



Mixed Migration Review 2023

Highlights • Interviews • Essays • Data

Regional issues through regional perspectives



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Photo credit: Xinhua / Alamy

Ras Ajdir, Libya, 26 July, 2023. African refugees and migrants remain stranded at the Libya-Tunisia border after being expelled by the Tunisian authorities following a harsh government crackdown on sub-Saharan migrants. Because of the well-documented human rights abuses committed in Libya in recent years, in 2023 Tunisia and Egypt became the preferred points of departure for many refugees and migrants trying to access Europe from Africa. (See Keeping track in Africa, [page 68](#); Normalising the extreme, [page 22](#) and Essay - Between a rock and a hard place: the EU's transactional approach to migration, [page 93](#)).



Foreword

As the policy debate on displacement and migration continues at boiling point and tragic destinies of refugees and migrants on the move are lived and reported on a daily basis, evidence, analysis, nuance and sober perspectives on mixed migration dynamics are imperative. The annual Mixed Migration Review (MMR) offers such nuance and perspective in abundance and should be compulsory reading for all decision-makers in this field.

The focus of this year's MMR on South-South migration provides an important counterbalance to the skewed focus by policymakers and public discourse on migratory routes towards the "Global North". A balanced representation is important to ensure a more accurate understanding of the global reality of mixed movements and to inform better responses. Secondly, it is key to capture promising practices and learnings from a regional perspective, where they exist. When governed properly, migration has the potential to be a positive force. And finally, it is crucial to gain better knowledge of the negative implications that the predominant approach in the "Global North" of stemming, blocking and deterring mobility can have on interregional migration dynamics with the view to inform policy change.

There is no shortage of evidence that we need a change in policy and approach and better-governed mobility. On the Southern route, the discovery of the bodies of Ethiopian migrants in mass graves in Zambia and Malawi in late 2022 brought testimony to the dangers and hardship that those forced to move irregularly are faced with, and not only on that route. So do recurring, devastating and preventable shipwrecks. The deadly shipwreck off Pylos in June grabbed public attention due to the magnitude of the tragedy and the failure to assist the unseaworthy and overcrowded ship. Meanwhile, drownings continued unabated in the Mediterranean, the English Channel and the Andaman Sea.

Shocking reports by the Mixed Migration Centre (MMC) and Human Rights Watch over the summer described the systematic mass killings of asylum seekers and migrants along the Saudi Arabia-Yemen border. On the Rio Grande—which separates Mexico from the United States—a floating barrier and razor wire were installed to prevent crossings, leading to people being trapped and perishing. And in the European context, the co-occurrence of the announcement by the EU of strengthened cooperation on migration with Tunisia and the mass expulsion of asylum seekers, refugees and migrants to remote and desolate areas on Tunisia's border with Libya and Algeria speaks loudly to the price that states are willing to pay to stem arrivals.

Responses to global displacement and migration must have at their core the achievement of better protection, more dignified lives for those in need and better governed mobility. The starting point must be a genuine willingness to adequately reflect and seek to understand the global reality of mixed movements, and to consider the mountains of evidence that demonstrate that punitive attempts to block migratory routes only force people to take more dangerous routes with their lives at stake.

We must work together to achieve safer mobility, and the MMR provides a good basis for informing ourselves, for learning and for bringing back proportions and calm into the policy debate. I encourage policymakers, researchers, practitioners as well as fellow humanitarian, development and peace-building partners to reflect on and engage with the evidence and insights of the MMR and with our colleagues at MMC for informed policies and responses to mobility.



Charlotte Slente,
Danish Refugee Council Secretary

Photo credit: Andadphoto / Shutterstock

Floods in Chittagong, Bangladesh in 2023 caused widespread damage and disruption. Disasters related to extreme weather events are predicted to become more frequent and severe in the context of climate change, prompting an increasing number of people to migrate as their homelands become uninhabitable. (See interviews with Gaia Vince, [page 48](#) and Ingrid Boas, [page 53](#)).



