On some methodological issues concerning anti-Dublin politics

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Abstract In this paper, we discuss our experiences in writing a report on the social situation of asylum-seekers and status-holders in Bulgaria vis-a-vis the socio-political context in Bulgaria. We raise issues of methodological importance and argue that the current form of knowledge production in the field of European asylum politics creates dichotomic spaces.

In this article we contemplate on our experiences in writing the report "Trapped in Europe's Quagmire" that engages with the situation of asylum-seekers and status-holders in Bulgaria (Hristova et al. 2014).[1] The report was written for *bordermonitoring.eu*, a research association which challenges European border regimes through bringing together theory and practice, by four independent researchers who have been politically engaged in the 'asylum field' in Bulgaria since 2010. In what follows we offer an overview of the socio-political context in Bulgaria in which our research, writing and analyzing took place. We then reflect on our experiences in producing a country report and raise some issues of methodological importance related to anti-racist and anti-capitalist movements in general but also to problems caused by a strengthened methodological

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[1] We are thankful to Stiftung:do, Germany and BMU, Switzerland for giving us the opportunity to conduct independent research and present our findings in a report published online and accessible for the general public and specialists interested in forced migration. We are thankful to those organizations most of all because we were granted full liberty in conducting and writing the report. However, we could not escape being trapped in the quagmire of the perceived idea of what an ideal country report should look like. That meant having a preconceived image of a situation of systemic deficiencies and often being forced to turn a blind eye to problems of much more systemic nature than the one traditionally expected and recognized by various actors.

liberalism within the social sciences[2]. We call the methodology of writing Dublin-reports into question and argue that anti-Dublin politics, in their current form, produce dichotomic spaces. Therefore we call for a radical reinvention of what could be summarized as 'anti-Dublin politics' that would not reiterate hegemonic positions within Europe.

(Neo)liberal reflexes

Bulgaria has often been thought to be a country of limited influence in the development of European migration management and when it comes to immigration into the European Union[3]. With a yearly influx of maximum 1000 people per year — most of whom were heading to Western Europe — the country had not experienced any dramatic episodes of foreign immigration for most of the 21st century[4]. In 2013, however, the Syrian war brought multiplied flows of asylum seekers to Bulgaria crossing through the southern border with Turkey. With the institutions overwhelmed by the influx, the reception conditions for asylum seekers were bleak. The ones who managed to cross the border, which was secured through man-power and a new wall, were accommodated in old, abandoned military buildings and schools. The main outcry by NGOs and

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[2] Apostolova makes use of the notion "methodological liberalism" as part of her research on the historical and theoretical interaction between migratory categories in late capitalism to draw attention to epistemological, political and methodological problems that stem from the uncritical use of categories and dichotomies in migration studies (such as 'political'/'economic' immigrant). The categories of 'asylum-seeker' or 'poverty migrant,' for example, are produced statuses that entail a certain social relation to state and capital and are historically determined. They also reflect the liberal dichotomy of 'political' and 'economic' migrant and are often used against each other in the introduction of austerity measures and, recently, in the introduction of re-entry bans (Apostolova 2014). The proliferation of migratory categories hierarchizes subjects dubbed 'migrants', in the meantime establishing possibilities for infinite fragmentation of labor. Migratory categories are produced in and reflect certain temporalities of capitalist development and are not representatives of an 'objective reality'.

[3] Such assumptions are problematic at best but they are widely spread because of hasty generalizations and general assumptions that come along with the concept of 'Europeanization.' Europeanization is often invoked as a linear process where countries like Bulgaria are denied agency in the constitution of the political field that migration is. We believe that such view on the development of migration management is limited in scope and fails to properly historicize the events that took place after 1989 as they relate to both 'politics of control' and 'politics of mobility'.

[4] For a good overview of migration trends in Bulgaria, see Guentcheva/Kabakchieva/Kolarski (2003).

activists thus was related to the slowed down (or lack of) registration of asylum requests and the bad living conditions in the camps (Human Rights Watch 2014; Bulgarian Helsinki Committee 2013; Amnesty International 2014).

