such conditions of war since 2011, a war that, according to the UNHCR (2018), have forcibly displaced more than 12.6 million Syrians, about 5.6 million of whom became refugees. They live in neighbouring countries, including Lebanon, Turkey, Jordan, Iraq, and Egypt, where many struggle to live, often in shocking conditions, without even minimum protection (UNHCR, 2018). In this context, the Syrian refugee crisis, widely referred to as one of the most disastrous humanitarian emergencies in the world and the largest forced displacement crisis since the Second World War (UNHCR, 2014), provides a compelling illustration of the crisis of protection. With its complexities and implications, the Syrian refugee crisis powerfully demonstrates how refugees do not find sufficient protection in their region and how
containment and reduction of protection affect their lives and choices during their search for protection.

The Syrian refugee crisis as a reflection of the crisis of protection

The experience of border crossing brings different forms of precarity for Syrian refugees as countries like Lebanon, Jordan, Turkey, and Egypt have put up restricted border controls to keep them out (HRW, 2012). These bordering practices impose everyday, existential states of vulnerability and temporariness with little or no access to social rights of protection, education, health care, and employment. Such circumstances may engender pervasive uncertainty and unpredictability, which explains the acute helplessness some people experience during their displacement in the region, with few choices and limited ability to act.

The majority of Syrian refugees, who are displaced in the neighbouring countries of Syria, do not receive the “sufficient protection” they deserve as refugees that is “fundamentally oriented to creating conditions of independence and dignity which enable refugees themselves to decide how they wish to cope with their predicaments” (Hathaway, 2007: 364). This definition entails dignity, independence, and autonomy for refugees, who are “the victims of fundamental social disfranchisement and uniquely within the protective ambit of the international community” (Hathaway, 2007: 350). This notion of protection, enshrined in international human rights standards and the 1951 Convention on the Status of Refugees, entitles refugees to a set of social and economic rights, including the right to stay legally, to work, and to receive education and health care (Human Rights Watch, 2016a). Yet Syrian refugees fleeing to neighbouring countries lack access to these rights and the protection they deserve as refugees. Instead, they are subject to the domestic regulations of each country (Akram, 2014), where ad-hoc policies give them precarious legal status and few rights. Even worse, countries like Lebanon and Jordan have not signed the 1951 Convention or its 1967 Protocol and make no attempt to implement international standards of refugee protection (Akram, 2014). Egypt, which has signed the 1951 Convention and the OAU Convention, places refugees in legal limbo, as its domestic regulations do not adhere to the norms of international refugee protection (Akram, 2014).

In the following subsections, I briefly examine some forms of vulnerability and intense hopelessness refugees from Syria experience in Lebanon, Jordan, Turkey, and Egypt which in turn force thousands to develop “negative coping strategies” (Lebanon Crisis Response Plan (LCRP), 2015) to survive, such as arranging early marriages for young daughters, withdrawing children from school, putting some to work, and eating less (LCRP, 2015). Such strategies exacerbate their social, economic, and emotional vulnerability. Many were pushed to continue on towards other destinations, mainly in Europe, where, they believed, better access to rights is available.

