

Dublin on the Move

Transit and Mobility across Europe's Geographies of Asylum

FIorenza PICOZZA

Abstract: Against the background of refugee allocation and of the legal restrictions on refugee ›secondary‹ movements, this paper engages the spatiality of asylum in ›Europe‹ and offers a critical geographic perspective on the developments of the Dublin Regulation. By looking at the intersections of asylum and Schengen regulations and at their lived consequences for the lives of mobile refugees, the article sheds light on how the EU-ropean asylum regime produces new subjects of power in terms of legal identities – recognised refugees, rejected asylum seekers, Dublin cases, among others – while also producing *space*, in the form of geographies of transit and asylum, and *time*, through channelling, disrupting, decelerating or speeding up circulation. In showing the fragmented processes of (im)mobility, which are inherent to the spatio-temporal (and legal) process of ›becoming a refugee‹ in today's Europe, the paper critically engages migration management's categorisations such as ›transit‹, ›secondary mobility‹, ›asylum seeker‹ and ›recognised refugee‹.

Keywords: Dublin regulation, transit, mobility, refugees, asylum

In the past decades, the unruly intra-European mobility of asylum seekers and refugees¹ has been a major concern for EU member states, and it has engendered increasing ›Schengen intermittences‹ (Garelli 2013), that is to say, temporary interruptions of the principle of free circulation through the re-introduction of checks at internal borders. This concern has become so central to the development of asylum policies that, beyond the recent re-emergence of internal EU-ropean borders, at the time of writing, the European Commission is discussing a reform of the Dublin Regulation which will impose ›firmer rules sanctioning secondary movements‹, such as rejecting an asylum seeker's application altogether or restarting the five-year waiting period for applying for long-term resident status (European Commission 2016a). As this regulation frames ›secondary movements‹ as an ›abuse‹ of the asylum system,

1 | In order to de-naturalise asylum as a self-evident legal category and to highlight the fluidity and temporary character of legal statuses, I will alternately use the categories ›asylum seekers‹ and ›refugees‹.

it makes the move even more explicit through which the asylum regime conceals its own abuses of refugees' self-determination by reversing them rhetorically.

Against the background of refugee allocation and of the legal restrictions on their movements, this paper engages the spatiality of asylum in ›Europe‹ and offers a critical geographic perspective on the developments of the Dublin Regulation. By looking at the intersections of asylum and Schengen regulations and at their lived consequences for the lives of mobile refugees, I aim to bring a spatio-temporal dimension to the triangulation of policy, governance and subjectivity proposed by Shore and Wright (1997). The EU-ropean asylum regime, in fact, not only produces new subjects of power in terms of legal identities – recognised refugees, rejected asylum seekers, Dublin cases, among others – but also produces *space*, in the form of geographies of transit and asylum, and *time*, through channelling, disrupting, decelerating, or speeding up circulation (Papadopoulos/Stephenson/Tsianos 2008: 198). In particular, interpreting Dublin in terms of »legal geographies« (Blomley 2001) allows to shed light, not only on the production of legal spaces of asylum, but also on the daily practices through which asylum seekers/refugees cross these geographies – that is to say, the specific forms of ›transit‹ embedded in these geographies, and the fragmented processes of (im)mobility which are inherent to the spatio-temporal (and legal) process of ›becoming a refugee‹ in today's Europe. Through this analysis, the paper critically engages migration management's categorisations such as ›transit‹, ›secondary mobility‹, ›asylum seeker‹ and ›recognised refugee‹, focusing on the ›processual‹ dimension of asylum, rather than adopting its purportedly fixed categories.

The paper is informed by ethnographic fieldwork that I undertook in Hamburg throughout 2016 and in Rome in 2014. In both cases, research consisted of participant observation in a number of refugee support initiatives, including legal support, language classes, self-organised activist groups, and volunteer groups supporting the transit of asylum seekers. Beyond volunteers and activists, my interlocutors were mostly migrants originating from conflict areas, such as Afghanistan, Syria, Eritrea, and Somalia, who had a variety of statuses: different forms of international protection, the German *Duldung* (temporary toleration), work permits, and seldom no legal status at all. All of them had, at least once, transited through the process of asylum, and a number of them were highly mobile within Schengen and the EU. In fact, while the Dublin Regulation was purportedly established in order to solve the issue of ›refugees in orbit‹, the clash between its lengthy bureaucratic machinery and the self-determination of refugees resulted in an effect of hypermobility.

I have elsewhere analysed the ›Dubliner‹ as a peculiar kind of border-crosser, exemplifying the emergence of new subjectivities ›stuck in transit‹ or ›caught in mobility‹ (Picozza forthcoming; see also Fontanari 2016; Kasparek 2015; Brekke/

Brochmann 2015). The key point was to shed light on how the effects of the Dublin Regulation extended well beyond the assignation of responsibility to a member state for the assessment of an asylum claim, bearing huge consequences for future movement. The intersection between Schengen regulations and the effective non-harmonisation of asylum in Europe (e.g. the fact that asylum permits are issued and valid only nationally and not at an EU level) makes for a peculiarly ›European‹ case in which refugees are allowed to move to other member states, but then not permitted to work or reside there, thus ending up joining the ranks of any other ›illegal‹ immigrant employed in the black market. In other words, the machinery of Dublin, and by extension the very asylum regime, ultimately serves the »illegality industry« (Andersson 2014) rendering refugees who engage in secondary movements disposable, deportable labour. Therefore, in my previous work, I extended the term ›Dubliner‹ – which usually refers to Dublin returnees to the state where they were first fingerprinted – to all refugees engaging in intra-European mobility who, in so far as they are mobile, are also ›deportable‹. This extension of the category ›Dubliner‹ was intended to cover the different varieties of legal statuses that a refugee could have at different stages (illegalised migrant, asylum seeker, recognised refugee, again illegalised migrant when engaging in ›secondary‹ movements), to highlight the productivity of the regulation in terms of »deportability« (De Genova 2002) or ›dublinability‹, and finally to shed light on the relationship between space, law, mobility and subjectivities ›stuck in transit‹. While the border regime produces different legal identities, subjectivities cannot be merely subsumed under legal identities.