Introduction

Most migration takes place within rather than between countries and regions, and certainly not from the Majority World to the Minority World, despite common misconceptions among part of the general public and in some media coverage.

Accordingly, the 2023 Mixed Migration Review (MMR), while, as always, global in its coverage, offers a deliberately regional focus. Each of the essays zoom in on specific regional or, primarily, country contexts. From its first edition, the MMR has provided a platform for different voices and opinions, as this is the only way to advance migration debates and policy. Equally important is to include writers who hail from the regions and countries they are writing about. While this has always been the case with the young Majority World writers' essay competition (starting from [page 59](#)), this year it also applies to *all* the essays in the review. The regional focus also led us to alter the usual structure of the MMR: this year's edition is arranged into regional sections, each preceded by the regional part of our regular Keeping track feature (starting from [page 68](#)), which offers an overview of major migration dynamics and policy development from around the world. And this year's *Migrant stories* (starting from [page 92](#)) are told by people who deliberately moved within their region, and who in most cases are not (yet) planning to leave that region.

The regional focus is also important to avoid overly concentrating on South-to-North migration towards Europe or the United States, which tends to receive disproportionate and often sensationalist coverage. While unacceptable numbers of migrants continue to lose their lives on Europe's doorsteps and drown while crossing the Mediterranean, drownings also occur, inter alia, on maritime routes from Bangladesh or Myanmar towards Southeast Asia across the Andaman Sea, between Comoros and Mayotte, in the Gulf of Aden between the Horn of Africa and Yemen, and in the Caribbean off Haiti. Not to mention the thousands of migrants who lose their lives on different overland mixed migration routes across the Sahara, entering Saudi Arabia, or through the Darién Gap between Colombia and Panama en route to the United States and elsewhere. Though the message is becoming painfully repetitive, the international community continues to collectively fail on delivering on one of the core objectives of the Global Compact for Safe, Orderly and Regular Migration, which is to save lives. Thousands of migrants and refugees continue to die on migration routes due to a lack of legal options, inadequate migration policies, violence by traffickers and smugglers or state neglect.

It is clear that many migrant deaths and disappearances are related to states' migration policies, or at least to the absence of more humane and comprehensive migration policies. This year's regular *Normalising the extreme* feature (see [page 22](#)), which lists a wide range of migration actions and policies whose harshness would have been unimaginable just a few years ago, was once again painfully easy to compile. (And it was again much harder to find examples to populate its counterpoint feature, *Resisting the extreme*, where positive instances of migration management are documented).

In one particularly grim and extreme case, migrants didn't die as an indirect result of state policy, but were deliberately killed by the state. In July, MMC launched the most shocking research the organisation ever worked on, highlighting the deliberate and targeted killing – through mortar attacks and snipers – of almost 1,000 Ethiopian migrants in 2022 and 2023 at the Saudi Arabia-Yemen border by security officials operating under Saudi Arabian state authority (see [page 124](#)). This research followed up on an earlier UN communication making the same allegations and was shortly after followed by a damning and in-depth report by Human Rights Watch drawing the same conclusion and accusing Saudi Arabia of potential crimes against humanity. For years now, through the annual *Normalising the extreme* section, MMC has been warning of the ever-more extreme approaches to stop migrants, but never before did we have to include such an extreme case of widespread, state-led lethal and direct violence against migrants. Has Saudi Arabia now reached an all-time low in what looks like a shameful global race to the bottom? Where do we go from here?

Meanwhile, migration diplomacy continues to show its ugly face. Within a week after the Dutch and Italian prime ministers and the EU president announced the signing of a €1 billion migration deal with Tunisia, alarming footage emerged of Tunisian security forces pushing sub-Saharan African migrants across the border into the Libyan desert amid temperatures well over 40 degrees celsius, quickly followed by similar deportations towards Algeria. Dozens of migrants died, while the European Commission remained silent (see [page 22](#)).

Europe's response to the arrival of millions of refugees from Ukraine showed us, however, that alternative models are possible, that with political will it is feasible to create a humane and effective system for refugee reception in the region, one that grants refugees full rights to housing, free movement, employment and education. On the other hand, the Ukraine situation clearly exposed the double

standards in Europe's treatment of refugees from outside the region (see [page 196](#)).