Lebanon

There are around one million Syrian refugees in Lebanon registered with the UNHCR (2019). Unofficial records, however, estimate that more than 1.5 million refugees from Syria crossed the borders to Lebanon since the beginning of the Syrian war in 2011 (LCRP, 2015). Lebanon has about 4.5 million people, including more than 450,000 Palestinian refugees, so one in every three residents is a refugee (LCRP, 2015). While the UNHCR recognizes escapees from the Syrian war as refugees worthy of international protection, the Lebanese government does not, referring to them instead as “displaced individuals” (LCRP, 2015). This precarious legal status limits their access to aid and basic rights,
such as health care, education, housing, and work. Further, it subjects them to domestic regulations concerning residency and mobility. For example, in 2013 Lebanon restricted the flow of Syrian refugees into the country. Would-be entrants must show a flight or a hotel booking in Lebanon or obtain supporting documents from a Lebanese sponsor. Those who plan to stay must obtain a residency permit and renew it frequently, with fees too high for most refugees to afford (Amnesty International, 2015). As a result, entering the country has become harder, and people already there face new forms of discrimination and precarity. In January 2015, the government began requiring Syrians to obtain visas to enter Lebanon, making it almost impossible for those already there to renew their residency permits (Akesson and Badawi, 2017). Syrian men unable to renew their permits could be detained and deported. These regulations make them more vulnerable, particularly as authorities reject most renewal applications, further marginalizing thousands of families (HRW, 2016). As well, thousands of unregistered Syrian children born in Lebanon lack documentation proving their identity – some 50,000 of them in 2016; legally they do not exist (Reuters, 2016). Syrian refugees, because of their precarious legal status, face rejection, discrimination, and harassment in many areas of the country. Denying their refugee status, Lebanese government refuses to set up official camps for them, forcing most to live in the most vulnerable areas, including the Bekaa Valley and Akkar (Akesson and Badawi, 2017), or in unrecognized, makeshift camps such as those around Arsal, close to the Syrian border. These places offer deteriorating living conditions and extreme insecurity (HRW, 2017). Organizations including Médecins sans frontières (MSF, 2013) and World Vision (2013) have frequently reported on these shocking conditions. People struggle to find shelter and food, and many have no access to health care or schools. This situation hits unregistered refugees especially hard, as they have no access to aid. Furthermore, in particular areas in Lebanon, Syrian refugees are subject to intense social and political hostilities, which are linked to Syrian role in the Lebanese civil war in the mid-1970s. Such hostility forces refugees to maintain low profiles and avoid interaction with local populations in certain areas, a situation that negatively impacts their socio-economic status and subjects them to severe marginalization and exploitation in the absence of protection and support structures.

**Jordan**

Jordan displays exploitation similar to Lebanon’s – poor workplace conditions, risk of detention and deportation, minimal access to social rights, and absence of support. The UNHCR (2016) reported that Jordan had more than 600,000 Syrian refugees. The agency worked with the Jordanian government to establish four official camps for them, locating 115,000 of them near the Syrian border in Zaatari, one of the region’s largest camps (Akram et al., 2014). Conditions in the camps are shocking where people crowding into small tents with no privacy and proper schools for children (United Nations Children Fund, 2013). The catastrophic conditions in the camps has pushed some desperate families to marry off their daughters very young, creating new levels of victimization and vulnerability. Urban refugees in Jordan, about 80 per cent of the total, frequently face rejection and discrimination, since it’s an expensive country to live in, and refugees have few job opportunities and limited aid and humanitarian support (Akram et al., 2014).

**Turkey**

Turkey is often held up as one of the more promising options of escape for Syrians, yet living conditions there can be very precarious, creating differential inclusion (Baban et al., 2017).
Since the Syrian crisis began in 2011, Turkey has received more than 4 million Syrian refugees (UNHCR, 2019) and opened camps for more than 200,000 of them, although most Syrians live in urban centers. Yet, refugees in Turkey – officially “neither refugees nor guests” – have precarious and problematic status and so limited access to health care, education, permanent residency, and work permits (Baban et al., 2015). Many families live in crowded places with poor facilities. In Gaziantep, in southern Turkey, many rent dilapidated houses with no running water or electricity. Humanitarian assistance amounts to minimal quantities of food, and children collect plastic from the garbage to gain some money. Many Syrian refugees are subject to stigma, humiliation, even rejection while they struggle to establish new lives. Such barriers may affect work too (researcher’s field observation, Gaziantep, June 2015).

Turkey applies international standards of protection only to individuals of European origin, while most asylum seekers in Turkey are non-European (Soykan, 2012). It processes asylum applications from the latter group in an atmosphere of uncertainty and vulnerability and requires them to leave in the long term (Soykan, 2012). Its Law on Foreign and International Protection Act (LFIP) created statuses of “temporary protection,” “secondary refugee,” and “secondary protection,” which exclude Syrian (and other) refugees from permanent residency (Baban et al., 2015). The act maintains the geographical distinction European/non-European and offers refugees no path to integration (Soykan, 2012). Temporary protection has rendered Syrian refugees more precarious by making international protection in Turkey or in a third country more unlikely for them. Furthermore, it has reduced their ability to claim international protection if they register for temporary protection in Turkey and then go to Europe hoping to settle there (Baban et al., 2017).

**Egypt**

Until July 2013, Syrians did not need an Egyptian visa and could fly from Damascus to Cairo using their Syrian passports. When Egypt’s military overthrew President Morsi in 2013, they imposed visa rules on Syrians (Grisgraber and Crisp, 2014). Syrian refugees became subject to hostility and rejection sentiments due to the new political atmosphere in Egypt and the number of arrests and deportations increased due to increased anti-Syrian sentiments in the country. Syrians were accused of being close to Muslim Brotherhood group which was banned after the events of July 2013 (Grisgraber and Crisp, 2014). Residency permits are valid for six months only while the process of renewing it takes three to four months (Ibid). The requirement of work permit and the already high rate of unemployment in Egypt make it challenging for Syrians to find job opportunities. Many families were pushed to various survival strategies including dropping their children from schools, sharing crowded accommodations, and avoiding medical treatment (Ibid).