Expanding on this analysis of the production of refugees as hypermobile subjects, in this article, I look at the developments of the European asylum regime, focusing especially on the fragmentation of rights inherent to the intra-European mobility of refugees and on the transformations of the geographies of transit concomitant with the 2015 »long summer of migration« (Kasperek/Speer 2015). I adopt a critical lens on asylum by looking at its role within the broader »border regime« (Tsianos/Karakayali 2010) and, thus, at its entanglements with illegal migration, labour migration and citizenship. As it has been poignantly noted by the legal scholar Catherine Dauvergne (2008: 3), these and other seemingly discrete domains (e.g. ›trafficking‹ and ›security‹) are all connected and participant in the construction of ›extralegal migration‹, which in turn bears consequences on the conceptualisation of the nation-state and its sovereignty (De Genova/Peutz 2010).

In the first section of the article, I look at the intra-European multi-directional mobility of asylum seekers/refugees, which is both physical and among legal statuses, and I relate the case of the ›Dubliner‹ to other examples of precarious mobilities within Schengen, such as long-term EU permit holders, highlighting how the free

circulation of some subjects within the area comes with a very differential access to rights. In the second section, I interrogate the reconfiguration of transit that occurred with the remarkable disruptions of the border regime during the so called ›refugee crisis‹ of 2015 as well as the recent developments of the Dublin system. The construction of the ›refugee‹, and the way it parallels the construction of the ›illegal immigrant‹, is analysed in the third and final section of the article.

PRECARIOUS MOBILITIES WITHIN SCHENGEN

For refugees inhabiting the EU/Schengen/Dublin intersectional spaces, further mobility may be a strategy for achieving a stable legal status after a denial, or else for finding employment opportunities and following family ties and social networks. As a consequence, the ›Dubliners‹ are a highly mobile and shifting population in Europe. Those who are now in southern/eastern countries might have just arrived and be heading further North, or might be Dublin returnees from other European states; yet others have been deported ›back home‹ and are now on their second illegal journey; those in northern states may be recognised refugees from other countries that have settled there irregularly; others reapply for asylum in a second country after being refused somewhere else; some never get recognised as ›refugees‹ but keep inhabiting the space of Europe, working in the black market, having a social life, struggling for their rights; lastly, in a few cases, some asylum seekers are granted work permits in countries other than the one of their asylum application or are assigned more precarious statuses, such as the *Duldung* in Germany (Castañeda 2010; Fontanari 2015). All these different cases shed light on the fluidity of legal statuses, so that the same individual may be at different times – or in different spaces – an ›asylum seeker‹, lately an ›illegal immigrant‹ or a ›labour migrant‹, or also a ›recognised refugee‹.

Substantial asymmetries exist between different Dublin signatories in terms of reception conditions, rates of acceptance, deportation rates, (non-)Schengen membership, labour market, civil society support, and transnational migrant networks already present on site, but also in terms of opportunities to live in the ›margins‹ of the state. In northern countries, while a legal refugee status can ensure some rights, it is also often accompanied by socio-spatial segregation and with the reduction of one's freedom of movement. Conversely, (irregular) refugees engaging in secondary movements may experience a more active and socially connected everyday life, although bordered through the circuit of informal, exploited labour and, sometimes, homelessness, or any other lack of rights deriving from their status. In other words, although it comes with a price, there is a certain freedom or autonomy to be found in ›ille-

gality, quite differently from the subjection to state management and control that is entrenched to the legal process of asylum seeking. This struggle over mobility, which originates from both Dublin and Schengen Regulations, is particularly visible in the explicitly political struggles of groups, such as Lampedusa in Hamburg (Tazzioli 2015) and Lampedusa in Berlin (Borri/Fontanari 2015), yet reflects the plight of countless individuals who restlessly keep moving in Europe throughout the years trying to cobble together pieces of their rights and aspirations.

Thus, while the transit of refugees to and within Europe is still mainly represented from east westward or from south northward, their trajectories are often much more fragmented, circular and multidirectional, and, most importantly, unpredictable. Desired destinations may turn up confining refugees and subjecting them to deportations whilst unexpected sites could offer them new possibilities and vice versa. For instance, throughout my fieldwork I have often encountered individuals who were rejected in the countries that they had chosen as a first destination (e.g. Norway, Denmark or the UK) and, in the worst cases, had also been deported to their home countries. After the denial, however, many of them were able to obtain protection in Italy, a country that they had previously regarded as not even an option. Later on, however, due to the lack of employment opportunities, they would again leave and settle in another destination. This multi-directionality testifies to the constrictions imposed by European policies, especially in terms of Dublin transfers, but also to refugees' creativity and, paradoxically, participation in the Schengen ›borderless‹ project. Due to their quest for legal status, but also to social networks within Europe and the casual nature of informal unskilled work, they often settle for a period of time and then move again, thus somehow partaking in the navigation of a highly connected and relatively shrunk European space, provided by visa-free, low-cost travel, and by transnational social networks. Thus, rather than analytically separating a ›primary‹ transit and a ›secondary mobility‹, I look at refugees' (hyper)mobility as a condition inherent to the spatial, temporal and legal dimension of asylum in Europe: On the one hand, engaging in further mobility is an autonomous refugee strategy, also in spite of restrictive asylum laws; on the other hand, however, this hypermobility reflects the precarisation of refugee lives as a technique of governing that renders them perpetually mobile subjects.

