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# **Migration and Governance -VI**

## **Migrants and Movements across Asia: Mobility, Global Migration Governance and the European Response**

  
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**Migration and Governance VI:**

**Migrants and Movements across Asia:  
Mobility, Global Migration Governance and the  
European Response**

**Anita Sengupta**

**2018**



# Migrants and Movements across Asia: Mobility, Global Migration Governance, and the European Response

Anita Sengupta \*

*In the continuum between mobility that is totally voluntary and where the choice and will of the migrant is the overwhelmingly decisive element and totally forced migration where the migrant faces death in remaining in his place of residence, there remains a number of intermediate situations. In fact, most movements occur between the two situations.<sup>1</sup>*

What is termed as the current ‘European’ migration crisis is in actuality mostly about ‘Asian’ migrants. The elusive Afghan ‘peace’, manifold levels of conflictual engagements in Syria, the unresolved question of the Rohingya, numerous instances where state borders do not match ethnic boundaries but also the fact that in certain situations short term migration is the only way to ensure basic economic survival has meant that Asians are on the move. This movement does not follow a linear Asia to Europe trajectory by any stretch of the imagination. Migrants mostly tread traditional routes that were once accepted as ‘normal’ but have now become problematic with increasing levels of securitization and the rhetoric that accompanies it. The debate on these movements, however, is clearly oriented towards the lack of mechanisms to deal with ‘ethnic’ issues in various Asian states and the subsequent humanitarian problem it poses which then becomes ‘global’ and requires a coordinated response. This basic premise itself requires both elaboration and rectification at various levels. These complex mixed migratory movements are only partly motivated by domestic conflicts. In any case, these conflicts themselves are more often than not compelled by international pressures, great power politics and an interwoven geopolitical and geo-economic reality. Some, of course, are survivors of the colonial legacy that most Asian states inherited, and others are magnified by the economic interests of the global economy. Much of the movement is also either domestic or regional and many more just cross over the border to merge with co-ethnics thus remaining un-enumerated rather than undertaking a perilous journey across the high seas. There is, therefore, a need to move beyond the rather simplistic assumption that the main division in global migration governance is between the differing interests of states in the global South and the predominantly migrant-receiving states in the global North. In reality, the rhetoric of the ‘European’ migration crisis can only be understood in terms of the fact that migration holds geopolitical significance, not only in how it is constructed and by whom but also in how it is challenged and subverted. How the concept of the ‘migrant’ and the ‘refugee’ is used in different contexts and for a variety of purposes, therefore, opens up multiple questions about mobility, citizenship, and the nation-state.

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Asia extends geographically from the east of the Ural mountain and river across to the offshore islands of Japan and the Asia Pacific (where the ethics of offshore detention centers has resulted in critical debates). While taking note of the fluidity of Asia as a geographical region and its implications for researching forced migration, this paper restricts itself to the regions traditionally defined as South, Southeast, Central and West Asia as regions of emigration and transit but also as the destination for those fleeing conflicts and persecution.<sup>2</sup> It is here that ‘durable solutions’, resettlement, repatriation, and local integration and the ‘right to return’ have been tested with mixed results and response. And it is the supposed paucity of regional, legal and institutional frameworks in these regions that have led to debates on the need for creating frameworks to address the consequences of human movements.<sup>3</sup> But more significantly, it is in these regions of Asia that the framing of population movements as ‘crisis’ can be best questioned through narratives where mobility is seen as a way of life.

While internal migration in Asia has been significant, this paper focuses on translational movements since it is these that the Global Compact seeks to address. By definition, these translational movements involve at least two states and in many cases three or more-as migrants transit through third countries to reach their destination. And in each, concern for maintaining particular national identities, widely shared values and control over political institutions precludes a policy of open entry. As such, there remains the need to look at the impact of migration beyond the narrowly economic or strategic. Migration not only feeds into the nationalist discourses of the sending and receiver states but also becomes a lens through which the relationship between the birthplace and the adoptive home is negotiated by the migrant himself. There is an on-going debate within the European Union about how to deal with this crisis with states divided between those who would seek a solution to the conflicts to end migrant movements and others who are looking for a more equitable way to distribute them across Europe. The European Union today is deeply divided over how to cope with the influx of people from West Asia which is testing the principle of solidarity and making the Union look heartless and ineffective, pitting member states against each other and fuelling populism and anti-Islamic sentiments. As large parts of what is defined as the greater Middle East gets embroiled in conflicts (resulting in human tragedies and movements across borders) and European states like Hungary respond with measures to confront what it terms threats to European ‘security, prosperity, and identity’ and refuse the right to both resettlement and movement, there is a need to re-engage both with the issue of forced migration in Asia as also the reaction of the receiver states in Europe.

### **Mixed Massive and Protracted: The Framing of the Asian Migration Debate**

The framing of the Asian forced migration debate is informed by repeated references to the lack of a formal structure for protection including developed asylum policies, procedures, and process systems and the fact that there seems to be little interest in developing them. A ‘mixed record of protection of human rights’, isolated borders and irregular movements is said to have brought into sharp focus the interconnections between statelessness, the absence of protection and irregular migration in the region.<sup>4</sup> Much of the discourse is about people who have been marginalized and the muted regional response where the right of the migrant is concerned. A principal reason for this is identified in the fact that Asian states in general and South Asian states, in particular, are non-signatories to the 1951 Refugee Convention and its 1967 Protocol thus allowing the denial of legal status, access to courts, welfare system, religious freedom, freedom of movement and identity cards.<sup>5</sup> Since it is ‘Foreigners’ Acts’ that determine the status of the ‘refugee’, the term itself carries with it the connotation of the

'outsider' which in itself is problematic in cases like the Pakistanis in Bangladesh, for instance, who were stranded in the post Partition era. It is also argued that the definition of a 'refugee' in Article 1 of the 1951 Refugee Convention (someone who is 'outside his/her country of nationality' or 'habitual residence', has a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion' and is 'unable or unwilling to avail of the protection of the country or owing to such fear is unable to return to it') does not apply in the South Asian context. In many instances, there is no 'country of nationality' or 'habitual residence' to which they can return thereby generating the question of stateless people who are identified as creating another level of complexity. However, as Paula Banerjee in her chapter on 'Forced Migration in South Asia' argues, all South Asian states are signatories to a number of human rights instruments and states like India have offered refugee status to specific groups of non-citizens including partition refugees, Tibetans, people from Bangladesh, Sri Lanka and Bhutan.<sup>6</sup> She also argues that refugees are neither the only nor the largest group of forced migrants in South Asia. Internally displaced people are equally important in understanding the 'construction, determination and delineation of the region'.<sup>7</sup> In South Asia, the causes of displacement include conflict, controversial developmental projects, ecological hazards and changes in laws such as forest laws.<sup>8</sup>

In South Asia, both the size and the diversity of the region, as well as the multiplicity of local forms that mobility assumes, make its study a formidable task. The literature available is large and a significant portion of it is concerned with small areas or individual communities. There are no significant physical boundaries within South Asia and the ebb and flow of peoples and ideas through trade and conquest was the norm. The common colonial British rule facilitated movements of laborers, soldiers, and traders both within the region as well as to places that were British colonies in other parts of the world. It was the aftermath of the partition that saw the first large irregular migrations and the creation of Bangladesh led to a fresh wave of movements. While significant numbers of the displaced have now been absorbed within host societies or have returned, migration continues to be a political flashpoint with large numbers of displaced populations left outside their 'national' territories like the Afghans in Iran and Pakistan or the Rohingya in Bangladesh. Similarly, migration has its own dynamics in Southeast Asia. While sharing a common colonial history and experiences of migration each of the states also has individual experiences of forced migration that have regional implications. Alistair Cook and Christopher W Freize argue that in mainland Southeast Asia forced migration has mostly been the result of control of the state by elites belonging to particular communities that have forced minority communities to relocate. In maritime Southeast Asia, it has resulted from communal violence and resettlement strategies.<sup>9</sup> Cold War power rivalries also resulted in mass movements like the Indochinese exodus. The continuing tensions are reflected in the inherent strains between intervention and sovereignty and the continuing lack of regard for basic human rights in some states. However, both the South and Southeast Asian regions are also replete with instances of migratory movements like seasonal labor migration that are accepted as 'normal' and question the logic of Asian human movements being identified primarily as a by-product of civil wars. This ignores the fact that population 'flows' traditionally defined movement in the region now identified as stretching from Afghanistan to Central and West Asia. Movements of nomadic pastoralist societies but also movements resulting from trade, pilgrimage and conquest marked the landscape of the region since times immemorial. With colonial redrawing of the political map, these everyday movements were sought to be restricted in a variety of ways.