Official international responses to Syrian refugee crisis have exacerbated the precarious conditions of Syrian refugees during their displacement in these neighbouring countries. The UNHCR (2017) has pleaded many times for assistance with resettlement and humanitarian aid, but by the end of April 2017 fewer than 260,000 Syrian refugees had been offered resettlement. This total equaled about half of the 10 percent of the Syrian refugee population, a population perceived by the UNHCR to be the most vulnerable group in need of resettlement by the end of 2018 (UNHCR, 2017). These limited resettlement programs are combined with chronic shortages in aid funding. Allocations for humanitarian aid in Syria for 2018 were $5.6 billion (U.S.) short of what was needed (UNHCR, 2018). For 2016, the UNHCR had estimated humanitarian needs for Syrian refugees at $4.5 billion but received only $2.8 billion, for a funding gap of 62 per cent (UNHCR, 2018). In 2017, the requirements stood at $4.6 billion, against only $2.4 billion coming in (UNHCR, 2018).
Consequently, in June 2017, the agency announced a series of aid cuts. It had to halt monthly cash assistance for 60,000 Syrian refugee families in Lebanon and Jordan, along with winter assistance for 209,000 families. It also cancelled 192,000 health consultations for Syrian refugees in both countries (Relief web, 2017). As a result, Syrian displaced persons, experience conditions of inadequate protection where infrastructures are already weak and resources are strained (Mercy Corps, 2016).

It is these chaotic conditions that refugees reject when they decide to leave the region in pursuit of greater protection and security. It is estimated that about one million Syrian nationals applied for asylum in the EU between 2011 and June 2017 (UHNCR, 2017). Their decisions to depart – first Syria, later the region – are in fact acts of survival that they make to protect themselves and their families from the horrors of war and the vulnerabilities of displacement. Yet, since the conflict began, many countries of the Global North have tightened their border controls and imposed a “non-entrée” regime against people from Syria. This regime betokens “a commitment to ensuring that refugees shall not be allowed to arrive” (Hathaway and Gammeltoft-Hansen, 2014: 241). The resulting legal and official blockade leaves refugees with few choices but to try risky, illegal routes, which further mess up their journeys and increase the human suffering en route. Thus, during these journeys, many refugees find themselves captives of a global system of border control that prevents and deters them rather than protecting them (Johnson, 2014; Mountz, 2010; Squire, 2011). In the following sections, I examine these practices of containment and deterrence and discuss how states in the Global North tend to restrict the standards of asylum in their territories in order to serve the aim of deterring refugees from arriving in the Global North.

The reluctance to honor commitments towards refugees

Understanding this crisis to be about protection brings the role of countries in the Global North to the forefront and that they are reluctant to honor their international commitments towards refugees, as affirmed in the 1951 Convention Related to the Status of Refugees and its 1967 Protocol. Instead of providing refugees with protection, governments in the Global North have been involved in reducing their obligations towards refugees by creating various frameworks of governance that mainly aim to contain refugees in their own regions and to deter them from accessing the territories of the Global North. Refugees who challenge deterring border practices, are pushed into illegality and sometimes left to die as a result of the efforts of governments in the Global North to prevent access to their regions.

The current practices of refugee protection reveal the manner in which international systems and conventions, such as the 1951 Convention and the 1967 Protocol, despite their limitations, have been neglected and further circumvented by alternative practices such as externalization, containment and deterrence. Powerful states, in particular, have limited the implementation of their obligations towards refugees to a bare minimum. The norms and practices of protection are reshaped in a way that serves the perceived national priorities of security and selective migration movements in addition to social and cultural homogeneity. States are limiting their commitments towards refugees despite the existence of an international convention stipulating duties of the international community towards refugee protection. By limiting their commitments towards refugees, states are, exacerbating the crisis of protection that tragically affects the lives of millions.