Within Schengen, such dynamics of fragmentation between mobility rights and labour rights are by no means reducible to the experience of asylum seekers and refugees; nor are such processes of subjectification marked by continuous mobility, temporariness and precariousness. The purported equality of rights promised by the Schengen acquis to non-citizens with particular statuses, such as recognised refugees or long-term foreign residents, has been increasingly jeopardised by domestic poli-

cies (see, among others, Riedner et al. 2016). By way of example, the case of North-African nationals who move to Germany after obtaining a long-term EU permit in Italy or Spain is extremely enlightening. I came across this particular ›category‹ of migrants in the first half of 2016, while volunteering as a translator at *Café Exil*, an anti-racist project providing legal orientation for migrants and refugees in Hamburg. The café was located a street away from a winter-programme container camp for the homeless, where many of these long-term EU permit holders were hosted. The container camp's structure was very similar to that of refugee camps (and it was managed by *Fördern und Wohnen*, the same state agency that offers housing support), although it offered less services and was opened only at night. Moreover, although long-term EU permit holders should theoretically enjoy quasi-citizenship rights, they were in fact subjected to a conditional leave to remain. After a period of three months, they had to convert their permit into a German residency and work permit, which was dependent on finding employment and officially registering their residency – the *Anmeldung* – in a legally rented or owned accommodation. During this period they could neither access state benefits, nor free language courses, nor seek job opportunities via the *Jobcenter*. The fragmentation of rights and temporariness of these migrants is particularly important to confront against the background of asylum issues, as it illuminates the differential character of access to rights that is increasingly permeating both asylum and labour migration in contrast to citizenship. Yet, also the purported privileges of citizenship are increasingly at stake, as the migration of southern or eastern EU-ropeans to northern Europe increasingly entails virtually the same living and working conditions of asylum seekers and ›illegalised‹ migrants. It is remarkable that, alongside the long-term EU permit holders, the container camp also hosted a number of Spanish or Italian citizens of Moroccan origin. In fact, regardless of particular legal statuses, the living and working conditions of people on the move are further differentiated along the lines of class, race, gender, and age. The precarity that the ›twofold‹ labour migrants described above were confronted by, was generally more easily handled by young, fit men in their twenties, who were better equipped to cope with hardship, homelessness, and learning a new language, in contrast to the adults in their fifties, who were predominantly men and unemployed as a result of the economic crisis still hitting the European south. The latter share a feeling of loss of time, of having achieved ›nothing‹ in the decade(s) already spent in Europe. This ›existential‹ condition entrenched in an everyday life suspended in temporariness, and in the lengthy waiting time of bureaucracy, extremely resonates with the condition of asylum seekers on the move (Picozza forthcoming).

EUROPE'S GEOGRAPHIES OF ASYLUM AND THE QUESTION OF ›TRANSIT‹

Interpreting the internal, as well as the external, re-bordering of ›Europe‹ through the particular lens of asylum allows for understanding it as a space of »graduated sovereignty«, in the spatialised sense that Alison Mountz (2011, 2013) gives to Aihwa Ong's (2006) original contribution: Not only states, and their transnational overlapping institutions, create identities with the aim of selectively ›managing‹ them (e.g. EU citizens, tourists, labour migrants, asylum seekers, trafficked victims, unaccompanied minors), but they do so via novel geographical configurations, such as Schengen, the EU, the designation of ›safe third countries‹ involved in bilateral agreements of readmission, the establishment of ›juxtaposed controls‹ between the UK and France, and, most notably for the purposes of this article, the space produced by the Dublin Regulation, which encompasses both the (not anymore?) ›borderless‹ Schengen area and the EU area. At the time of writing, barely a year after »the long summer of migration« (Kasperek/Speer 2015) that heavily shook up these geographies, and in the wake of the Brexit vote in the UK, it is particularly difficult to foresee the prospective spatio-legal developments in the area. The year 2015 initially saw an unprecedented moment of de-bordering that exceeded the usual abolition of internal controls for EU citizens; in the aftermath of those spectacular refugee movements, though, we witnessed a powerful re-emergence of internal EU borders, both razor-wired and patrolled with border controls that were enforced for all or conducted by means of racial profiling (Schwarz 2016). Controls are still in place in many Schengen areas, such as the Danish/Swedish border, the German/Danish one, the Brenner and Ventimiglia. In addition, the establishment of ›hotspots‹ in Greece and Italy has also heavily transformed Europe's geographies of asylum, illegalising refugees already before they could apply for asylum (Martin/Tazzioli 2016; Garelli/Tazzioli 2016; Scieurba 2016). Finally, depending on the Brexit negotiations, the agreement over juxtaposed controls between the UK and France could be terminated, thus ›displacing Calais‹ on the other side of the Channel.

The *re-bordering* of Europe during 2015 implied something more than a re-emergence of international borders: For one thing, this process of re-bordering shed light on the *porosity* and *selectivity* of contemporary borders (Rumford 2006; Tsianos/Karakayali 2010); a permeability that has always been in place, yet gained much more visibility since asylum seekers started moving in huge groups, more actively – and more politically – demanding safe passage, rather than going into hiding. During the phase of relatively open borders, from the Balkan corridor to Scandinavia, most efforts to ›control‹ were directed towards *filtering* rather than *excluding*. Moreover, dur-

ing that period, practices such as fingerprinting and photo-identification were more performative than actual policing practices. Purportedly undertaken for ›security reasons‹, those records were admittedly not recorded into Eurodac, as it has emerged during my fieldwork in conversation with volunteers both active at the southern and northern borders of Germany during the ›refugee crisis‹. This means that, in that period, Germany was enacting the same ›tacit alliance‹ with undocumented migrants which Bernd Kasparek (2015: 75) has described in the case of Italy, Greece and Hungary – that is to say, an actual practice of *laissez-passer* of asylum seekers without fingerprinting them. In fact, the asylum seekers who were ›theoretically‹ registered in Bavaria and then allocated to other regions were travelling with buses or trains, often with several stopovers; a route that easily allowed escape. The same ›tacit alliance‹ was *de facto* in place in Sweden throughout the autumn of 2015, when the refugees were allowed transit towards Norway and Finland.