For years, European leaders have reinforced migration barriers and externalised borders in a purported bid to “break the business model” of “ruthless” people smugglers. What the response to the Ukraine exodus has also shown, however, is that creating safe and legal migration routes is not only feasible, but that it is a far more effective way to achieve that ambition: hardly any of the millions of Ukrainians fleeing to the EU had to use a smuggler, in sharp contrast to the large majority of refugee and migrant arrivals from other countries at the EU's land and sea borders.

While free movement between continents and all countries would indeed end demand for smugglers, this is highly unlikely to materialise any time soon on a global level. But within economic blocs it is possible, and can deliver major economic benefits—the European Union is a prime example. Free movement exists—at least on paper—within several economic blocs in Africa as well, but full implementation is often lacking. There is a long-standing aspiration to legalise free movement of people across the whole of Africa, even though the prospect still raises many concerns, both among states with higher levels of economic development who fear a sharp rise in migrant arrivals, and among European countries increasingly determined to disrupt movement as far from Europe's external borders as possible (see [page 22](#)).

In a potential game-changer that could inform more rational and humane migration policies, ageing countries in the Minority World are increasingly coming to terms with the fact that sustaining their current economy and welfare levels will require more workers from the Majority World (see [page 219](#)). To some extent, Chile is starting to face labour shortages as well. However, mirroring the still often rather irrational and emotionally-driven resistance to migration in many European countries, Chilean leaders and some sections of its news media have reacted to sharply rising numbers of migrant and refugee arrivals with growing hostility, using them as scapegoats for the country's economic woes (see [page 158](#)).

Further north, other countries in the Americas continue to experience complex mixed migration flows. Barely halfway into 2023, a quarter of a million people had passed through the Darién Gap between Colombia and Panama, more than the annual totals of any previous year. Meanwhile, the United States continues to announce and implement new measures aimed at reducing irregular onward movements and spontaneous arrivals at its border with Mexico. While their effects remain to be seen, it could be argued that the US—for example through its parole programme for certain nationalities as well as the new Safe Mobility Offices in partner countries in South and Central America—is at least more advanced than Europe in offering substantial

legal migration alternatives in an effort to reduce irregular migration (see [page 36](#)).

Northward movements through South and North America include an ever more diverse group of nationalities, such as Cubans, Haitians and Venezuelans, and an increasing number of Ecuadorians fleeing crime and unrest in their country, as well those from other continents, such as Chinese, Indian, Somali and Bangladeshi nationals.

The latter group is illustrative of the complex mixed migration dynamics of Bangladesh. While continuing to be a major refugee hosting country, Bangladeshi migrants are found on various regular and irregular migration routes all over the world, such as those leading to the Arabian Gulf, to Southeast Asia and to Europe via Türkiye and Libya, journeys often consisting of a mix of regular and irregular travel (see [page 221](#)).

Lebanon features a similarly complex mixed migration landscape. Relative to the size of its population, no country in the world comes close to hosting as many refugees as it does. But Lebanon's chronic economic crisis is having a powerful influence on its refugee hosting environment, prompting an increasing number of Syrian refugees—and indeed Lebanese citizens—to leave the country along mixed migration routes in search of better economic opportunities (see [page 117](#)).

Both the Syrian and Ukrainian refugee situations, as well as every other refugee hosting situation globally, highlight the fact that the majority of refugees are received and hosted *within* regions, in line with the regionalised nature of mixed migration in general. Many states in Europe continue to stress that refugees should be hosted in their regions of origin rather than engaging in onward mixed migration towards countries further afield. This has been a position strongly held by the Nordic countries: Denmark, Norway, Sweden, Finland and Iceland are consistently among the world's top-tier (per capita) donors to UNHCR, but a paradigm shift has taken place in most of these countries, with an increasingly unwelcoming approach towards asylum seekers who make it to Scandinavia (see [page 180](#)).