Refugees, as defined by Hathaway (2007: 353), are “a category of forced migrants defined by the intersection of two fundamental concerns. First, they are uniquely deserving of protection in view not just of their movement to avoid the risk of serious harm, but because of
the fundamental social disfranchisement that gives rise to the underlying risk. Second, as among the population of disfranchised persons who have moved to avoid risk to basic rights, the presence of refugees outside their own state brings them within the unconditional protective competence of the international community”. It is this obligation of “unconditional protective competence” that states of the Global North are trying to evade by containing refugees in their home regions, regardless of the precarious conditions of displacement there. This unwillingness to receive refugees, is deeply connected to the official perception of refugees as a burden (Hathaway, 2007). Refugees are perceived as “uninvited migrants” who cross a state’s borders irregularly but who, according to the fundamental principles of the 1951 United Nations Convention on the Status of Refugees, should be protected rather than subjected to discrimination, penalization, or refoulement (UNHCR, 2010: 3). Following the international obligations towards refugees that are primarily ratified in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, states should offer refugees sufficient protection that guarantees their rights including such rights as access to education, work, legal services and all necessary documentation including travel documents to facilitate mobility (UNHCR, 2010: 3). In reality, refugees are perceived as “irregular migrants” who need to be managed and controlled and end up marginalized, criminalized and pushed into full exclusion (Castles and Loughna, 2004; Hyndman and Mountz, 2008; Johnson, 2011; Lui, 2004; Mountz, 2010; Schuster, 2011). In other words, refugees challenge “states’ sovereignty and authority over migration” (Hathaway, 2007). They undermine states’ bordering practices which are, as explained by Schuster and Solomos (2002), “selective by nature”. This notion of selectivity and the perception of refugees as challengers normalize practices of containment and deterrence against them.

**Containment and deterrence of refugees**

In light of the above arguments, this section examines how states maintain the appearance of upholding their commitments outlined under the international refugee convention while simultaneously aiming to reduce their actual obligations towards refugees in practice. Hathaway and Ganneltoft-Hanses (2014) describe this attitude as a “schizophrenic approach” in which states in the Global North are reluctant to honor their obligations towards refugees while seeking to maintain the global refugee regime. To understand this attitude, it is crucial to note, that the refugee regime was initially established to serve the interests of Europe when the region was challenged by millions of European refugees who were roaming the territories in the aftermath of the Second World War. The regime further served Western states’ interests during the period of the Cold War. Refugees from eastern European countries under communist control were welcomed because they ideologically opposed the enemy of the West at the time (Hathaway, 2016). However, when more refugees from the Global South approached the territories of the Global North, they were subject to representational transformations. They were regarded either as simply victims who have no agency and are in need of charity or humanitarian assistance (Johnson, 2011), or as a potential threat to the state-order of the Global North. This political act of representation shapes refugee policies and stems from the perception of refugees from the Global South as the “others” (Johnson, 2011). Through this otherness, or what Chimni (1998: 351) describes as the “myth of difference,” refugees lose their individualistic features in a constructed mass of powerless and nameless people, who deserve aid and humanitarian assistance. It is critical to note, however, that this aid is expected to occur yet in their home regions (Johnson, 2011). Through the “myth of difference”, states in the Global North normalizes the rejection
vis-à-vis refugees from the Global South. Refugees are increasingly less welcomed in parts of the Global North and may be subject to restrictive measures designed primarily to reject them and return them to their regions of origin – they become “undesirables” subject to institutionalized exclusion and distancing (Agier, 2011; Bigo, 2002).

Further, this “myth of difference” serves in decontextualizing refugee crises in general as it reframes the narrative of crisis and ignores historical backgrounds and conditions of instability and inequality, which are the main causes of refugee movement. Yet some states in the Global North tend to decontextualize and belittle refugee crises in the Global South. They may present conflicts and wars there as emerging from local political or social concerns, largely ignoring the power dynamics of political and cultural subordination, in addition to the economic inequalities imposed on the Global South by the Global North (Bigo, 2002).

In this context, states in the Global North convince states within the South to receive more refugees as a part of their own global responsibility towards refugees, thereby containing refugees within the region (Bigo, 2002). Through this process Northern states neglect the dire conditions of displacement and insufficient protection refugees suffer from in their home region and rather develop various practices to control the movement of refugees in order to deter them from the territories of the Global North. More specifically, responses by northern states to the increased numbers of refugees from the Global South can be summarized as a combination of policies which I will explore below. These include: a) the containment of refugees in their home regions through humanitarian assistance; b) the application of protection practices at refugees’ regions of origin; c) the use of “non-entrée” regimes to prevent the arrivals of refugees seeking asylum in countries in the north; and d) deterring refugees through physical border enforcement.