The long summer of migration is particularly enlightening for understanding the EU-ropcean border and asylum regime as a contested field composed of competing state institutions working against each other – as well as competing supranational institutions and non-state actors. For instance, during autumn 2015, the southern borders of Bavaria were extremely policed, with federal and local police managing the entry transit, whilst at the northern frontier officials were turning a blind eye over the exit transit, so that, between September and December 2015, volunteers were facilitating the transit of refugees in all the stopovers between Hamburg and the harbours connecting to Sweden without *any* involvement of the police. Differently, also because of the different responses to the ›crisis‹ of Sweden and Denmark, the German/Danish border was extremely policed on both sides. Throughout 2015 and 2016, contradictory border struggles were happening everywhere in Europe: The French police impeded passage from Ventimiglia in response to the *laissez-faire* of Italy, Austria started the construction of a fence at the Brenner border, Hungary built walls both along the Serbian and the Croatian borders, and checks were reintroduced at the border between Denmark and Sweden.

Moreover, the ›Balkan corridor‹, which effectively extended not only into Germany but up to Scandinavia, sheds light on the government of mobility through its *speed*. Throughout the whole of 2015, the mechanisms of filtering and the speed of circulation were immensely varied and contradictory. For instance, before the EU-Turkish deal, the Greek state was facilitating the transit of all refugees from the islands to the peninsula, while, in the same period, only certain nationals could cross the border with Macedonia – a selection based on the larger groups present at the border: Afghans, Syrians and Iraqis. Waiting times and speed of circulation could thus be very different and contingent on the particular border to be crossed. Generally how-

ever, the speed of the illegal journey to Europe was much faster than in the past, also thanks to the collaboration of state and non-state actors. It is perhaps this speed that allowed such a great number of asylum seekers to be condensed in European cities and which produced a reversal of speed in terms of asylum applications. For instance, the asylum seekers who arrived in Hamburg in October or November 2015 had their asylum interviews not until July-August 2016, and the outcomes of those interviews are being issued while I write this article (autumn 2016) – so exactly a year afterwards.²

This speed of circulation radically changed the geographies of transit in Europe, whereby transit itself was up to that point considered a peripheral phenomenon. Arguably the condition of ›transit‹ does not only mean transitory passage of migrants/asylum seekers. ›Transit‹ also produces urban configurations through the formal or informal physical concentration of migrants as well as respective economies of care and control. Thus, it engenders also particular questions around the politics of visibility. So to speak, the visibility of refugees ›exploded‹ in Europe, producing similar spectacles in the central stations of Hamburg, Milan, Budapest, Vienna, or Athens – a spectacle that has often been reported as »scenes of displacement and desperation not witnessed in Europe since the Second World War« (Crisp 2016). For several months, the central stations of the bigger nodes of passage of Germany had become formal or informal zones of concentration; in the Central Station of Munich the police would form cordons along the platforms in order to identify potential undocumented refugees via racial profiling; in Hamburg, the network of helpers received thousands of people everyday and re-directed them to their desired destinations. Similar scenes, with similar numbers, had indeed already been witnessed in southern Europe – on the Greek islands and in Lampedusa, in the neighbourhood of Omonia in Athens, and in the Central Station of Milan – but had always been attached to the purported inability of southern countries to cope with the issue of refugees in transit. Although Calais has been producing images of ›crisis‹ in the European north for years, it has done so in a sub-urban space, well detached from the urban everyday reality of European citizens. On the other hand, the ›refugee crisis‹ marked the appearance of refugees in the putative ›civilised‹ urban north of Europe, and thus sparked much more concern.

2 | Besides my own empirical data on these long waiting times, the Federal Government responded to a small request of the parliamentary group *Die Linke* in the second quarter of 2016, communicating that asylum proceedings for some nationals, such as Afghans, Eritreans, Iranians and Pakistanis, lasted between 11.7 and 18.9 months; and that nearly 100,000 asylum procedures had been pending for more than 12 months (Deutscher Bundestag 2016).

This displacement of ›transit‹ also implied a displacement of border abuses to the north of Europe. While all southern frontier countries have been criticised Europe-wide for violent practices of push-backs at their borders, comparable abuses started happening elsewhere. For instance, at the Danish/German border refugees were often directly pushed-back (in violation of the international principle of *non-refoulement*) unless they clearly shouted (literally) that they wanted to apply for asylum. These kinds of push-backs at the Danish border, as well as the confiscation of passports by the German police, were constantly reported to the *Helpers Network* present at the Central Station of Hamburg in autumn 2015. This dislocation of border abuses is interesting, also against the background of Europe's moral geographies. During 2015, Hungary was especially condemned by the international community for its human rights abuses. In the past, however, the very same role was alternately played by all major transit countries, each condemned, or under investigation, by the European Court of Human Rights (ECHR): Italy was condemned for a 2009 bilateral agreement with Libya which allowed push-backs at sea (ECHR 2012), Greece for its asylum conditions (ECHR 2011) – a sentence that resulted in halting all Dublin transfers to Greece –, and both countries for illegal push-backs from Italy to Greece (ECHR 2014). Spain is also under investigation for ›hot returns‹ to Morocco from Melilla (Statewatch 2015), and it is likely that the EU-Turkey deal will also be legally challenged in the future. However, the EU-Turkey deal made explicit that push-backs could now be negotiated on a European level (rather than being regarded as ›bad‹ practices of peripheral states). It is also remarkable that the only court that has been challenging these abuses is the ECHR, which is not a EU institution and thus carries no power of enforcing sanctions. Moreover, only individual cases can be challenged through the ECHR and not collective ones. North-western European countries have never been alien to these abuses, but the latter have always been less *visible*. Cases of collective expulsions and/or human rights abuses have been registered in Belgium, France, Denmark, and Sweden (ECHR 2015) whilst detaining asylum seekers is common practice in the UK (Welch/Schuster 2005; Refugee Council 2015). Indeed, Hungary's violent efforts to keep refugees out do not only play in favour of its own territory. Unsurprisingly, the Internal Security Fund (ISF) allocated € 61.5 million to Hungary in the course of 2015, in order to enhance border control and surveillance (European Commission 2015).