2023 has been another eventful year, with constant policy changes and new situations arising, affecting mixed migration dynamics globally, regionally and nationally, such as the conflict in Sudan, the coup in Niger – just the latest in a series of putsches to occur across an increasingly unstable Sahel region—and a devastating earthquake in Türkiye and Syria. Meanwhile, the inexorable and predicted impacts of climate change and extreme weather events continue to add to the numbers on the move (even if the causal relationship is less clear cut than often presented). For everyone operating in this sector, it can be difficult to keep up, let alone to find the time to digest and reflect, even though doing so is essential if we are to advance our knowledge

and policies on mixed migration. To facilitate this process, this year's MMR introduces a new feature in the form of a series of reviews of recent important books on migration, as reading these is one of the best ways to step back, reflect and learn.

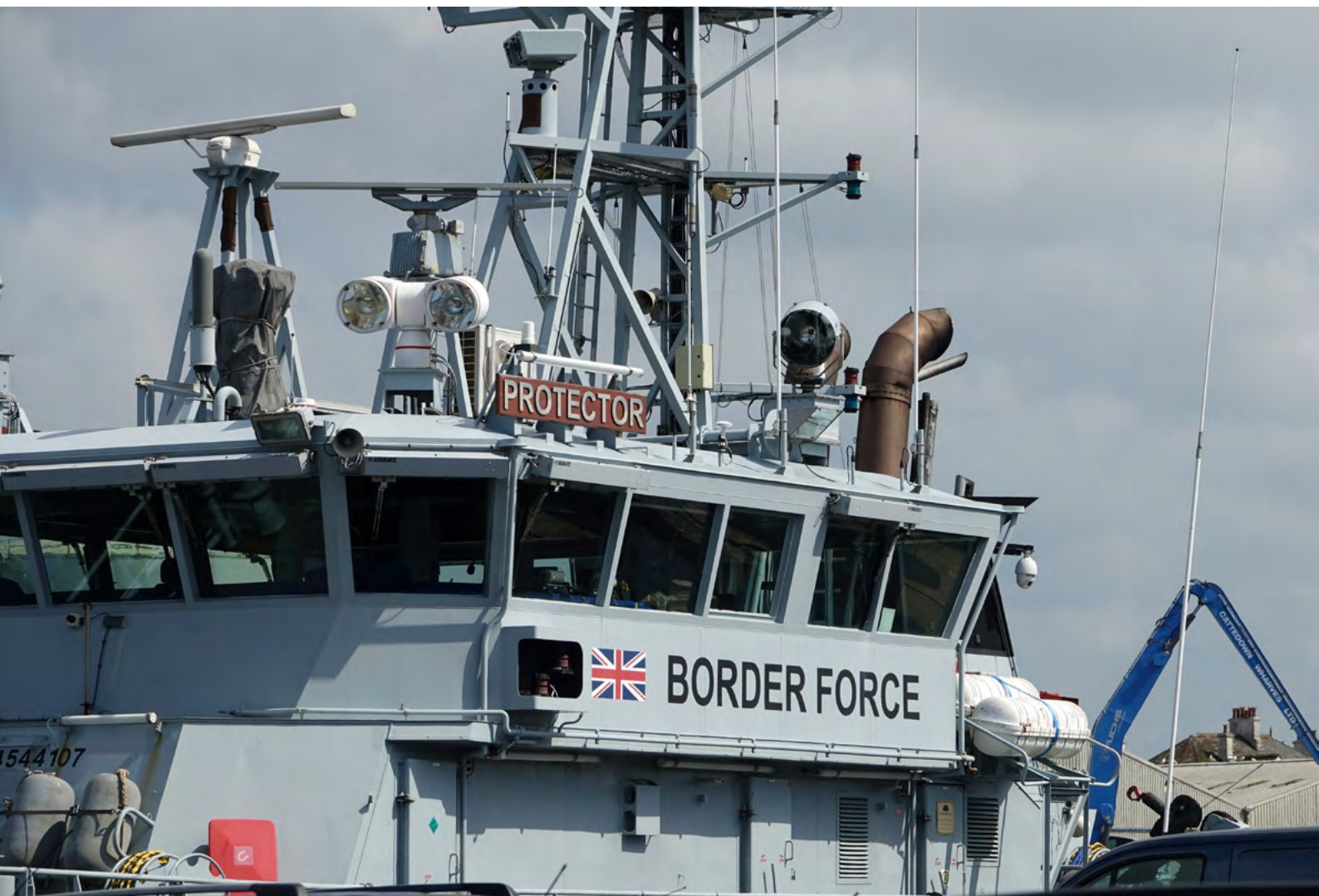
Like every year, we hope this edition of the MMR offers valuable food for thought and learning.