(a) Containment through humanitarian assistance

Policies designed to contain refugees in their regions of origin rely on humanitarian relief and homeland-oriented solutions (Crisp, 2001). Humanitarianism here shifts from the traditional concept of caring for the welfare of refugees to involve a complex assemblage of governing policies and practices aims to control refugees in the first place. This process is achieved through, what Hyndman (2000: 3) describes as, “increasingly well-funded and politicized process of balancing the needs of refugees and other displaced persons against the interests of states”. At the global level, humanitarianism serves to control certain groups of the global population and prevent them from reaching countries in the Global North (Agier, 2011). In this sense, the Global North’s perception of the global order is safeguarded through the development of certain barriers that “protect” the northern world by closing it off from those who are in the south. Agier confirms that the more globalized our world is, the more walls we see around us. Through this governing process, refugees from the Global South experience a sociological exclusion and spatial distancing as they are the “undesirables” who are subject to the political possibility of “letting die” in their host communities as long as they are in their camps away from the countries of the Global North (Agier, 2011).

In this context, it is useful to note how many states of the Global North are involved in normalizing the containment of refugees in their home regions by prioritizing international humanitarian assistance in regions of origin as opposed to resettlement policies as a key way of addressing refugee protection. Yet, UN’s records demonstrate massive gaps in humanitarian aid allocations. According to OCHA (2017), in January 2017, the global requirement of humanitarian aid was US$22.5 billion needed by 93.5 million people in 33 crisis-affected
countries, whereas, only US$77.2 million was received in response to the UN appeals for aid, creating a gap of US$22.4 billion. This gap reflects the minimal commitment of the states of Global North towards the crises of refugees and mirrors how un-sustainable their containment strategies are, which in the end, results in inhumane displacement and poor living conditions for refugees within camps and host communities, as in the case of Syrian refugees.

(b) Protection practices at refugees’ regions of origin

In addition to the use of humanitarian assistance, a second way that governments in the Global North control the movement of refugees is by re-prioritizing the three “durable solutions” of the protection regime, which include repatriation to the home country, integration in the host country, and resettlement in a third country. These three durable solutions have been re-prioritized by states of the Global North with less interest in resettlement and more focus on repatriation and integration in host countries. With the majority of refugees coming from the Global South, preferences for assisting refugees shifted away from policies of resettlement towards forms of humanitarian governance and assistance of refugees within their camps in the home regions (Johnson, 2011). Revisiting the UNHCR records illustrates the gap between the global number of refugees, which reached 21.3 million individuals in 2015, mainly hosted in the Global South, and the number of refugees officially admitted for resettlement that did not exceed the total of 1,071,100 people worldwide (UNHCR, 2016).

Furthermore, Northern states are involved in creating new protection norms that serve their strategies of refugee containment as indicated by the “right to remain” approach in which refugees are encouraged to stay in their areas under the supervision of the UNHCR. Yet, as Hathaway (2001) argues, this practice actually provides little protection for refugees who are exposed to “imminent danger”. Thus the "right to remain is in essence not a right of refugees at all, but is the right of governments to avoid confrontation with the needs of refugees” (Hathaway, 2001: 43). In his work on denial of protection and refugee containment, Hathaway refers to other practices including the example of “safe havens” in the Bosnian war, the “no-fly zones” for the Kurds in Northern Iraq, and the situation at the Kibeho refugee camp in Rwanda (Hathaway, 2001). The tragic events and lack of protection at such zones exemplify how protection norms are not geared towards the protection of refugees but are rather tailored to serve the political agendas of powerful states, which primarily aim to govern refugees and control their mobility in their own regions away from the territories of Global North.

(c) Non-entrée regimes and externalization of borders

In addition to humanitarian assistance and providing protection in the regions of home rather than resettlement, states are also involved in circumventing international obligations by developing policies that create what are known as “non-entrée” regimes. Territorially oriented systems of national asylum require refugees to cross a state’s borders in order to claim asylum there (Migration Policy Institute, 2015). Thus, to cut back on their obligations while sustaining the global refugee regime, some states in the Global North attempt “non-entrée” regimes, which Hathaway and Gammeltoft-Hansen (2015) see as “ensuring that refugees shall not be allowed to arrive” (241). This system limits refugees’ access to protection by controlling their mobility and excluding them from the Global North (Johnson, 2011). Its conventional form uses legal and administrative strategies such as restrictive visa
regulations and sanctions on carriers. Its restrictions on mobility include externalization of border controls and linking trade and development agreements to migration control, which effectively outsources and shifts the refugee burden. According to these policies, countries of origin, act as gatekeepers in exchange for trade and development assistance: “With poorer states of origin and transit often willing for economic, political, and other reasons to serve as the gatekeepers to the developed world, wealthier countries believe that they can insulate themselves from liability for refugee deterrence by having such action take place under the sovereign authority of another country” (Hathaway and Gammeltoft-Hansen, 2014: 249). Such policies spatially distance refugees from the Global North, where they may believe they can have better access to protection and rights.