Within this scenario, the Dublin Regulation has repeatedly been pronounced ›dead‹ (Carrera/Lannoo 2015, among others) due to its inconsistencies and intermittences: Dublin transfers to Greece have already been suspended since 2011; there have been cases both in Switzerland and Germany in which courts halted deportations of singular families to Italy (ECHR 2014) due to Italy's systematic violation

of the Reception Directive; between August and October 2015, Germany temporarily suspended the Dublin procedure for Syrians due to the unprecedented number of asylum applications throughout 2015. In spite of the lengthy processes, however, Dublin transfers are still in place, and the whole system is under review in order to be transformed and strengthened (European Commission 2016b). Beyond the explicit will to *punish* mobile asylum seekers, the new regulation revises the hierarchy of principles of determination of the ›competent‹ state for the assessment of an asylum claim. The hierarchies are positioned according to the principle of family unity, the issuance of residence permits or visas by a given member state, the illegal entry or stay in a member state³, the legal entry to a member state. In the new proposal, a *fairness* mechanism is to be introduced in order to ease the ›pressure‹ on particular states. Given that the machinery of Dublin is already very lengthy and complex, involving the comparison of Eurodac data and then communication between different member states, it is likely that the new measures will render the process even more intricate. Furthermore, the statistical distribution of *fairness* further reduces the possibility of self-determination of the asylum seekers themselves.

While Dublin seems to re-emerge from its own ashes, an analysis of what happens during the ›first‹ transit is essential for the consequences that it bears on the future ability to move. In spite of depending on different criteria, the Relocation Scheme emerged in 2015 follows the same principle of *enforced allocation* and addresses the ›risk of spontaneous secondary movement‹ (European Commission 2016b) with a residency obligation lasting five years. Throughout that period, asylum seekers/refugees are not able to acquire legal status or access social rights in any other country. The effects of allocation and deportation policies stretch through long periods of time; for instance, someone who has been living for a few years in a country, either irregularly or as an asylum seeker – often also achieving a fulfilling life, with a job, social ties, and a good command of the local language – can eventually be displaced to a country where he or she has no ties, only in virtue of European regulations. Thus, the question of refugee allocation should be analysed, both analytically and normatively, as a form of ›forced displacement‹.

Yet, as Sabine Hess (2012) has already poignantly suggested, it is also essential to denaturalise the concept of *transit* as a transitory passage implying a sort of teleology leading to ›permanent settlement‹ (Hess 2012). This critical project also implies counter-mapping the notion of transit by acknowledging the multiple movements of refugees. It will be familiar to any volunteer or activist involved in the reception of

3 | As a matter of fact, this criterion has been the most widely applied, as asylum seekers are seldom encouraged to disclose detailed information around their family ties.

refugees throughout 2015, that many people arriving were, so to speak, ›dragged‹ in the current of transit and, in the lack of proper organised information, based their decision to stop or keep moving on the pieces of advice they could cobble together from other refugees and the volunteers they encountered en route. In the course of 2016, I encountered a small number of refugees in the refugee camps of Hamburg who had made it to Scandinavia in 2015. They had decided to relocate to Germany, either after a rejection, or during the asylum procedure, put off by the harsh and dark winter and by the expensive life in countries such as Norway and Sweden, as well as by spatial segregation resulting from their allocation to small towns. A number of refugees that arrived during the crisis are also looking for ways to return to their home countries, either through voluntary repatriation programmes or illegally, undertaking the reverse journey from Greece to Turkey. As Martina Tazzioli (2015) has poignantly noted, this counter-mapping reaches the limits of representation, precisely because of the *invisibility* of such movements: The inward transit of masses of refugees is highly visible, but further mobility, either outward (coerced by deportations or voluntary), or within the European space, is not traced and not visible, and lacks figures and statistics.

›BECOMING‹ A REFUGEE

The teleological construction of ›transit‹ also intrinsically underpins the construction of asylum through a twofold linearity that is both spatial and temporal. In hegemonic discourses around migration, the act of ›fleeing‹ and its supposed ›forced character‹ parallels the purported ›rational‹ choice of the ›economic migrant‹. In both cases migrants are understood to come from a ›home country‹ and settle in a ›hosting country‹, implying a spatio-temporal linearity which is often left under-examined. In reality, asylum seekers' movements to Europe are hardly immediate, which renders paradoxical framing ›refugeeness‹ through the immediate act of fleeing. In the past, air travel, even without the proper documents, was somehow easier (see Khosravi 2010: 64), while in the context of an increasing securitisation of borders, the movement of refugees to Europe implies greater overland distance and longer waiting times, thus involving a certain amount of planning and periods of settlement. At the very least, there is a temporal gap between the act of fleeing and seeking refuge within one's own country, or immediately at the border, and then crossing further borders in order to arrive to Europe. In addition, the route to Europe could be immensely fragmented throughout the years, depending on periods spent in (permanently) temporary refugee camps, in detention before being deported, or working in order to save money for continuing the journey.

Conversely, the bureaucratic machinery of the asylum regime implies a linear spatio-temporal trajectory, which assesses the credibility of one's story on the assumption that a genuine refugee has arrived ›here‹ from their ›home country‹ and cannot go back. This problematic temporal conceptualisation extends also into the dimension of settlement: ›Refugeeness‹ is legally conceptualised as a temporary condition, so that subsidiary protection, which is at the moment the most widespread international protection issued to refugees in most European countries, can be revoked if the conditions under which an individual sought asylum do no longer apply.⁴ This connotes that, even after decades, the permanent temporariness of this protection can only be overcome, if refugees are able to get access to other documentation strategies, such as long-term residency, and work permits, or citizenship application. This means that, in so far as they are legally ›refugees‹, their status is marked by temporariness and dependent on the possibility and viability of ›return‹. This temporal configuration makes for a conceptualisation of refugees as ›guests‹ and thus bears dramatic consequence for their entitlements. Unsurprisingly, ›voluntary repatriation‹ is also still regarded as the most desirable ›durable‹ solution by the UNHCR (the other two being ›local integration‹ and ›resettlement‹ to a ›third country‹). This framework fails to acknowledge that the effects of war, conflict, and political instability stretch across long periods of time, bearing a huge impact on the economy and security of the concerned area, so that reasons to migrate may well stay in place, even when armed conflict or military occupation terminate – not to mention subjective difficulties in returning to an unrecognisable, war-torn place after being on the move for decades. In other words, the current legal/humanitarian understanding of the refugee fails to address that, beyond legal protection or material assistance, refugees need labour, civil and political rights, as any other migrant or citizen also needs (Sutcliffe 2001).