In the region stretching from the borders of South to Central Asia, sedentarization, the Soviet collectivization campaign, forced deportation of minorities during and after the world wars and the buffer status that Afghanistan had in the 'great game', has traditionally been identified as the

cause of forced migration and displacement. With the disintegration of the Soviet Union and the emergence of new states, a number of issues assumed importance in the interpretation of forced migration and resultant non-citizen status. State building processes across the region left people stateless as they fell outside the definition of citizens (Uzbek brides in Kyrgyzstan)<sup>10</sup>, ethnic conflicts encouraged movements across borders that met with resistance from the host state as upsetting demographic balance (Uzbeks who crossed the border into Kyrgyzstan after 2005)<sup>11</sup>, economic imperatives led to labor migration, in certain cases resentment among displaced peoples encouraged them to join resistance movements in other parts of the globe (Islamic Movement of Uzbekistan joining Islamic State). Most of these movements cannot be comprehended through a statistical approach since these flows escape official census. There is also the trend of the return of the refugee with all the associated institutional issues (the return of Afghan refugees). In certain cases, states have actively encouraged return for a variety of political reasons (the Uzbek government has asked for the return of migrants from Russia) and the reluctance towards return has come from the migrants. In other situations, refugees have become politically significant for states who wish to replace regimes in neighboring states or even transform border demarcations.<sup>12</sup> All of these invite new interpretations in the study of forced migration and refugees globally but more particularly in various regions of Asia.

Arbitrary post-colonial borders also mean that ethnic boundaries are complicated and movements that had once been traditional are now looked upon with suspicion. For instance, the Mazar-e-Sherief area in northern Afghanistan that borders Uzbekistan is mostly inhabited by ethnic Uzbeks. Movements of people across the frontiers, that had till recent times not been clearly demarcated, had been the norm as had relations through marriage. When the Emir of Bukhara had been chased out of his capital, he had fled, along with his entourage, to Afghanistan. In fact, northern Afghanistan was where the Basmachi also fled with the collapse of the Emirate of Bukhara and the Uzbeks in the area are their descendants. However, this does not prevent suspicions about the newer entrants. By the mid-1990s, the Uzbek state had become suspicious of extremist movements across the border and while the government was willing to provide humanitarian assistance to co-ethnics, they were unwilling to allow them entry. The number of Afghans in Uzbekistan, however, increased at a much slower rate than in other neighboring countries like Pakistan and Iran. This was due to a number of factors. Uzbekistan's geographic location, at a distance from the conflict zones in the south and central Afghanistan, was a principle reason. Also until the late 1990s, the northern parts of Afghanistan were largely untroubled and enjoyed relative autonomy from the central administration. After Mazar-e-Sherief was captured, Uzbekistan reinforced its borders and closed its checkpoint at Termez. Refugee flows were also restricted by the state's restrictive policies on refugees. Uzbekistan is not a signatory to the UN Refugee Convention of 1951 or the Protocol of 1967.<sup>13</sup> There is no Law on Refugees in Uzbekistan and the legislation of Uzbekistan does not contain any procedure for obtaining refugee status or asylum. The only reference to the institution of asylum is in the Criminal Code of the Republic of Uzbekistan of 1994 and in the Constitution of Uzbekistan, adopted in 1992. Art. 223 of the Criminal Code notes,

Foreign citizens and stateless persons, who have arrived illegally in Uzbekistan may be exempted from the visa and registration obligations if they have applied for political asylum to the President, as foreseen under the Constitution of the Republic.<sup>14</sup>

However, since the Constitution merely states that “the President of the Republic shall rule on the granting of political asylum”, without stipulating an application procedure, Article 223 of the Criminal Code cannot be invoked, as the Constitution neither foresees a right to apply for asylum

nor indicates a procedure in which to file an application. This lack of refugee legislation along with strict control over foreigners has meant difficult conditions for migrants particularly in the light of the fact that Uzbekistan was itself a struggling and transitional economy. Uzbekistan's refugee and migrant policy have been shaped by security concerns after the bombings in Tashkent in 1999 and the IMU incursions from the South. While to a large extent Uzbekistan has been able to restrict entry, the Kyrgyz borders are more difficult to control and easy to penetrate.

Like in the rest of the region, it is in and around the *Kitaiskii* bazar or Chinese markets that one is most likely to encounter migrants including the Afghan migrants. Chinese goods are ubiquitous across Central Asia. Initially, the traders at these bazaars were locals bringing scarce goods from just across the border to sell. But in recent years, they have been replaced by an influx of Chinese tradesmen who have set up permanent shops and have become a fixture of Central Asian urban life. Like Barakholka and Ya Lian bazaars in Almaty, the Dordoi and Karasuu in Bishkek show the enormous economic outreach of Chinese products in Central Asia. The story is similar in Bishkek's Osh Bazar. It is in these bazaars that Afghans, some married to local women, run their business and shops and others work in businesses owned by the Kyrgyz. A section of Afghans who have lived here for a number of years have obtained Kyrgyz citizenship and incorporated as 'new Kyrgyz'. Some had come as students and remained in Kyrgyzstan. There are also funded and self-financed students at the American University, the OSCE Academy and the Ataturk Alatau University.<sup>15</sup> There are also NGOs and support groups like *Dosti*, which provide them with support.

However, given the fact that a significant section of the Kyrgyz, as also Uzbek and Tajik workforce has to move to Russia or Kazakhstan for work, economic opportunities are restricted and like in the rest of the region, Kyrgyzstan is mostly a transit state for movements towards Canada, Western Europe or the US. As a signatory to the UN Convention on refugees, Kyrgyzstan has been legally bound to provide asylum to refugees. However, since the post 2001 era, there has been apprehension about the resettlement of Afghans in the southern Osh and Jalalabad regions not just because of the possibility of social conflicts due to the density of population and scarcity of land but also because of the apprehension that southern Kyrgyzstan, particularly Batken, has faced owing to extremist incursions which could intensify if members of these organizations crossed over as refugees.<sup>16</sup> There is also an on-going controversy over their status. Several Afghans claimed that they had fled their country because of political and security reasons and as such were refugees, while the UNHCR, the IOM, and Afghan diplomatic sources note that they are economic migrants who are simply seeking better opportunities.<sup>17</sup> In the post-2010 period, following the violent clashes in Osh, southern Kyrgyzstan is no longer a preferred destination for Afghan migrants.