In the last months of 2013, Bulgaria quickly attracted the international attention. Agonizing camp conditions and push backs at the southern border finally drove the UNHCR to call for temporary halt of Dublin returns in January 2014. However, as the initial panic faded and the material conditions in the camps somewhat improved, the international body lifted the 'Dublin warning.' As of April 2014, Dublin signatories execute deportations back to Bulgaria once again. The period under question saw unprecedented interest in the topic of asylum. In the months to follow, Bulgaria experienced events ranging from violent neo-Nazi patrols on the streets in Sofia, record humanitarian relief efforts on part of concerned citizens, and institutional panic on part of the newly elected neoliberal Bulgarian Socialist Party (BSP), which governed in coalition with the liberal Movement for Rights and Liberties (DPS in Bulgarian). Currently, the topic of asylum is contained in the liberal spectrum except in the cases of sporadic racist outbursts on part of the larger public[5].

The debates among liberal intellectuals and policy makers in Bulgaria related to asylum-seekers are divided: they are either pro or against common European migration politics. In Bulgaria, Europeanization in general is (still) conceived in the realm of more justice, less corruption, civilized capitalism etc. among the representatives of the so-called 'creative' and 'middle class' who also happen to be the most outspoken advocates of refugees and asylum-seekers. Bulgaria, which has already been an EU member for seven years, is allegedly still experiencing the consequences of its transition from planned economy to free market economy that lead to wide-spread poverty and dissolving social security. With large unemployment rates and even larger numbers of working poor, it embodies the extreme inequalities in the Union and thus the calls for a more 'European' treatment of asylum seekers and refugees only feed far-right sentiments. The so-called 'refugee crisis' was never articulated in such terms, however. Europeanization of migration policies, in particular, is more often than not equated to just and quick asylum procedures and a more humane treatment of refugees. Europe as a concept is hardly, if at all, associated with austerity measures and policies that lead to extreme social isolation and unequal distribution. In January 2014, in the midst of the 'refugee crisis' in

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[5] Among others, such is the case in Rozovo where a Syrian family was expelled from a village because of 'fear of public disorder' and the recent case in Kalishte where the mayor and the parents of primary school pupils blocked ten Somali and Syrian children from accessing the school premises because of 'fear of the spread of diseases.'

Bulgaria, the most influential newspaper, *Capital*, published a series of editions, where intellectuals debated the question of whether or not there should be common European rules in the management of refugees and illegal immigrants (Capital 2014).

The idea behind the debate was to juxtapose Bulgarian and EU politics, presumably identifying the EU one as more liberal and the Bulgarian one as more conservative and restrictive. Ruslan Trad, an expert on the Middle East and one of the most outspoken advocates of refugees stood firm in defending common EU migration policies evoking images of solidarity and shared burden. Nevertheless, Trad neither problematized the current migration management practices as caused by Bulgaria's obligations to adhere to European standards, nor analyzed solidarity in the light of social regional inequalities, or the substantial increase of such inequalities within European societies.

Lyubomir Talev, a lawyer and a member of the *Institute for Free Capitalism 'Atlas'*, on the other hand, defended the anti-common-rules position. Talev's thesis was that the EU should not be conceived in its post-national dimensions but has to adhere to De Gaulle's *"Europe des Patries"*[6]. Therefore Talev concluded that "searching the balance between European engagement and preserving the national sovereignty secures the rational (without being collusive) and the nationally responsible (without being overly patriotic) conservative politics of the 21st century"(Capital 2014). At the end of January, the debate's moderator, Dessislava Leshtarska declared the 'definite' winner — the pro-European position — and cited Trad's conclusive words:

> "We have to help people fleeing war – this is more than clear – we, as part of the European family, where solidarity and empathy are respected, have already started showing that as a society we can deal with extraordinary situations as the one at hand." (ibid)