During my field research and my involvement in refugee support and activism, I have often come back to the question of ›refugeeness‹, namely of *when one starts being a refugee* and *if one ever ceases being a refugee*. Far from aiming to answer this question in a one-dimensional fashion, I have encountered different ways by which people conceive of themselves (or do not conceive of themselves) as ›refugees‹: at times through the dimension of exile, at times through the experience of undergoing assistance and reception, at times conceptualising their movement as ›forced‹, and at times as a political strategy of appropriation (as in the case of the protest movement in Oranienplatz in Berlin). Yet, independent from these complexities, the fluid and unclear category of ›refugee‹ – alternately legal, political, and moral – illuminates how

4 | Although it may seldom happen, in Germany, also refugee status could be revoked within three years from the decision (Canada 2011).

bordering is about ordering (Van Houtum/Van Naerssen 2002). Given the twofold logic of Europe's moral geographies, for which borders need to be both secure and humanitarian (Walters 2011), only some ›vulnerable‹ sectors of unauthorised mobility can be legitimised within Europe; such is the case of asylum seekers, unaccompanied minors, seriously ill individuals, and trafficked victims – a seamlessly endless proliferation of categories serving governance and distributing migrants over territories by allocating state responsibility for recognition or repatriation. Discourses of legitimacy and ›deservingness‹ have been in place for decades, but have powerfully thrived in the 2015 (apparent) ›pro-refugee‹ turn of the German government. If on the one hand, this framework bears wide moral and emotional implications, thus rendering asylum a premiere site from which to interrogate the role of borders in people's imaginary and in shaping the relationships between them (Johnson/Jones 2014), on the other hand, it is this very same framework that justifies restrictive laws against the background of ›deservingness‹ in the distribution of ›limited resources‹. While the German government showed a compassionate face to the world, the very same government was pushing behind the table the most restrictive laws on both asylum and repatriation in the last decades. In the name of compassion towards the unfolding tragedy in Syria, Afghans are now considered economic migrants to be repatriated to the ›safe‹ areas of Afghanistan; Balkan countries are been ruled as ›safe‹ altogether and the Roma are those most subjected to the threat of deportation.

Above all, it is precisely the construction of refugees as victims that bears deep implications on refugees' ability to decide *where* to settle. This is best exemplified by the words of the German minister of the interior Thomas de Maizière, who remarked last year that »asylum seekers must understand that they cannot choose where they are seeking protection« (Harding 2015). This ›obligation to understand‹, underpinning both Dublin and the 2015 Relocation Scheme, starkly reveals the Eurocentric view of refugees and asylum seekers as objects of control and/or charitable intervention, so that their presumed *desperation* (such an ubiquitous word in political, media, and humanitarian discourse) should disqualify them from any entitlement to making autonomous decisions about their present conditions or future prospects. The idea that individuals and populations should be allocated to given spaces is not new, and is entangled with questions of citizenship, mobility rights, race, and class – all of which have been reconfigured in global terms (see Balibar/Wallerstein 1991; Bauman 1998). However, whilst the »national order of things« implies a sort of isomorphism between people, territory, and culture (Malkki 1992; Gupta/Ferguson 1992), the European order of asylum extends the idea of allocation to the realm of international legal responsibility, implying an isomorphism between the identity of the asylum seeker and her ›competent‹ country. These two separate orders for the

deportation and allocation of citizens have been so much naturalised that, when looking at European policies, one almost never finds the word ›deportation‹. Instead, the Dublin Regulation uses ›transfers‹, CEAS directives speak of ›returns‹, bilateral agreements concern ›readmissions‹, and some national regulations deploy ›administrative removals‹. Within UK immigration law, for instance, the term ›deportation‹ applies only to people whose ›removal‹ is deemed »conducive to the public good«, such as in the case of criminal convictions (Blinder 2016).

The system of refugee allocation peculiarly mirrors the whole construction of migrant illegality: It is the border regime and the relevant absence of legal migration routes that compels migrants into the illegal journey; illegal migration is then in turn framed as a problem that demands for more border control. In the same fashion, it is the system of refugees' forced allocation that causes a forced displacement of those who challenge that very system, but then their unruly mobility is framed as a problem that demands for stricter penalties. While the humanitarian and legal regime of asylum focuses on the abuses and traumas that asylum seekers have endured in the past, it completely fails to acknowledge the abuses that they undergo under that very system. Most notably in this instance is the fact that refugees are re-rendered refugees through their forced displacement to countries in which they do not want to live. The restless challenge that mobile refugees pose to this regime often results in experiences of renewed rupture and fragmentation – thus also in a sense of failure and loss of time – but also engenders new struggles over the space of Europe and its ›graduated‹ and ›differential‹ government of mobility.

LITERATURE

- Andersson, Ruben (2014): *Illegality Inc. Clandestine Migration and the Business of Bordering Europe*. Oakland.
- Balibar, Étienne / Wallerstein, Immanuel M. (1991): *Race, Nation, Class: Ambiguous Identities*. London/New York.
- Bauman, Zygmunt (1998): *Globalization, the Human Consequences*. New York.
- Blinder, Scott (2016): BRIEFING. *Deportations, Removals and Voluntary Departures from the UK*. The Migration Observatory at the University of Oxford.
- Blomley, Nicholas K. (2001): *The Legal Geographies Reader: Law, Power, and Space*. Oxford.
- Borri, Giulia / Fontanari, Elena (2015): *Lampedusa in Berlin: (Im)Mobilität innerhalb des europäischen Grenzregimes*. In: *Peripherie* 138/139. 193–211.
- Brekke, Jan-Paul / Brochmann, Grete (2015): *Stuck in Transit: Secondary Migration of Asylum Seekers in Europe, National Differences, and the Dublin Regulation*. In: *Journal of Refugee Studies* 28 (2). 145–162.