Similarly, statelessness is a significant issue across Asia.<sup>18</sup> While the Rohingya today are identified as a classic example, the Soviet disintegration in 1991 also resulted in large numbers of people with different ethnic backgrounds and holding Soviet documents, discovering that new nationality laws of emerging sovereign states had left them out of the definition of a citizen though in most cases constitutions recognized all people living within its territorial boundaries as citizens. In regions like Central Asia, this was complicated by the fact that the history of borders in the region is problematic and the territories of the five states are closely interwoven with the existence of a number of enclaves. During post-delimitation (1924-36), the borders were left flexible within a broader system where people shared a common Soviet passport, movement and employment remained unrestricted. This, of course, changed in the post-1991 period. In most cases as in the Ferghana Valley where populations were mixed, movements for trade and/or marriages continued unhindered. Since moving across the borders in the valley did not require documentation, old Soviet passports were often not changed to new national ones. From 1999 and particularly since 2005, when

borders (like the Uzbek-Kyrgyz or Uzbek-Tajik) were fenced and visa regimes were introduced, large numbers of people found themselves stateless. Statelessness is not just the result of circumstances (like the border brides of Central Asia), but also the result of events like the Osh riots that left people without documentation. In recent times, citizenship rules have been used in Uzbekistan as a political instrument to punish non-compliance with the establishment and passports have been canceled leaving nationals stranded in third countries. Statelessness, therefore, involves legal issues as well as a narrative and both are equally important.

There is a similar history of movement between, to and from the region that is identified as West Asia today. This history, however, is very different from the complicated humanitarian crisis that has been unfolding in recent years leading to growing numbers of refugees, asylum seekers, and internally displaced persons. This migration has affected the social fabric, security, administrative structures and economies of a number of states in the region and has resulted in a tragic loss of life. A significant number of those displaced are due to civil wars and insurgency in Syria, Libya, Yemen, South Sudan, Iraq, Somalia as well as the continuing Israel-Palestine conflict, though the largest numbers are now from Syria. Here, unprecedented violence, identity-based persecution, and repression have resulted in growing numbers of refugees who are caught in the crossfire between the Islamic State, the Syrian Kurdish army and states reluctant to host them, adding to the conundrum of issues. Refugee protection systems in the neighboring states have also differed significantly. Since it is these multiple framings of the refugee protection systems that the Global Compact seeks to institutionalize, it would be useful to examine the case of Syrian refugees in neighboring Turkey as a representative example of a particular mode of protection that epitomizes not just state policy towards 'guests', but also multiple geopolitical implications both within the region but also in terms of Turkey's relations with the European Union in the background of the growing European uneasiness about population movements across its borders. The following segment will, therefore, go on to argue that the 'whole of society approach' of the Global Compact ignores the variety of protection modes that are offered in Asian states but also the multiple ways in which receiving societies deal with the influx and resultant manifold refugee experiences. And through all of this, there is a tacit understanding that the responsibility of 'protection' lies within the 'region' and certainly should not extend to Europe or the US.

### **The 'Whole of Society Approach' Versus Multiple Modes of Protection: The Intricacies within the Migration Debate in Turkey**

Turkey is a classic example of a state bordering a conflict zone which attempted to deal with repeated waves of refugees partly on humanitarian grounds as 'guests' but also increasingly as a useful political object vis-a-vis its relations with the European Union. Turkey today is host to more than three and a half million Syrian refugees and Turkey's migration identity has shifted from being a country of emigration and transit to becoming a destination for immigrants and people fleeing conflict and therefore requiring an entirely new regime of legislation to deal with people who are identified as 'guests'.<sup>19</sup> Refugees, however, are increasingly being seen as a political liability especially near border towns where Syrians can outnumber locals.<sup>20</sup> A bomb blast in the frontier town of Suruc in July 2015 followed by the attack on a peace rally in Ankara's central train station in October 2015, both of which resulted in significant casualties, and for which the Islamic State was identified as responsible, has heightened concern that Turkey's open door policy for the Syrian migrants has made it easier for militants to enter Turkey.

However, more than security concerns, there remain the problems of integrating a significantly large population with issues like work permit for the migrants remaining largely unresolved despite recent regulations.<sup>21</sup> So the ‘Syrian’ refugee was already identified as problematic and largely tolerated as political leverage vis-a-vis the EU. In any case, the “refugee question” is not one that is simply ruled by the logistics of a state that is unable to deal with the large numbers of ‘guests’. It is today intimately connected with projecting the ‘image’ of a migrant-friendly state, of Turkey’s ambitions to join the European Union, of the EU’s own concerns about refugee influx and the discomfort of international human rights organizations about identifying Turkey as a ‘safe’ state for migrants. It also involves the issue of development of a parallel economy in Turkey supported by a surfeit of available migrant labor population on the one hand and the misgivings about the economic impact of the migrants on the other.<sup>22</sup> The question is further complicated by Turkish ambitions in the neighborhood that first led to aspirations in Syria, followed by hopes of a quick demise of the al-Assad regime and subsequently support for the Syrian opposition. There is also the unexpressed but underlying Turkish-Greek rivalry that is centered on Cyprus but involves a number of other issues like the Aegean and minorities as well. Through all of this, and till very recently, when there have been reports of migrants being fired upon and pushed back by border guards, Turkey kept its borders open for refugees. Camps were constructed along border towns though large numbers who did not enter the legal asylum system also moved on to larger urban areas. However, as the Syrian civil war continued and hopes of a quick return vanished, there began a movement towards Europe, that subsequently becomes a deluge.

The EU uneasiness with this movement towards its borders meant that Turkey was identified as the key to controlling refugee flows into Europe. And in an alleged act of support for the Turkish President and the ruling AKP, it delayed the publication of the critical EU annual report on Turkey until after the November 2015 snap polls. In an analysis following the surprise victory of the AKP in the polls, *Today’s Zaman* columnist Gokhan Bacik commented on this crucial delay and identified the EU as responsible for the growing authoritarianism in Turkey. He also argued that the EU was restricted by ‘strategic concerns’. While apparently contrary to the EU’s stated position on democracy and human rights, it is a fact that the release of the critical EU annual report on Turkey had been delayed by weeks till after the polls. He went on to argue that the key to this apparent contradiction lies not in an implicit approval of ‘stability’ that President Erdogan has been advocating within Turkey but in a parallel global movement of migrants and a European necessity to convert Turkey into a ‘camp state’ much like Liberia in the mid-nineteenth century. This critical role and leverage were reflected in an interview with the CNN on 12 November 2015 when President Erdogan threatened to increase migrant flow to the EU citing its inadequate contributions as a reason. “What would happen if the 2.2 million Syrian refugees all march to Europe,” was the question that he posed in the background of increasing numbers of European states closing their borders.<sup>23</sup> The Turkish payoff came in the form of an immediate 3 billion Euros and an extra 3 billion in the coming years to help the refugees, a broadening of Turkey’s long-stalled EU membership talks to include economic policy and critically for many Turks, more visa-free travel to Europe. In return, the EU expected Turkey to curb transit by Asians seeking to reach Europe.<sup>24</sup>