Externalization of borders represents another element of the “non-entrée” regime where states outsource border control to a third party or stretch its operations beyond national boundaries (Casas et al., 2010). Such practices represent “geography of exclusion” or “respatialization of asylum,” which shifts protection from the “legal” to the “political” domain of governance (Hyndman and Mountz, 2008). Some states in the Global Northern are immorally offering “cash for containment,” whereby, according to Chimni (2004: 68), they “pay for the care of refugees in exchange for being refugee free states.”

Readmission and safe-third-country agreements between states in Europe and the Global South externalize and outsource border controls, using a third country to deter and detain refugees and irregular migrants (Hyndman and Mountz, 2008; Rygiel, 2011). Since the Tampere European Council Summit in October 1999 and the EU-African Summit in Lisbon in 2007, the EU has worked closely with governments in the Global South, mainly in north and west Africa, on migration control and policing through strategic partnerships and neighbourhood policies that link migration control to aid, trade, and development (Casas et al., 2010). The Global Approach to Migration (GAM), for instance, which the EU initiated in 2005, links migration to other sectors of international relations and development by extending border controls into a third country – a neighbour or a non-neighbour country of the EU (Casas et al., 2010). Within such framework, the EU controls border policy and immigration by cooperating with other states, which manage regional protection and refugee movements (Casas et al., 2010). Hence the GAM framework keeps refugees away from the Global North, with a third country hosting them that may not have signed the 1951 Convention to guarantee it is ‘safe.’

Through the ‘EU-Turkey deal,’ signed 18 March 2016, the EU shifts protection to a third party (Turkey) and keeps out refugees. Starting 20 March 2016, Greece (an EU member) would return illegal migrants from Turkey without assessing their claims. By the deal’s “one-to-one initiative,” for every Syrian whom Turkey readmitted from Greece, the EU would resettle another Syrian from Turkey (European Council, 2016). Turkey agreed to enhance security “to prevent new sea or land routes for illegal migration opening from Turkey to the EU” (European Council, 2016), while the EU would liberalize visa restrictions for Turkish citizens and disburse €3 billion for the Facility for Refugees in Turkey (European Council, 2016). Various human rights and civil society organizations argued that all parties to the deal were seeking to evade responsibility for refugees (Rygiel et al., 2016). Some criticized it particularly for “undermining the right to asylum” and jeopardizing the rights of refugees detained in Greece with limited access to asylum (Danish Refugee Council, 2016). On the deal’s first anniversary, Amnesty International announced: “The EU-Turkey deal has been a disaster for the thousands who have been left stranded in a dangerous, desperate and seemingly endless limbo” (Amnesty International, 2017). This status includes detainees on the Greek islands and Syrians returned to Turkey, where millions of Syrian refugees live with insufficient protection and limited access to education, health care, and employment (Human
Rights Watch, 2016b; Rygiel et al., 2016). Despite the criticism, in February 2017, the European Council on Refugees and Exiles (ECRE) reported a French and German proposal for “a crisis-resistant Common European Asylum System (CEAS) to face any potential new ‘migration crises.’” The policy note cites the EU-Turkey deal as a “blueprint for future European asylum policy,” as Europe seeks to cooperate with its neighbours to protect its external borders. The note also proposes: “All those entering the EU would be removed to non-EU countries willing to host them, and kept there in conditions which minimally guarantee their survival and non-removal to unsafe countries” (ECRE, 2017).

(d) Deterring refugees through physical border enforcement

Despite all their attempts of containment, governments of the Global North can not prevent desperate refugees from arriving at their borders. In a response, countries tend to securitize their borders by building walls and fences to physically deter “irregular migrants”, including refugees from entering their territories. In the case of Europe, and while internal borders between most European states were lifted through the 1985 Schengen agreement, European states have been involved in reinforcing their external borders and harmonizing the legal frameworks of border control and asylum standards (Vaughan-Williams, 2015).