- Canada: Immigration and Refugee Board of Canada (2011): Germany: Whether individuals who are granted refugee status in Germany can later be deported. URL: www.refworld.org [31.01.2017].
- Carrera, Sergio / Lannoo, Karel (2015): Treat the Root Causes of the Asylum Crisis, not the Symptoms. In: CEPS Commentaries of 11.09.2015. URL: www.ceps.eu [31.01.2017].
- Castañeda, Hilde (2010): Deportation Deferred. In: De Genova, Nicholas / Peutz, Nathalie (Eds.): *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Durham, NC. 245–261.
- Crisp, James (2016): Refugees face asylum rejection if they leave country of arrival, under new EU rules. In: *EurActiv* of 13.07.2016. URL: www.euractiv.com [31.01.2017].
- Dauvergne, Catherine (2008): *Making People Illegal. What Migration means for Globalisation and Law*. Cambridge/New York.
- De Genova, Nicholas (2002): Migrant »Illegality« and Deportability in Everyday Life. In: *Annual Review of Anthropology* 31. 419–447.
- De Genova, Nicholas / Peutz, Nathalie (Eds.) (2010): *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Durham, NC.
- Deutscher Bundestag (2016): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Frank Tempel, Sevim Dağdelen, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/9146. URL: dip21.bundestag.de [31.01.2017].
- ECHR (2011): Grand Chamber Judgment. *M.S.S. v. Belgium AND Greece*. 21.01.2011.
- ECHR (2012): Grand Chamber Judgment. *Hirsi Jamaa and Others v. Italy*. 23.02.2012.
- ECHR (2014): Grand Chamber Judgment. *Sharifi v. Italy and Greece*. 21.10.2014.
- ECHR (2015): Factsheet – Collective expulsions of aliens. September 2015. URL: www.echr.coe.int [31.01.2017].
- European Commission (2015): *European Agenda on Migration – Fact sheets. Second Implementation Package*. 09.09.2015. URL: ec.europa.eu [31.01.2017].
- European Commission (2016a): *Completing the reform of the Common European Asylum System: towards an efficient, fair and humane asylum policy*. Press Release IP/16/2433. 13.07.2016. URL: europa.eu [31.01.2017].
- European Commission (2016b): *The reform of the Dublin system*. 04.05.2016. URL: ec.europa.eu [31.01.2017].
- Fontanari, Elena (2015): Confined to the threshold. The experiences of asylum seekers in Germany. In: *City* 19 (5). 714–726.
- Fontanari, Elena (2016): Soggettività en transit. (Im)mobilità dei rifugiati in Europa tra sistemi di controllo e pratiche quotidiane di attraversamento dei confini. In: *Mondi Migranti* 28. 39–60.
- Garelli, Glenda (2013): *Schengen Intermittences: the On/Off Switch of Free Circulation*. In: Garelli, Glenda / Sossi, Federica / Tazzioli, Martina (Eds.): *Spaces in Migration: Postcards of a Revolution*. London. 75–95.
- Garelli, Glenda / Tazzioli, Martina (2016): *The EU hotspot approach at Lampedusa*. *Open Democracy* of 26.02.2016. URL: www.opendemocracy.net [31.01.2017].
- Gupta, Akhil / Ferguson, James (1992): Beyond »Culture«: Space, Identity, and the Politics of Difference. In: *Cultural Anthropology* 7 (1). 6–23.

- Harding, Luke (2015): Refugee Crisis: Germany Reinstates Controls at Austrian Border. *The Guardian* of 13.09.2015. URL: www.theguardian.com [31.01.2017].
- Hess, Sabine (2012): De-naturalising Transit Migration. Theory and Methods of An Ethnographic Regime Analysis. In: *Population, Space and Place* 18 (4). 428–440.
- Johnson, Corey / Jones, Reece (2014): Where is the Border? In: Jones, Reece / Johnson, Corey (Eds.): *Placing the Border in Everyday Life*. Farnham. 1–14.
- Kasperek, Bernd (2015): Complementing Schengen: The Dublin System and the European Border and Migration Regime. In: Bauder, Harald / Matheis, Christian (Eds.): *Migration Policy and Practice: Interventions and Solutions*. Basingstoke. 59–78.
- Kasperek, Bernd / Speer, Marc (2015): Of hope. Hungary and the long summer of migration. bordermonitoring.eu of 09.09.2015. URL: bordermonitoring.eu [31.01.2017].
- Khosravi, Shahram (2010): *›Illegal‹ Traveller: An Auto-Ethnography of Borders*. Basingstoke.
- Malkki, Liisa (1992): National Geographic: The Rooting of Peoples and the Territorialization of National Identity among Scholars and Refugees. In: *Cultural Anthropology* 7 (1). 24–44.
- Martin, Lauren / Tazzioli, Martina (2016): Governing Mobility through the European Union's ›Hotspot‹ Centres. A Forum. In: *Society & Space* of 08.11.2016. URL: societyandspace.org [31.01.2016].
- Mountz, Alison (2011): The Enforcement Archipelago: Detention, Haunting, and Asylum on Islands. In: *Political Geography* 30 (3). 118–128.
- Mountz, Alison (2013): Political Geography I: Reconfiguring Geographies of Sovereignty. In: *Progress in Human Geography* 37 (6). 829–841.
- Ong, Aihwa (2006): *Neoliberalism as exception: Mutations in citizenship and sovereignty*. Durham.
- Papadopoulos, Dimitris / Stephenson, Niamh / Tsianos, Vassilis (2008): *Escape Routes: Control and Subversion in the Twenty-first Century*. London.
- Picozza, Fiorenza (forthcoming): ›Dubliners‹. Unthinking displacement, illegality and refugeeness within Europe's geographies of asylum. In: De Genova, Nicholas (Ed.): *The Borders of Europe: Autonomy of Migration, Tactics of Bordering*. Durham.
- Refugee Council (2015): *Detention in the Asylum System*. March 2015. URL: www.refugeecouncil.org.uk [31.01.2017].
- Riedner, Lisa / Álvarez-Velasco, Soledad / De Genova, Nicholas / Tazzioli, Martina / Van Baar, Huub (2016): Mobility. In: De Genova, Nicholas / Tazzioli, Martina (Eds.): *Europe/Crisis: New Keywords of ›the Crisis‹ in and of ›Europe‹*. *Near Futures Online* 1 (1). URL: nearfuturesonline.org [31.01.2017].
- Rumford, Chris (2006): Theorising Borders. In: *European Journal of Social Theory* 9 (2). 155–169.
- Schwarz, Inga (2016): Racializing freedom of movement in Europe. Experiences of racial profiling at European borders and beyond. In: *movements. Journal for Critical Migration and Border Regime Studies* 2 (1). 253–265. URL: movements-journal.org [31.01.2016].
- Scuirba, Alessandra (2016): Hotspot system as a new device of clandestinisation: view from Sicily. In: *openDemocracy* of 25.02.2016. URL: www.opendemocracy.net [31.01.2017].