Seeking asylum in Turkey involves a unique arrangement between the UNHCR, Turkey and the country of resettlement. Turkey does not grant non-European asylum seekers “refugee status” due to a geographical limitation reservation and as a result, non-European asylum seekers cannot stay in Turkey permanently. Instead, they enter a three-step process. As they first enter the country, they are able to register as ‘temporary asylum seekers’. If their asylum application is accepted, they are then allowed to stay temporarily in Turkey as they wait for a third country to offer them permanent

resettlement. During this process, they are placed in a small city or town in Turkey or a camp from which they are not allowed to leave. UNHCR pamphlets say that there is usually a three-year wait for the entire resettlement process, though, in actuality, the process takes longer. What makes the situation precarious during this period is that the aid from NGOs and the UN is generally insufficient for the refugee and his or her family to subsist on. To meet their needs, they need to work. However, until very recently, as 'guests', Syrian refugees were not allowed to work legally as they were not given work permits. In 2016, the Turkish government published new regulations allowing Syrians who have been in the country for more than six months to apply for work permits in the province where they are registered with the provision that they will be paid at least minimum wages.<sup>25</sup> Even with the legislation allowing Syrians work permits, the degree of employer involvement necessary to obtain it and the lack of incentive to do so for unskilled or semi-skilled work has meant that less than 0.1% of Syrians in Turkey stand to gain. Many employers are unaware of or unwilling to give work permits as this will necessitate giving workers minimum wages. More problematically, the law requires an employer to give his employees a contract before they can apply for a permit. But this is an unattractive proposition since Syrians are often employed precisely because they can be easily exploited.<sup>26</sup> Also, as Kamyar Jarahzadeh argues in the course of his study of Afghan refugees in Turkey, increasing 'formal citizenship' through registering as a refugee often does not automatically lead to the acquisition of 'substantive citizenship'. In fact, in most cases, it entails the sacrifice of the freedom that comes with remaining undocumented since as a temporary asylum seeker in Turkey, he agrees to stay in the city to which he is assigned. As such they consider it a more attractive option to apply for asylum status once they reach Europe.<sup>27</sup>

Most make the precarious crossing across the Aegean to Greece, to begin with, and then wait for entry to other European states. The assumption is that entry into a Schengen state will automatically facilitate movement to their desired destination in Europe. Unfortunately, this has not happened in practice and Hungary's reaction is an example. Hungary, situated in Central Europe and a Schengen passport-free zone, has in recent times been seen as a gateway by migrants bound for other parts of Europe. Unfortunately for the migrants, Hungary's negative reaction has been matched by comments made by its Conservative Prime Minister Victor Orban, who has clearly indicated that Hungary identifies the Muslim migrants as a threat to Europe's Christian heritage. Orban has accused Germany of encouraging the influx and rejected the European Commission's proposal for mandatory quotas to distribute the migrants throughout the EU. This is probably reflective of the fact that there has always been a 'civilizational' image to the European Union that requires recognition of a system of values shared by all members. It was this, for instance, more than any other administrative requirement that prevented Turkey's entry into the European Union since there is a widespread opinion that Turkey as a 'Muslim' country has a different set of traditions and values and a different mentality. It is this lack of 'civilizational' commonality that has made the largely Muslim migrants unwelcome, not just by the Hungarian state but also large numbers of its people. There has also been opposition to the 'country of first asylum principle'. This means that if refugees do not get protection in the first country of asylum and went on to other neighboring countries, they could be sent back to the first country of asylum. The UNHCR officials argue that this only leads to "asylum shopping" i.e. refugees going from one country to another in search of protection.

There is an ongoing debate within the European Union about how to deal with the crisis with states divided between those who would seek a solution to the conflicts to end migrant movements and others who are looking for a more equitable way to distribute them across Europe. The Pope himself called on every European parish and religious community to take in one migrant family each as a gesture of solidarity and declared that he would start it in the Vatican. During a visit

to Greece, he took back with him three families, a total of ten persons, who were chosen by drawing lots, back with him. While essentially symbolic, it also indicated the Church's support for the refugees remains significant. However, this, as well as debates in Canada and Australia, would then revolve around whether this resettlement would be without discrimination based on religion. The extent of this divide became evident when Germany's Labour and Social Affairs Minister pointed out that the migrant crisis could impact upon the 'idea of Europe'. Of course, the history of the 'idea of Europe' remains contested and there are ongoing debates about what people thought Europe meant as a set of values and therefore its relative place as a civilization. Although there are elements of continuity, these views have also evolved through the centuries.<sup>28</sup> In recent times, the 'idea of Europe' has been closely associated with the question of migration.

Without question, migration has become an issue central to the future of Europe..... The EU integration process has put the international mobility of persons--- the free movement of workers at the heart of the economic dynamic. The problem of growing asylum seeking and a decline in the receptiveness of member states to the obligations of post-war international refugee law remain high on the political agenda. <sup>29</sup>

In more recent times a 'civilizational' concept seems to have evolved with the development of the idea of a borderless space. It is therefore ironic that states that had once argued for removing border fences and walls are, in the face of migrant flows, now busy constructing them. It is also significant to remember that traditionally, even within West European states themselves, there was a difference between the guest-worker and the post-colonial-based immigration regimes. In a guest worker regime such as Germany, at one point, the state actively encouraged immigrants into the country. In a post-colonial regime like Britain, immigration was never actively solicited, but according to Christian Joppke, passively tolerated for the maintenance of the empire. He goes on to argue that differently developed moral obligations towards immigrants in different regimes help explain variations in European states' reaction to migrants.<sup>30</sup> There are a number of reasons why migration into Europe remains a problem with few solutions. The first remains the fact that the political chaos in the Middle East shows little signs of abating while there remains a significant gap between the income levels in Europe and parts of Asia, sub-Saharan Africa, and the Middle East. Labor migration will, therefore, persist in the near future. Secondly, Europe's history has been one of immigration and in any case, sluggish growth in parts of southern Europe makes the possibility of jobs for the migrant low. And finally, the migrant situation also creates xenophobic conditions and right-wing reactions encouraging a spectrum of anti-immigration policies.<sup>31</sup> In fact, when EU leaders met in 2003 to draft a European Union Constitution, the weak cooperation on immigration was brought into focus. The Convention on the Future of Europe considered extending Brussels' control over immigration. However, harmonization of the new EU policy was not just opposed by Euro-skeptics, but also Germany who insisted on a 'national veto' on the numbers of immigrants admitted.<sup>32</sup> This has prompted analysts to argue that EU and member state migration policies converge in one direction: towards effective restrictions and exclusion of further non-European migrants. Favell and Hansen go on to argue that beyond hostility to the sudden arrival of visible minorities, this is also conditioned by the fact that asylum channels distort the ability of the market to select the most appropriate workers for low-level economic opportunities that exist.<sup>33</sup> They go on to argue that it is this control of migration processes by the market rather than European attitudes and policies on migration that is determining migration policies.

A central issue facing the European Union, therefore, remains the fact that there is no cohesive policy on how to deal with asylum seekers. The lack of a common system has also been

compounded by the principle that refugees may apply for asylum only in the country where they land. This places the burden of refugees on Greece, Italy and to an extent on Spain. But many migrants wish to travel further north to Germany or Scandinavian countries where they have better prospects. This has encouraged the Italian Prime Minister to threaten to issue Schengen visas to them so that they can go wherever they want in Europe. Josef Janning, a senior policy fellow at the European Council on Foreign Relations argues that EU states will first have to agree on a standard definition of who is eligible for political asylum and then streamline the process for all member states.<sup>34</sup> He argues that since there is no common definition, too many individuals are being entered into the asylum process which means that many who require it are actually getting stuck in the pipeline. He goes on to argue that a single market and a common space also imply a common understanding of how to deal with individuals entering the country. The solution is seen in terms of a common continent-wide asylum policy on the one hand, and on the other, a migration policy that acknowledges these flows rather than resisting them.