The political unrest in the Middle East after 2010 led to increasing numbers of individuals escaping the violence in their home regions in the Middle East and Africa, arriving in Europe in a search of protection, particularly precipitated the curtailing of access to asylum. By the end of 2012, Greek authorities completed the construction of a 4-meter-tall fence, equipped with thermal cameras, at the land border with Turkey. The fence was intended to block the route between Greece and Turkey along the Evros River which was considered as the “shortest, and safest route for migrants and refugees” (The World Post, 2015). Another 50-mile razor wire fence, 15 feet tall and 5 feet wide and equipped with infra-red motion-sensitive cameras and monitored with armed guards, was completed in 2015 by the Bulgarian authorities at their borders with Turkey to entirely seal its borders with Turkey and block the ‘illegal’ crossings (Mail Online, 2015).

In response to the massive arrival of refugees in Europe in 2015, additional walls and fences were constructed within the European territories leaving thousands of refugees stranded at the militarized and heavily securitized borders inside Europe. This was the case at the Macedonian borders with Greece in November 2015, when Macedonian soldiers erected a metal fence at the border with Greece (The Guardian, 2015). This measure was preceded by the sealing of Hungarian southern borders with Serbia and Croatia in September and October 2015 (CNBC, 2015). In August 2016, the Hungarian Prime Minister, Viktor Orban, announced plans to augment the existing border fence by building an additional fence at its southern borders with Serbia “to keep out major new waves of migrants” (Reuters, 2016). The European Border Agency, Frontex, was established in 2004 with a mandate to manage operational cooperation at the external borders of Europe. The organization, however, focuses on prevention and deterrence practices and has been accused on multiple occasions of abusive treatment of migrants and refugees (Human Rights Watch, 2011, 2015, 2016c & d).

Shrinking spaces of asylum

The previous section illustrated how governments develop various practices to control the movement of refugees in order to deter them from the territories of the Global North. Nevertheless, such institutionalized deterrence procedures do not stop desperate refugees from seeking. The practices rather lead to limiting asylum spaces and significantly increase
the “human cost” (Spijkerboer, 2007) of border crossing (Johnson, 2011; Khosravi, 2011; Macklin, 2005; Mountz, 2010; Rygiel, 2012). In other words, the measures, merely serve to reduce the legal and safe routes that refugees could use to reach the Global North. In the European context, refugees cross the Aegean and Mediterranean Seas in disastrous conditions (International Organization for Migration, 2014; Rygiel, 2014; Tazzioli, 2015). If they survive, they must then cross through several countries in southern and central Europe where they encounter heavily securitized borders and inhumane conditions of detention. Throughout this journey they are transformed from refugees, deserving of protection, to illegal migrants, perceived as needing to be controlled (Schuster, 2011). Arrival in the Global North does not guarantee access to rights and sufficient protection. Refugees who arrive in the Global North are subject to shrinking protection and limited access to rights (Johnson, 2011; Macklin, 2005; Schuster, 2011).

Governments are increasingly reducing standards of protection and asylum so as to discourage asylum seekers. Such practices create legal limbo for asylum seekers and limit their access to social rights. The EU’s Dublin Regulation – version I (1990), II (rev. 2003), and III (2013) – determines which member state examines asylum claims – usually the one where a migrant first enters the EU (European Commission, 2017). Those who apply in another member state face deportation to that initial country. The Dublin Regulation (Dublin III, 2013), which governs assessment of asylum applications and involves EU member states and the EUROMAC database (which stores fingerprints of asylum applicants), aims to “reduce the number of those able to apply for asylum to an absolute minimum” (Schuster, 2011: 401).

In her work on the shrinking space of asylum in the Global North, Macklin (2005) refers to a “discursively” disappearing of refugees in the West. She explains how states reduce their international liabilities towards refugee protection while “doing everything possible to repel the spontaneous arrival of migrants likely to seek asylum” (Macklin, 2005: 367). Government in the Global North are increasingly involved in reducing the standards of protection and asylum in their countries to the minimum with the ultimate aim of discouraging asylum seekers from arriving in the Global North. Such practices, however, result in states of legal limbo for asylum seekers and limited access to social rights.