- Shore, Cris / Wright, Susan (1997): Policy: a New Field of Anthropology. In: Shore, Cris / Wright, Susan (Eds.): *Anthropology of Policy: Critical Perspectives on Governance and Power*. New York. 3–40.
- Statewatch (2015): European Court of Human Rights demands explanations from Spanish government on ›hot returns‹ in Melilla. 07.08.2015. URL: www.statewatch.org [31.01.2017].
- Sutcliffe, Bob (2001): Migration and Citizenship: Why Can Birds, Whales, Butterflies and Ants Cross International Frontiers More Easily than Cows, Dogs and Human Beings? In: Ghatak, Subrata / Showstack Sassoon, Anne (Eds.): *Migration and Mobility*. Basingstoke. 66–82.
- Tazzioli, Martina (2015): Which Europe? Migrants' uneven geographies and counter-mapping at the limits of representation. In: *movements. Journal for Critical Migration and Border Regime Studies* 1 (2). URL: movements-journal.org [31.01.2017].
- Tsianos, Vassilis / Karakayali, Serhat (2010): Transnational Migration and the Emergence of the European Border Regime: An Ethnographic Analysis. In: *European Journal of Social Theory* 13 (3). 373–387.
- Van Houtum, Henk / Van Naerssen, Ton (2002): Bordering, Ordering and Othering. In: *Tijdschrift voor economische en sociale geografie* 93 (2). 125–136.
- Walters, William (2011): Foucault and Frontiers: Notes on the Birth of the Humanitarian Border. In: Bröckling, Ulrich / Krasmann, Susanne / Lemke, Thomas (Eds.): *Governmentality: Current Issues and Future Challenges*. New York. 138–164.
- Welch, Michael / Schuster, Liza (2005): Detention of Asylum Seekers in the US, UK, France, Germany and Italy: A Critical View of the Globalizing Culture of Control. In: *Criminal Justice* 5 (4). 331–355.

Inhalt

Umkämpfte Bewegungen nach und durch EUropa.
Zur Einleitung
*Mathias Fiedler, Fabian Georgi, Lee Hielscher, Philipp Ratfisch,
Lisa Riedner, Veit Schwab, Simon Sontowski* 9

Bitter Oranges.
African Migrant Workers in Calabria
Carole Reckinger, Gilles Reckinger, Diana Reiners 21

Aufsätze

Ökonomisierte Menschenrechte.
Meritokratische Bürgerschaft am Beispiel des ›Genfer Wegs‹
Katherine Braun, Robert Matthies 31

Differential Deportability and Contradictions
of a Territorialised Right to Education.
A Perspective from Sweden
Jacob Lind, Maria Persdotter 51

Dublin on the Move.
Transit and Mobility across Europe's Geographies of Asylum
Fiorenza Picozza 71

Aktivierung durch Ausschluss.
Sozial- und migrationspolitische Transformationen
unter den Bedingungen der EU-Freizügigkeit
Lisa Riedner 89

Intersecting Mobilities.
Declassing and Migration from the Viewpoint of Organising
within and against Precarity
Bue Rübner Hansen, Manuela Zechner 109

Forschungswerkstatt

Collapsing Discourses in Refugee Protection Policies.
Exploring the Case of Germany's Temporary
Humanitarian Admission Programmes
Laura Scheinert 129

(De-)Constructing Borders.
Contestations in and around the Balkan Corridor in 2015/16
Kiri Santer, Vera Wriedt 141

Preparing for More.
Europäische ›Grenzsicherung‹ vor dem Hintergrund
des neuen Migrationsgesetzes in der Türkei
Fritz Rickert 151

Aus den Kreisläufen des ›Schweinesystems‹.
Die Fleischindustrie im Oldenburger Münsterland
als Regime von Mobilität und Ausbeutung
Mathias Fiedler, Lee Hielscher 165

Interventionen

- Den globalen Süden mitdenken!
Was Migration mit imperialer Lebensweise, Degrowth
und neuem Internationalismus zu tun hat
Miriam Lang 179
- The Valletta Process and the Westphalian
Imaginary of Migration Research.
Aino Korvensyrjä 191
- Subjektivierungsgefüge Grenzkontrolle.
Warten, sich ausweisen, weitergehen?
Anja Breljak 205

Interviews

- »A Bridge between the Refugee Movements
and the Feminist Movements«.
An Interview with Bethi Ngari
Nina Kullrich 217
- Mall of Shame – Pay your workers!
An Interview with Bogdan Droma
Emal Ghamsharick, Leila Saadna, Nadiye Ünsal 223
- Autor_innen 229

mOvements

Journal für kritische Migrations- und Grenzregimeforschung

Umkämpfte Bewegungen nach
und durch EUropa

[transcript]