Bulgaria is pervaded by liberalism which does not confine itself to the field of migrants' advocacy but could also be sensed during the summer protests of 2013 when the self-proclaimed creative class accused the poor of apathy and ineffectiveness and cried out for Viviane Reding to become president. Trad is mistaken in his analysis that 'the Bulgarian society' can deal with extraordinary situations such as the one represented in the accelerated number of people crossing the border. Following the notion of a 'humanitarian crisis' he analyses the situation as extraordinary and sees the solution in humanitarian measures in tackling disasters — gathering clothes, food, etc. However, he fails to see

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[6] De Gaulle's speech which placed supra-national Europe under attack took place in 1962.

that asylum seekers fall into already preexisting nets of social inequalities, in a country where the social benefit of approximately 33 euro a month is way beneath the living minimum and desperate unemployed and working poor set themselves on fire out of cringing poverty[7]. When asylum-seekers cross the border they just become yet another part of the social to bear the burden of the extreme inequality which persists in Bulgaria since the Transition. The so-called crisis is not the result of 'less tolerance,' as Trad would have it, but is the general element of the politico-economic context where migration policies intertwine.

Such uncritical engagement with Europeanization perhaps explains why the majority of advocates of asylum-seekers throughout the country acted according to the interpellations of the security-humanitarian nexus and accordingly articulated a divide between genuine and non-genuine refugees, in which the former deserve our utmost care and the latter should become the object of fast hunt-and-deport practices. Moreover, such a perspective assumes that once the conditions in camps and the time span for receiving status somewhat improved, the 'crisis' disappeared. As long as we could see crying babies, overcrowded camps and sick people, the crisis still existed. The crisis was defined through very concrete visual images of crowded camps and people awaiting their registration. Once these people left the camps because of the time limitations for social housing for refugees and were not as visible anymore, the crisis ended. Their homelessness bothers nobody. It is normal.

As the country is part of the Dublin agreement, those who make it north are faced with the immediate threat of being returned. The situation that came about in 2013 signaled that there is a tangible opportunity to halt Dublin returns to Bulgaria and hence, question the Dublin system in general. Transnational NGOs flooded Bulgaria and commenced on writing reports. What surfaced was a peculiar conception of transnationalism. Transnational politics, as locked in the logic of 'migration activism' and practiced for example in the writing of Dublin reports, comes about only when preceded by a crisis. Anti-Dublin praxis on the periphery is crises-driven.

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[7] For more information: http://www.vice.com/vice-news/burning-men-of-bulgaria, http://www.criticatac.ro/lefteast/bulgarians-in-flames-on-the-current-wave-of-self-immolation/, http://socialistreview.org.uk/379/first-steps-bulgaria.

A 'Dublin' methodology

The so-called anti-Dublin campaigns, especially when it comes to the writing of reports, are thought of as a tool to support lawyers who struggle against Dublin returns to (always) peripheral countries. In simplified terms, Dublin returns are the consequence of the so-called Dublin agreement which confines people who have entered the European asylum system to their first country of entry. One of the reactions to this agreement by organizations is the writing of the so-called 'Dublin reports,' which focus on deficiencies as found in the asylum system of particular countries[8]. Such deficiencies may vary from very slow asylum procedures to high rates of homelessness among asylum seekers. The weight of these deficiencies may differ at different times. But for the most part what is highly valued in Dublin reports is a legalistic approach, which is well fortified by 'humanitarian scandals.' Essentially, what Dublin reports attempt to do is to stop returns to a country not deemed to adhere to EU asylum standards. They are not written to better the socio-economic situation of asylum-seekers/status-holders in particular countries. Moreover, these reports do not question systemic deficiencies, as found in politico-economic conjunctures and historical contexts, that lead to homelessness, the dismantling of social security through the neoliberalization of health care and social welfare, and high rates of unemployment in whole regions. What Dublin reports do is to ease lawyers, activists and refugees in countries like Germany, Austria, Belgium, etc. in their struggle against Dublin returns[9]. Lawyers and 'qualified' NGO personnel present Dublin-reports in Courts and thus argue their cases. Such reports emphasize the connection between deprivation of free movement and social isolation. They, thus, aim to halt returns to peripheral countries, through which EU migration policies limit the freedom of movement of asylum seekers, but they hardly ever focus on labor and social security as issues of concern.