Respect for human rights and freedom of expression lies at the heart of what the European Union projects as its 'image'. It is being argued that a deal with Turkey would affect its image as a normative power. The deal also violates the EU's own legislation. Under the Asylum Procedures Directive, Turkey has to be recognized either as a safe third country where Syrians could have applied for protection or the first country of the asylum where they had protection. In either case, the bare minimum requirement is that the applicant is recognized as a refugee who benefits from the principle of non-refoulement (non-return to an unsafe country). Since Turkey maintains a geographical limitation for non-European asylum seekers and Syrians can only be recognized as temporary asylum seekers with no access to refugee protection, this basic requirement is not fulfilled. In an interesting reversal of the apprehension about the migrants' ability to transform this 'idea of Europe', it now seems that the man designated to keep them out of Europe has brought this into question. Europe seems to have arrived at the post Schengen era in more ways than one.<sup>35</sup>

Beyond the humanitarian aspects of the crisis is the reality that these massive population shifts are altering the political, economic, social and cultural trajectories of individual states but also the region as a whole. The crisis has generated a new group of impoverished citizens placing the entire region at the risk of radicalization. This security aspect has led to the reluctance of the Gulf States to host large numbers of refugees which in its turn has meant that for those fleeing the war choices are limited. States like Lebanon and Jordan are now hosting to large numbers of refugees. The sheer scale of the crisis means that Lebanon, a country with a native population of less than five million, now has over one million Syrian refugees. Similarly, Jordan, a country with a population of less than seven million, is hosting over six hundred thousand refugees in addition to eight hundred thousand who already lived there before the crisis. These were countries that were already economically strapped before the crisis and the humanitarian assistance that they are receiving now remains insufficient. While on the one hand, this leads to conflict for employment and resources between the locals and the migrants, on the other, it is leading to onward movements from transit countries.

The continuing migrant issue which has gripped public imagination is today a game changer, not just for the states in the region, but also for large parts of Europe as also Canada. It has also become the winning card for securing electoral capital. Strategically capitalizing on this discourse is a number of leaders who have been on the receiving end of electoral ire, like the Turkish President Recep Tayyip Erdogan. It was the image of a woman in a red dress being liberally sprayed with gas as she attempted to cross the Gezi Park that went viral during the days of the Gezi Park protests, and was identified as the turning point in the support for the AKP (Justice and Development Party) and

the beginning of the end for the majority it had enjoyed for over a decade. The subsequent loss of majority in Parliament bringing into question President Erdogan's dreams of a Presidential system could well have been reversed by the other tragic image of a toddler in a red shirt. Erdogan's support for the migrants and criticism of the EU policy along with demands that EU states now take responsibility for the migrants seems to have struck a chord not just internationally but also within his own country where after a significant time his actions seem to meet with approval. In any case the fact that President Erdogan has demanded EU membership and visa-free travel for Turks in Europe in return for stopping the influx of refugees from his country to Europe and readmitting those who had entered Europe from Turkey is a significant pointer to the fact that the migrant issue will become a game changer in more than one way.

### **'We want to go to a Peaceful Place': Migration Governance in the Era of the Global Compact**

"We want to go to a peaceful place....."  
Sahira, a Yazidi in a camp in southeast Turkey.<sup>36</sup>

The assumption that the 'cost' association with migration is that of the state alone is a misnomer and it is this that then leads to a search for global migration governance with the assumption that it is stated which through international cooperation can maximize the benefits and minimize the costs associated with migration. In response to this, a manifesto on humane mobility underlines that a 'reimagining of migration' is required to take note of the fact that it is people on the move who are required to be at the center of the migration debate and the decision-making process, not the exclusionary sovereign rights of states. The need of the hour is to develop more inclusive and creative ways of dealing with human mobility that takes note of individuals, communities, and organizations that live and work in the 'spaces of displacement'. It goes on to underline that here; individual narratives assume relevance as reductionist categories -limits the understanding of complex migration journeys.<sup>37</sup>This concluding segment, therefore, begins by looking at two studies based on South East Asia that focus not just on 'refugees' but on the 'at-risk' populations that are likely to undertake risky journeys to point to the complex ground realities and precarious existence of migrants that global governance would need to take note of.

Meghna Guhathakurta in her analysis of the discussions that surround protection strategies for the Rohingya in refugee camps in Bangladesh argues that there is a continuing debate between international requirements and national interest on the one hand and between the ideas of 'charity' and 'service' on the other. From this, she constructs a sense of the extent to which the Rohingya themselves consider themselves to be protected against the structural violence embedded in the national and local narratives given the protracted nature of their stay. She focuses on a number of initiatives including *Kajoli* that led to empowerment among the most underprivileged among them. However, despite this, exit strategies are being sought by large numbers of the Rohingya who do not benefit from these efforts as they reside outside officially recognized camps. Most avails of trafficking agents who offer jobs in Malaysia/Indonesia and most such attempts end in disaster as they encounter insecure and violent borderland spaces where 'institutions, policies, and practices are inimical to their existence'.<sup>38</sup> She goes on to argue that these instances prove that prevention of risky behavior will only be partially successful without the more significant one of development of skills that would empower them to take control of their own destinies and in the long run allow them to 'transform themselves from non-citizens to proactive citizens who can demand the protection of the

state they inhabit".<sup>39</sup> While this would work for documented immigrants who have the protection of the international humanitarian regimes and national governments, it still leaves unresolved the case of undocumented refugees who live a more precarious existence. In such situations, she argues, it is democratic structures reflecting peoples' voices that can reach out to non-citizens and employ international standards of humanitarianism within a national context.<sup>40</sup> Developing a better understanding of the population composition of people on the move including age, sex, nationality would better facilitate the capacity to meet their needs. Marie McAuliffe in her study of South East Asian migrants, therefore, argues for the need of demographic analysis and modeling of populations who have undertaken migration as well as the people who are likely to undertake high-risk migration journeys. These include populations that McAuliffe identifies as straddling the forced-irregular migration nexus.<sup>41</sup> Greater quantitative data would offer perspectives on factors and processes that underline complex transnational settings in which these movements occur. She argues that the identification of communities and groups at risk in countries of origin, on smuggling networks and on how potential migrants' assess and re-assess their chances of movement would allow the development of enhanced policy responses.

Both the studies also underline that irregular migration involves facilitators at various levels. Migrant smuggling networks, for instance, involve a complex arrangement of facilitators who move people across borders. Data on migrant smuggling mostly remains under-reported based either on the few interceptions that happen at borders or in narratives about migrant lives that have been collected through ethnographic studies. Also, when irregular migrants are intercepted at the borders there is little information about whether their movement was supported by facilitators. In most situations, the facilitators form a network of people who support the entire process from illegal entry to extended stays and provision of accommodation and employment and can include officials. In any case, most of the focus of state and non-state actor remains on trafficking of persons and little attention is paid to identifying linkages that facilitate the process of migrant smuggling. Collection of reliable data about migrant smuggling is also challenged by the fact that the migrant himself is an accomplice and neither the migrant nor the smuggler wishes to be detected. The multiple networks and complicated routes, along which this movement happens, also prove to be a hindrance. Salt and Stein argue that while migrant smuggling, like trafficking, is a profit-driven business, it carries with itself the assumption that there is a commercial relationship between the smuggler and the victim and that the crime is against the state. This is what distinguishes it from trafficking.<sup>42</sup> However, the differences that apply to trafficking and migrant smuggling may not apply in all cases. The initial consent of the migrant may change as what often begins as a process of migrant smuggling may result in forced labor often with low or no pay. All of these require multiple responses that take note of realities on the ground.<sup>43</sup>

Refugee protection systems would also have to take note of the many different ways in which refugees project themselves. Alessandro Monsutti and Bayram Balci provide a classic example, that of Afghans in Pakistan during the 1980s.<sup>44</sup> To the international refugee regime, they remained people in need of protection and sought food, health, and educational facilities. In a second, they portrayed themselves as having repeated the *hejrat* and migrated from a land ruled by impious rulers to move to Muslim lands and were therefore entitled to be called *mohajir*. The *mohajir* designates a proactive people ready to face all dangers for their faith and not victims in need of international protection. The third is based on the Pashtun tribal code. Here they projected themselves as armed people struggling against a more powerful enemy and taking temporary refuge with fellow tribesmen on the other side of an international border that is not taken to be a social or cultural boundary. So, the status of a refugee may coexist with other labels that they themselves proactively generate. As

such, one needs to take note of not only the Eurocentric character of the international migration regime but also the fact that definitional issues obstruct the seamless translation of categories from one part of the globe to another. And this, in turn, has an impact on 'protection' modes that are applicable in varied circumstances.