The Swedish case is particularly significant here due to the fact that, in a direct response to the Syrian refugee crisis Sweden was the first European country that announced its willingness to grant Syrian refugees asylum and permanent residence (Asylum Information Database (AIDA), 2013). This call was not, however, associated with official facilitations of safe and legal arrival of refugees from Syria, since Sweden only committed to increase its annual quota of resettlement from 1,900 to 2,700 refugees from Syria (European Resettlement Network, 2016). However, more than 50,000 Syrians and Palestinian refugees from Syria arrived in Sweden “illegally” as asylum seekers during 2015, representing one third of the 160,000 asylum seekers who arrived at Sweden during the same period (AIDA, 2016). As of November 2015, Sweden decided to tighten its regulations for protection and recognition of asylum applications. As a result, a new Swedish Aliens Act came into force on 20 July 2016 offering temporary residencies to asylum seekers, reducing the possibilities of family reunification, and creating barriers for refugees and asylum seekers to integrate in Sweden (Folkkampnj for Asyllratt, 2016).

Conclusion

Refugees who decided to travel irregularly to Europe, arrive in the Northern destinations not as recognized refugees who deserve the international protection, but rather as asylum seekers who are subject to domestic asylum regulations. As Hathaway (2001: 43) explains,
“Under the current international regime, refugees who arrive in an asylum state are solely the legal responsibility of that state. As such, the distribution of state responsibility towards refugees is based primarily upon accidents of geography and the relative ability of states to control their borders”. It is this unauthorized arrival of refugees in Europe during 2015 that was officially perceived as a European crisis of migration but, in fact, is a reflection of a crisis of protection developed in the Global South through inhuman displacement conditions triggered by the Global North’s reluctance to fulfill its international commitment towards refugees from the Global South.

Reframing the “European crisis of migration” as a “crisis of protection” is fundamental and crucial as the world’s attention shifts from refugees’ predicament, including that of refugees from Syria, while the crisis of protection still rages and haunts the lives of those who strive for safety and protection.

During 2017, arrivals in Europe via the eastern Mediterranean decreased by 92 per cent vis-à-vis 2016 (UNHCR, 2018). This sharp drop took place while numbers of refugees from Syria increased by 14 per cent during 2017, reaching a total of 6.3 million (UNHCR, 2018), as the war continued. Moreover, Syrian refugees’ conditions remain highly vulnerable and precarious in neighbouring lands. Those who decide to travel to Europe face harsher deterrence and containment. According to the EU-Turkey deal of 2016, refugees who reach Greece from Turkey are now contained – have been gathered in overcrowded reception centers on the Greek islands (UNHCR, 2018). Médecins sans frontières (MSF) reported multiple cases of self-harm and attempts at suicide among child refugees at Moria camp on Lesvos, where thousands of people were trapped for months (and some even for years), living in terrible conditions (MSF, 2018). Moria camp was totally destroyed by fire on September 8, 2020, leaving more than 12,000 people with no shelter and without any idea about their destiny (MSF, 2020). The crisis continues on the central Mediterranean route as well. European Union (EU) governments such as Italy and Malta’s blocked humanitarian organizations at sea and accused rescue teams of trafficking in humans. In June 2018, the far-right Italian government withdrew from search-and-rescue operations and started refusing disembarkation to commercial and NGO vessels carrying rescued refugees (Amnesty International, 2018). Such practices result in more drownings, as people are left stranded in unseaworthy boats in the international waters between Italy, Malta, and Libya (MSF, 2018).

Such practices demonstrate that states in the Global North anticipate that refugees are supposed to be passively contained in their camps and host communities in the Global South, deterred from reaching the territories of the Global North, represented here by Europe. Due to this orientalist approach, refugees who cross the borders in search of protection, become subject to discriminatory structures of governance and are turned into “an issue of international relations” (Lui, 2004: 121) where norms of “burden shifting” or, “refugee exporting” prevail. In this sense, refugees are subject to what Liz Feket (2009: 29) describes as “a system of warehousing the displaced in large camps in their region of origin until a conflict has been resolved to the satisfaction of western powers.” These governments fail to see refugees as real individuals who deserve to be treated as equal as other people in the Global North. They rather treat them as the “other” who does not deserve a “life worth living” (Allen et al., 2018), which is “not just basic security and means of livelihood (in other words survival or coping), but dignity, a decent life for oneself, one’s family and others who are close” (2018: 221). Thus, refugees’ predicament continues. They escape wars in their home countries to suffer from insufficient protection practices in their regions, and when they risk their lives in search of protection in the Global North, they find
themselves trapped in new localities where protection is temporary and opportunities for building new lives are restricted.

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