Professionals working in the field of asylum protection NGOs refer to the process explained above as writing and constructing a 'traditional Dublin report.' These so-called 'traditional reports' however, need to be placed under critical examination. Traditional, at the very least, signals an uncritical repetition of a pre-given model which does not engage with socio-political changes, hinders

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[8] Even though 'Dublin report' is not an official name, in the field of asylum advocacy everybody knows what it refers to. Inter alia, such reports are Amnesty International (2010); Pro Asyl (2008; 2011); ECRE (2013).

[9] For the sake of simplicity we call Dublin returns also the deportations that are executed based on bilateral agreements and concern status-holders. Although they are not a subject of Dublin regulations, they follow the same logic. The resistance against deportations we simply call 'anti-Dublin politics.'

the production of a different kind of knowledge, and presents an obstacle to any possibilities for political reinventions.

In what follows we will shortly outline some of the problematic points we stumbled upon throughout the writing of the report so as to invite rethinking of some methodological tropes in anti-Dublin activism. This analysis is tightly linked to the recent framing of Bulgarian and Romanian labor migrants as 'benefit tourists' and to some of the potential difficulties of anti-capitalist and anti-racist movements.

The writing of our report on Bulgaria's asylum system employed the common ethnographic methods of lengthy fieldwork combined with in-depth interviews with NGO representatives, researchers, state administration, and lawyers and the analysis of news, legislation, and policies. Our initial idea was to analyze not only migration policies but also the context in which they are located. Thus, relying on our experience in the field was crucial in unfolding a picture that was not merely a snapshot of contemporary events. Despite the intention of analytically situating the report in the larger context of socio-economic transformations in the country, the genre itself proved to have rigid boundaries and to demand a certain form and content.

We could not escape being trapped in the quagmire of the idea of what an ideal country report should look like. This ideal meant having a preconceived image of a situation of systemic deficiencies and often being forced to turn a blind eye to problems of much more systemic nature than the one traditionally expected and recognized by NGOs. Anti-Dublin reports have a tendency to isolate asylum-seekers as a group without scrutinizing the broader political economy. They analyze forced migration as a field in its own right and furthermore bend to methodological liberalism which continues to dichotomize migrants into political and economic.

We fell into the trap that Douzinas has identified in human rights — namely that they are often the most powerful tool of exposing domination but simultaneously an aggregate behind such domination (Douzinas 2007). Or, as Derrida put it:

> "A discourse on human rights will remain inadequate, sometimes hypocritical, and in any case formalistic and inconsistent with itself as long as the law of the market, the 'foreign debt', the inequality of technoscientific, military, and economic development maintain an effective inequality as monstrous as that which prevails today, to a greater extent than ever in the history of humanity." (1994: 85)

Back in 2013, our colleagues from bordermonitoring.eu identified a similar trope

within their research on Hungary: "[w]e both were challenged to enter the realm and the discourse of asylum and human rights, and were subsequently confined by [it] [...] we were — at that time — not able to reach beyond the discourse of humanitarianism and human rights" (Kasparek/Speer 2013). What was binding us in addition to this humanitarian bias, was that we could not exit those arborescent models which ultimately recreate a divided space inhabited by supposedly Barbaric Balkan states on the one side and a Western civilized civil society on the other: a model well established in the early 90s and still being successfully invoked by political commentators both in the West and East. Anti-Dublin activism in its current form, thus, produces a particular type of space and recreates hegemonic positions within Europe, a point we will return to.

What we want to see is that these external EU border countries become a battleground for a radical political turn in the Union. This could only happen if we have a strong social demand and overleap demands such as 'freedom of movement.' Bulgaria's citizens have become scapegoats for failing social security systems throughout Europe in the past couple of years: 2013, and so far 2014, witnessed one of the largest discursive attacks on Bulgarian and Romanian migrants in the EU. Little by little we witnessed both on a national and supra-national level how one of the main principles of the EU — the freedom of movement — underwent qualitative change as the discussion continued. From being considered a right to strive for, freedom of movement came to be associated more and more with its potentiality to enable abuse of nation-states' social security systems.