Most commentaries on global migration governance, however, continue to argue that,

Fragmentation has characterized the evolution of global migration governance over the past decades. This fragmentation has had both positive and negative implications for cooperation. Sometimes it has allowed 'coalitions of the willing' to build consensus to engage in agenda setting before bringing work into the UN system. At other times it has offered opportunities for states to bypass pre-existing multilateral mechanisms. The Global Compact process presents an opportunity to reconcile these disjointed developments.<sup>45</sup>

Such arguments are problematic at various levels. There is an implicit idea that migration is a 'crisis' that requires 'coalitions of the willing' rather than the age-old phenomenon that it actually is. This leads to the argument that once a global governance system is in place, the 'crisis' will be resolved. Such assumptions ignore that within the European Union, even with a common refugee and asylum law, questions of interpretation remain with states and that despite legal instruments, protection levels vary even though most states are signatories to common refugee and human rights instruments. Roland Blank argues that UNHCR studies have revealed important discrepancies in the transposition but most relevantly in the application of secondary EU legislation partly due to piecemeal approaches to EU law and also because some of them leave significant discretion to member states through optional clauses. As a result, chances of protection are largely determined by which country is processing the claim. Frequently, responsibility is determined by the point of first illegal entry into the EU turning what Blank calls the 'travel route of asylum seekers into a lottery for their chances of positive decision'.<sup>46</sup> While most European states are members of the Council of Europe and its human rights instruments, Europe's record regarding forced migration has been mixed. Therefore, Blank argues that the process of harmonization is yet to be complete and that there is also the need to underline that refugee rights need to be seen as inalienable human rights, not 'humanitarian aid' that should be humbly received.<sup>47</sup> Reintegration and resettlement after situations of mass displacement are generally long-term, multi-faceted and complex processes. Whether it is acceptance in a new society as refugees, migrants, and guest workers, or returning home to post-conflict situations, each scenario involves both specific physical challenges and difficult encounters with broader political communities. The systemic denial of access to rights or their selective attribution calls for a re-evaluation that links forced migration, labor studies, citizenship and rights debates rather than isolating the refugee experience.

The inconsistencies in the protection systems in place and the ones that are now being envisaged is evident in the lines quoted below which on the one hand, recognizes the unwillingness of the West to accept refugees and on the other, lauds the emerging Global Compact for reiterating that the protection of refugees is a global responsibility.

Protecting civilians fleeing persecution and generalized violence is a well-established responsibility under international refugee law. At a time when the West is taking in relatively fewer asylum-seekers, it is important that Turkey maintain its open-door policy towards Syrians refugees. Turkey's generosity is widely recognized, and it should be possible to leverage that goodwill to advance burden-sharing with other countries. The nearly finalized Global Compact on Refugees reiterates that the protection of refugees is a globally-shared responsibility.<sup>48</sup>

While the above lines specifically refer to the question of Syrian refugees and underline that as the neighboring state Turkey should maintain an open door policy, there is a general agreement underlying global migration governance today that the responsibility for refugees is that of the 'region' alone and the ideal solution should be to restrict them within the region. The Global Compact argues for sharing of 'assistance' but not 'protection' which should be central to any humanitarian response. Speaking in the context of the Rohingya in Bangladesh Shamsul Bari points to this when he argues,

Real capacity for a humanitarian response would entail looking at both protection and assistance. In the current discourse, one is looking only at assistance. Protection is a political concept that steers one towards a durable solution whereas assistance is merely functional and hence temporary. 'Fortress Europe' meant that no refugees or asylum seekers would enter Europe. Rather regional solutions to refugee problems were sought where people fleeing persecution would take shelter in neighboring states and the whole world would act as saviors by helping them. In that way, Europe would be saved from refugees without worrying about durable solutions.<sup>49</sup>

It is the resolution of such contradictions and a clear understanding that asylum should be a universal principle and not a xenophobic reaction that will define how successful 'protection' systems will be at the local, national and international levels and therefore the success of any attempt at creating a global system of protection.

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## Notes

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<sup>1</sup>Graeme Hugo, Mohammad Jalal Abbasi-Shavazi and Ellen Percy Kraly (eds) *Demography of Refugee and Forced Migration*, Chapter 1 'Advancing the Demography of Forced Migration and Refugees', *International Studies in Population*, Springer, 2018, p 4.

<sup>2</sup>According to UNHCR figures for 2013, there are 2,589, 230 refugees in West Asia, 4810 in Central Asia, 255,570 refugees in South Asia, 206,860 in Southeast Asia and 344, 410 in East Asia and the Pacific. Among the ten major source countries for refugees globally five are in Asia; Afghanistan, Syria, Iraq, Myanmar and Vietnam. And the ten top refugee hosting countries include six Asian states, Pakistan, Iran, Jordan, Turkey, China and Lebanon. This region also has the world's most protracted refugee situation, that of the Afghans in Iran and Pakistan. From, Elaine Lynn-Eo Ho, Laura Madokaro and Glen Peterson, *Refugees, Displacement and Forced Migration in Asia: Charting An Inclusive Research Agenda*, Asia Research institute Working Paper Series no 236, National Institute of Singapore, April 2015, p3.

<sup>3</sup>This of course, ignores non-institutionalised 'regional' initiatives like the fact that that founding ASEAN states like Indonesia, Malaysia, Philippines, Singapore and Thailand served as asylum countries for more than half a million Indo-Chinese refugees since the late 1970's and that Iran and Pakistan have hosted six million Afghan refugees since the beginning of the conflict in Afghanistan. It also overlooks the presence of multiples regimes and modes of protection in Asia and how these have interacted with the international refugee regime. For details of the debate see Elaine Lynn-Eo Ho, Laura Madokaro and Glen Peterson, *Refugees, Displacement and Forced Migration in Asia: Charting An Inclusive Research Agenda*, Asia Research Institute Working Paper Series no 236, National Institute of Singapore, April 2015.

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<sup>4</sup>See for instance Marie McAuliffe who underlines this in the Southeast Asian scenario in, “Protection Elsewhere, Resilience Here: Introduction to the Special Issue on Statelessness, Irregularity, and Protection in Southeast Asia”, *Journal of Immigrant and Refugee Studies*, Vol 15 (3), 2017, p 277.

<sup>5</sup> A representative example is a recent book by Navine Murshid, *The Politics of Refugees in South Asia: Identity, Resistance, Manipulation*, Routledge, 2014, pp4-8.

<sup>6</sup> Paula Banerjee, “Forced Migration in South Asia”, in Elena Fiddian Qasmiyeh, Gil Loescher, Katy Long and Nando Sigona (eds) *The Oxford Handbook of Refugee and Forced Migration Studies*, Oxford University Press, 2014.

<sup>7</sup> Paula Banerjee, “Forced Migration in South Asia”.

<sup>8</sup> For details see Paula Banerjee, “Forced Migration in South Asia”.