Throughout these debates, neither liberals nor conservatives want to summon an argument that sees migration as part of the stark market liberalization throughout the region; that engages with recent capital flee from the region; and that takes recent findings that Bulgarian textile workers are paid less than the ones in Asian and Indonesian sweatshops into consideration[10]. Migration is a reflection of social transformations where migrants are used as lab rats to test unfavorable social policies, such as cuts and austerity measures. To a large extent the debates surrounding Bulgarian and Romanian migrant laborers already follow the same logic as found in anti-Dublin politics. There are two major points to these debates: the first one, which is the voice of the more conservative side, calls for abandoning freedom of movement as "they are here to steal our social security." The seemingly opposite side of the debate as found

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[10] In 2014 the campaign *Clean Clothes* published their findings from the Bulgarian garment industry, whose major export markets are Germany and Italy. URL: https://www.cleanclothes.org/livingwage/stitched-up-factsheets/stitched-up-bulgaria-factsheet.

in the arguments of liberal leftists recites figures that prove that Bulgarians and Romanians in fact contribute to 'our' social systems through tax revenues and applies similar methodological nationalism. Again, we have a situation where what went under attack was a potential denial of freedom of movement as a concept and not systemic conditions in the countries of origin[11].

In addition to the role of Bulgaria to protect the EU from *outside* intruders, it now also has to protect it from *inside intruders*, from 'its own EU-citizens' as seen in the recent and unfortunately very likely to be accepted propositions, that a reentry ban should be reintroduced for Bulgarians and Romanians, now as EU citizens. These debates fail to put migration to Europe's north in the context of continuous economic and social restructuring of the Eastern-European region[12]. We increasingly witness proliferation of migration categories, a qualitative change in the concept of free movement, and firm direction towards more austerity measures.

To challenge the restriction of movement for asylum-seekers, we cannot continue to turn a blind eye on all those contexts. We need to enable methodologies that address asylum management practices in their relation to the overall socio-economic and political changes in the EU. The confinement of asylum-seekers and status-holders to a particular space is not the result of shared solidarity within the EU and thus will not break down under the call for more solidarity[13]. Confining status-holders and asylum-seekers to a particular space stems from openly declared class war. Labor movement and its restriction are historically linked to the development of capitalist societies, and mobility regulations tend

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[11] Or, to quote David Cameron (Euractiv 2013): "Free movement within Europe needs to be less free."

[12] When in 1990 Bulgaria's and Romania's opposition parties failed the first democratic elections, the two countries were framed by western commentators as the "boisterous children" of the East and questioned their desire to integrate into European structures. Back then, questions of freedom of movement were tightly linked to (shock) liberalization of markets and western neo-economists, mainly from the US but not only, refused the calls for market socialism coming from the East. 25 years later, it is very clear that freedom of movement has enabled networks of subcontractors to operate internationally for example and subsequent formation of the so-called 'labor camps for eastern Europeans' in Italy and Germany.

[13] The "refugee crisis" in Bulgaria gave confidence to peripheral leaders to turn to the morale of "shared solidarity" in order to ask for a rewriting of the Dublin Agreement. Nonetheless, shared solidarity does not refer simply to instances where peripheral countries call on wealthier member-states to take more asylum-seekers. Shared solidarity is also a call which comes from the West and refers precisely to the quite correct assumption that if there is no Dublin Agreement everybody will arrive in Germany for example. As such, shared solidarity is emptied out of meaning and we cannot rely on it as a political demand.

to produce the hyperflexible reserve army of laborers needed in capitalism. One of the main functions of Dublin is to keep part of these armies at bay. In this respect we have to look at the changing functionality of borders that have been classified as peripheral and look at the diverse politico-economic contexts of Dublin.