<sup>9</sup> For a detailed study of experiences of forced migration in each of the Southeast Asian state see Alistair D.B. Cook and Christopher W Freize, “Forced Migration and Terrorism: Southeast Asian Human Security Challenges”, in Alistair D B Cook (ed) *Culture Religion and Identity in Southeast Asia*, Cambridge Scholars Publishing: Newcastle, 2007, pp 27-47.

<sup>10</sup> It was common practice for Uzbek women to be married to Uzbek men who lived across the border in Kyrgyzstan particularly in the Ferghana Valley. During the Soviet period most did not register with the Uzbek embassy in Bishkek. As a result in the post disintegration period they were left without valid documentation from either state, making them stateless. See Uzbekistan and Kyrgyzstan: Stateless ‘Border Brides’ Caught in Between, *Eurasianet.org* (17 February 2012). Available from: <http://dev.eurasianet.org/node/65019>.

<sup>11</sup> As an aftermath of the Andijan events in 2005 many Uzbeks fled across the border to Kyrgyzstan. However, they were encouraged to move back to Uzbekistan as the Uzbek/Kyrgyz border already has a significant Uzbek population and there was apprehension that further additions would change the demography in favour of Uzbeks.

<sup>12</sup> Turkish government is asking for a buffer zone between Turkey and Syria to restrict the movement of Syrian refugees into Turkey.

<sup>13</sup> However in 1999 the President signed the Charter for European Security paragraph 22 of which contains a commitment by signatory states to respect the right of asylum seekers and ensure protection of refugees as set out by the 1951 Convention and the 1967 Protocol. This is a purely political commitment and does not constitute a legally binding commitment. Uzbekistan is a signatory to the Minsk Agreements on the free movement of citizens within the CIS however this is restricted to a 45 day stay and has limited scope in Tajikistan, Kyrgyzstan and Turkmenistan.

<sup>14</sup> Background Information on the Situation in the Republic of Uzbekistan in the Context of the Return of Asylum Seekers, UNHCR document, [www.refworld.org/pdfid/3f6861782.pdf](http://www.refworld.org/pdfid/3f6861782.pdf), accessed on 25/11/15

<sup>15</sup> S Reza Kazemi, “Afghans in Kyrgyzstan: Fleeing Home and facing new Uncertainty”, Afghanistan Analysts Network, 9 December 2012, <https://www.afghanistan-analysts.org/afghans-in-kyrgyzstan-fleeing-home-and-facing-new-uncertainty>.

<sup>16</sup> Gulzina Karim kyzy, “Afghan Refugees: Another headache for Kyrgyzstan?”, *Central Asia Caucasus Institute Analyst*, 11/07/2001.

<sup>17</sup> Kazemi, “Afghans in Kyrgyzstan: Fleeing Home and facing new Uncertainty”.

<sup>18</sup> Globally there are between 12-15 million people who are stateless. This gap in estimation is not only because of a lack of systematic attention to collecting reliable statistics but also a lack of consensus on whom to include when counting stateless people. The UN in 1948 recognized right to nationality as well as right to change nationality but does not define how this responsibility for granting citizenship should fall on a particular state. In 1954 the United Nations adopted the Convention relating to the Status of Stateless Persons, which provides a framework for protection of stateless persons. Seven years later, the 1961 Convention on the Reduction of Statelessness was adopted, which contains provisions to prevent and reduce statelessness. In contrast to the 1961 Convention which focuses on reducing statelessness the 1954 Convention was devoted to protecting stateless people. In addition there are other provisions like the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Nationality of Married Women that seek to protect

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against statelessness. The Right not to be stateless or the Right to a Nationality is recognized as a Fundamental Human Right. The human right not to be stateless or the right to nationality is important because many states only allow their own nationals to exercise civil, political economic and social rights within their territories. Statelessness means that the individual lacks state protection and faces numerous difficulties in everyday life--- in movement, employment, access to health care, schooling and is liable to arbitrary treatment and crime. He has no access to protection in the international system because only states are subjects of international law. A stateless person also has no access to protection in the international system because only states are subjects of international law. Without identity papers a stateless person also finds it difficult to obtain political asylum. Stateless persons are also denied the right to leave and enter one's own country. For a person to be stateless it is not relevant how the person came to be without a nationality or whether there is a possibility for the person to acquire nationality. It is also not relevant where he or she is located---it can occur in both migration and non- migration contexts. A stateless person may never have crossed an international border having lived in the same country his entire life. A stateless person can also be a refugee if in addition to not being considered to be a nationality of any state, he also meets the definition of Article 1 of the 1951 Refugee Convention (having fled their country due to fear of persecution) Generally stateless refugees are identified and treated as refugees so that in the UNHCR's definition of statelessness only non-refugee stateless populations are counted.

The first step towards addressing statelessness is to identify stateless populations, determine how they became stateless and understand how the legal, institutional and policy frameworks relate to those causes and offer possible solutions. The best means of addressing statelessness is to prevent it from occurring. States are the principal actors responsible for the prevention of statelessness because they are responsible for determining how nationality can be acquired, changed and lost. Human rights treaties contain a number of safeguards but the most comprehensive set of standards in this domain is contained in the 1961 Convention on the Reduction of Statelessness. The Convention establishes, for example, that children should acquire the nationality of the State in which they are born if they would otherwise be stateless, that individuals cannot renounce their nationality without having acquired another and that they cannot be deprived of nationality on discriminatory grounds. The Convention on Stateless Persons asks for the right of free movement and residence for stateless people and asks contracting states to provide identity papers and travel documents. Contracting states are also not allowed to expel stateless persons except on grounds of national security. Contracting states are however allowed to make reservations to specific provisions.

<sup>19</sup>Rebecca Kilberg, "Turkey's Evolving Migration Identity", *Migration Policy Institute*, July 24, 2015, [www.migrationpolicy.org/article/turkeys-evolving-migration-identity](http://www.migrationpolicy.org/article/turkeys-evolving-migration-identity).

<sup>20</sup> For a detailed study see Sonar Cagaptay, *The Impact of Syria's Refugees on Southern Turkey*, The Washington Institute for Near East Policy, *Policy Focus* 130, July 2014 where she argues that refugees now represent a significant percentage of the population in provinces like Hatay, Kilis, Gaziantep, Sanliurfa and Mardin are altering their ethnic and sectarian balance. In provinces like Hatay where the population is mostly Alevi the situation is further complicated by their traditional dislike of the AKP and its policies in Syria and support for the Syrian regime.

<sup>21</sup> For details see Ahmet Icduygu, "Syrian Refugees in Turkey: The Long Road Ahead", *Migration Policy Institute*, April 2015, [www.Migrationpolicy.org/research/Syrian-refugees-turkey-long-road-ahead](http://www.Migrationpolicy.org/research/Syrian-refugees-turkey-long-road-ahead).

<sup>22</sup> See for instance, *Effects of Syrian Refugees on Turkey*, ORSAM Report, No 195, January 2015, which argues • If the effect of the Syrian refugees on the Turkish economy is examined in detail, it is apparent that risks and opportunities are closely intertwined. • There has been an increase in rental prices and, as a result, it is often difficult to find affordable rentals. • There has been an increase in inflation in border cities. • Hiring illegal workers is spreading, especially among small businesses. • There is unfair competition between businesses that hire illegal workers and companies that do not employ illegal workers. • Locals believe that job opportunities have been taken away from them. However, when investigated, the effect is not existent. People who might lose their jobs under normal circumstances believe that they have lost their jobs because of Syrian refugee workers. In reality, Syrians are generally employed in areas that locals are not willing to work in. Thus, Syrians meet the demand in unskilled labor. • Syrians filling a demand for labor creates a suitable environment for

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investment. • There has been an important decrease in wages in areas with Syrian refugees. • The fact that humanitarian aid material distributed to the Syrians in Turkey and Syria are supplied from local Turkish firms creates an opportunity for many of them, especially those involved in the food and textile industries. • Investors and merchants have moved operations from Syria, especially from Aleppo, to Turkey. Mersin's harbour and sea access make it a top choice for Syrians. Another city attractive to the Syrian investors is Gaziantep. • The number of Syrian companies registered with the Gaziantep Chamber of Commerce was 60 before the Syrian crisis. By the end of October 2014, the number rose to 209. • It has been suggested that a large business opportunity has been lost in channelling Syrian investments to Turkey. • Syrian investors and merchant who have good relations with the Middle East contribute to the commerce and investments in the region. • Syrians contribute to production related to the smaller businesses (bakery, shoemaking etc.). However, since most of these small shops are unregistered and they also escape legal responsibilities, they result in losses in tax revenues. Both situations cause unfair competition

<sup>23</sup> "Erdogan: What will happen if 2.2 million Syrian refugees walk to Europe", *Today's Zaman*, November 13, 2015.

<sup>24</sup> See for instance, Laurence Norman and Emre Peker "European Union Reaches Deal with Turkey on Migration", *The Wall Street Journal*, Nov 29, 2015.

<sup>25</sup> "High Commissioner welcomes Turkish work permits for Syrian refugees", UNHCR News Stories, 18 January 2016.

<sup>26</sup> Patrick Kingsley, "Fewer than 0.1% of Syrians in Turkey in line for work permits", *The Guardian*, Monday 11 April 2016.

<sup>27</sup> Kamyar Jarahzadeh, "Identity at the Fringes of Citizenship: Experiences of Afghan Refugees in Turkey", *Berkeley Undergraduate Journal* 26(3), 2013.

<sup>28</sup> Michael Wintle, "The History of the Idea of Europe", *Perspectives on Europe*, Vol 43, Issue 1, Spring 2013.

<sup>29</sup> Adrian Favell and Randall Hansen, "Markets against Politics: Migration, EU enlargement and the Idea of Europe", *Journal of Ethnic and Migration Studies*, Vol 28, No 4, 2002, pp 581-601

<sup>30</sup> Christian Joppke, "Why Liberal States Accept Unwanted Immigration", *World Politics*, Vol 50, No 2, 1998.

<sup>31</sup> Branko Milanovic, "Five Reasons Why Migration Into Europe Is a Problem With No Solution", *Social Europe*, 24 June 2015.

<sup>32</sup> Adam Luedtke, "European Integration, Public Opinion and the Immigration Policy: Testing the Impact of National Identity", *European Union Politics*, Vol 6, No 1, 2005.

<sup>33</sup> Favell and Randall Hansen, "Markets against Politics: Migration, EU enlargement and the Idea of Europe".

<sup>34</sup> "Migrant Crisis Creates Test for the Idea of a Borderless Europe", CNBC, 3 September 2015.

<sup>35</sup> For a detailed discussion see, Ranabir Samaddar, "Human Migration as Crisis of Europe", *Economic and Political Weekly*, Vol L, No 51, December 19, 2015.

<sup>36</sup>From Ayla Jean Yackley, "Four Years After Genocide thousands of Yazidis languish in Turkey", [https://www.al-monitor.com/pulse/originals/2018/08/turkey-iraq-sinjar-thousands-of-yazidis-languish-in-camps.html?utm\\_campaign=20180817&utm\\_source=sailthru&utm\\_medium=email&utm\\_term=Daily%20Newsletter](https://www.al-monitor.com/pulse/originals/2018/08/turkey-iraq-sinjar-thousands-of-yazidis-languish-in-camps.html?utm_campaign=20180817&utm_source=sailthru&utm_medium=email&utm_term=Daily%20Newsletter), August 17, 2018. Sahira is a survivor of the Islamic State's attack on the Iraqi Yazidi community who had taken shelter in southeast Turkey in 2014. They continue to live here eight months after the Iraqi government's declaration of victory over the Islamic State as they are too terrified to go home. Remaining in Turkey is not an option, neither is returning home, so they their lives remain in limbo as they wait for asylum in Europe, where according to Sahira, their religion their religion is not a problem. One of her brothers moved to Germany crossing the Aegean Sea to Greece, a route that Turkey has now sealed. For the UNHCR the Yazidis are not a problem since it is assumed that the Islamic State has been defeated. Worldwide the Yazidis number less than a million and are now scattered away from their traditional homelands in the Middle East. With this severance Sahira knows that her ancient faith is doomed.

<sup>37</sup> See <https://humanemobility.wordpress.com/manifesto/>

<sup>38</sup> Meghna Guhathakurta, "Understanding Violence, Strategizing Protection: Perspectives from Rohingya Refugees in Bangladesh", *Asian Journal of Social Science*, 45, 2017, p 660.

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- <sup>39</sup> Guhathakurta, “Understanding Violence, Strategizing Protection: Perspectives from Rohingya Refugees in Bangladesh”, p 660
- <sup>40</sup> See the discussion on SVZV Women Without Residence Permit Support Group of Netherlands in Guhathakurta, “Understanding Violence, Strategizing Protection: Perspectives from Rohingya Refugees in Bangladesh”, pp 660-61
- <sup>41</sup> Marie McAuliffe, “The Nexus Between Forced and Irregular Migration: Insights from Demography”, in Graeme Hugo, Mohammad Jalal Abbasi-Shavazi and Ellen Percy Kraly (eds) *Demography of Refugee and Forced Migration, International Studies in Population*, Springer, 2018, pp 217-234.
- <sup>42</sup> J Salt, J. and J. Stein, ‘Migration as business: The case of trafficking’, *International Migration Review*, 35 (4), 1997.
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- <sup>44</sup> Alessandro Monsutti and Bayram Balci, “Forced Migration in Broader Central Asia”, in Elena Fiddian Qasmiyeh, Gil Loescher, Katy Long and Nando Sigona (eds) *The Oxford Handbook of Refugee and Forced Migration Studies*, Oxford University Press, 2014.
- <sup>45</sup> Alexander Betts and Lena Keinz, “The History of Global Migration Governance”, Working Paper no 122, Refugee Studies Centre, Oxford Department of International Development, University of Oxford, July 2017, p 12.
- <sup>46</sup> Roland Blank, “Forced Migration in Europe”, in Elena Fiddian Qasmiyeh, Gil Loescher, Katy Long and Nando Sigona (eds) *The Oxford Handbook of Refugee and Forced Migration Studies*, Oxford University Press, 2014.
- <sup>47</sup> Paula Banerjee, “Forced Migration in South Asia”.
- <sup>48</sup> Kemal Kirisci, “The Idlib Offensive Could Create A Major Refugee Outflow ---What Should Turkey Do?” [https://www.brookings.edu/blog/order-from-chaos/2018/09/06/the-idlib-offensive-could-create-a-major-refugee-outflow-what-should-turkey-do/?utm\\_campaign=Brookings%20Brief&utm\\_source=hs\\_email&utm\\_medium=email&utm\\_content=65742727](https://www.brookings.edu/blog/order-from-chaos/2018/09/06/the-idlib-offensive-could-create-a-major-refugee-outflow-what-should-turkey-do/?utm_campaign=Brookings%20Brief&utm_source=hs_email&utm_medium=email&utm_content=65742727), ^ September 2018.
- <sup>49</sup> Unpublished interview in Dhaka, 2 April 2018.

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