As mentioned, one of the political mistakes that we cannot avoid when being involved in traditional anti-Dublin activism is to produce a space which invites images of dichotomic Europe, where there is the 'barbarian exterior' which has not yet absorbed well enough the humanitarian impulses of the 'civilized interior.' The EU civilized interior condemns the 'barbaric' exterior for human rights violations and push-backs, through which access to territory is ultimately denied. Yet, it is, at the same time, denying access to its territory to those same objects of humanitarian concern through Dublin policies and bilateral agreements. This is a point well exemplified by how denial of territorial access is defined: in the case of peripheral countries it is called a push-back. When territorial access to an interior member-state is denied, however, this is referred to as a 'visa requirement' despite the fact that the safety for asylum-seekers in the first country of entry is disputable at best. This was, exemplified in the case when a few Syrians were deported back from Austria to Bulgaria after spending two days in a Vienna prison. In Bulgaria they faced homelessness. Of course, we all know that there is always a certain relationality to be examined in the making of 'exteriors' and 'interiors' but we somehow forget about it when it comes to anti-Dublin politics.

What is really troubling, however, is that Dublin reports seek to seemingly expose 'systemic deficiencies' but do not extend beyond the field of 'migration.' These deficiencies have to be limited to issues of concern such as prolonged asylum procedures, unacceptable conditions in reception facilities, cases of brutal police violence, and impossible integration paths[14]. Even though these are no doubt issues of immediate urgency the question that remains for us is if these are the only and most desirable tactics for an anti-Dublin movement on the one hand but also if such 'embattlement' tactics that do not challenge unequal distribution of political and economic power and essentially recreate the civilized/uncivilized dichotomy. What we need, instead, is situating political action where the border truly lies: between those who profit from 'real universality' and those who are geographically mobilized but immobilized socially.

The established course of action of anti-Dublin activism aims at invoking human

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[14] As if integration does not bend to the same logic of interior/exterior.

right engagements of the EU in order to stop countries from sending asylum-seekers and status-holders back to the periphery where supposedly human rights are violated. However, what is questionable is whether such praxis leads to bettered conditions for asylum seekers and refugees in the external border countries, since meager conditions are the result of complex socio-economic deficiencies affecting whole populations and not just the 'external' border-crossers. Moreover, moving to core EU countries, Germany, for example, refugees and asylum seekers escaping peripheral countries often fall in the same class positions and networks of antagonism as do EU migrants coming from the same EU 'borderlands'. What the most recent attack on precarized EU labor must signal to us is that the slogan for freedom of movement, as habitually called upon in anti-Dublin activism, falls short to bring about the desired political change. Certainly, the procedure of deportation is a danger that must be prevented by all means necessary. However, when we invoke the slogan of freedom of movement, we also must not forget the results of pro-freedom of movement policies for EU labor. As much as freedom of movement as a slogan sounds attractive and evokes politically charged struggles from the near past, one cannot confine herself to it. Freedom of movement, as a demand, needs be historisized, and corrected. We need to reconceptualize what this demand stands for and the outcomes we aspire to when we call it into practice.

Anti-Dublin politics, in their current form, are often successful in their purposes, entangled in prevailing hegemonies and not least entwined in capital-labor relations between researchers and funding bodies. Thus, they cannot be completely abandoned and shouldn't be negated in their totality. We do call, however, for a rethinking of anti-Dublin methodologies so as not to recreate arborescent models and to escape methodological liberalism. Any initiative that is to challenge agreements such as Dublin needs to confront and not turn a blind eye to the fact that there are enormous differences in the social standards between north and south. Saving people from being returned to countries like Bulgaria is a short-term solution. This concerns not only extending the scope of research and activism to take into account the wider context, in which forced migration takes place, but also the revision of international research and collaboration in a way that questions established hierarchies in defining the purpose and the means for a common struggle. Initiatives, such as Kritnet or the international workshop on migration in Sofia[15] present grounds for such online and offline platforms of extensive international collaboration that also challenges the current framework of analysis of practice in critical engagement

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[15] "Migrating in/migration out". URL: http://novilevi.org/nlpenglish/165-migration-workshop-en.

with migration — political and/or academic.

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