Bram Frouws
Director of the Mixed
Migration Centre

Photo credit: Roger Mehan / iStock

The UK Border Force has been busy in 2023 (as it was in 2022), with the number of small boats crossing the English Channel from France remaining high. Up to the end of September 2023, over 23,000 people had crossed and were being hosted by the UK government, mainly in hotels—at a daily cost of over 6 million GBP—due to a record backlog of unprocessed asylum claims. While the claims of most people who arrived in the UK on small boats have been eventually accepted, recent legislation has made it illegal to enter the country through such unauthorised points and rendered the asylum applications of those who do so inadmissible. (See France-UK small boats: A political-ethical dilemma that doesn't disappear, [page 206](#); Normalising the extreme, [page 22](#)).



Introduction to the Mixed Migration Centre

What is the MMC?

MMC is a global network engaged in data collection, research, analysis, and policy and programmatic development on mixed migration, with regional hubs hosted in Danish Refugee Council (DRC) regional offices in Africa, Asia and the Pacific, Europe and Latin America, and a global team based across Copenhagen, Geneva and Brussels.

What is MMC's mission?

The MMC is a leading source of independent and high-quality data, research, analysis, and expertise on mixed migration. The MMC aims to increase understanding of mixed migration, positively impact global and regional migration policies, inform evidence-based protection responses for people on the move and stimulate forward thinking in public and policy debates on mixed migration. The MMC's overarching focus is on human rights and protection for all people on the move.

What is MMC's vision?

Migration policies, responses and public debate are based on credible evidence and nuanced understanding of mixed migration, placing human rights and protection of all people on the move at the centre.

What are MMC's objectives?

- To contribute to a better, more nuanced and balanced understanding of mixed migration (knowledge)
- To contribute to evidence-based and better-informed migration policies and debates (policy)
- To contribute to effective evidence-based protection responses for people on the move (programming)

What is MMC's relationship with the Danish Refugee Council?

The MMC is part of and is governed by DRC. While its institutional link to DRC ensures MMC's work is grounded in operational reality, it acts as an independent source of data, research, analysis and policy development on mixed migration for policy makers, practitioners, journalists and the broader humanitarian sector. The position of the MMC does not necessarily reflect that of DRC.

Where does MMC work?

The MMC focuses on six regions: Eastern and Southern Africa, Egypt & Yemen, North Africa, West Africa, Europe, Asia and the Pacific and Latin America and the Caribbean. The 44 staff members of MMC are based in Europe and, mainly, in its regional and country offices in Africa, Asia and Latin America, where we work in close cooperation with regional partners, stakeholders and donors. Through MMC's global data collection programme 4Mi, approximately 120 enumerators collect data on mixed migration in over 15 countries across different migration routes globally, conducting approximately 15,000 in-depth interviews with refugees and migrants on the move annually.

For more information on MMC visit our website www.mixedmigration.org, follow us [@Mixed_Migration](https://twitter.com/Mixed_Migration) or write to us at info@mixedmigration.org.


Who supports MMC?

The Mixed Migration Review 2023 builds upon the work by the various MMC regional hubs and 4Mi data collection projects, supported by a wide range of donors including (between mid-2022 and November 2023): Columbia University, Danish Ministry of Foreign Affairs, the European Commission, European Civil Protection and Humanitarian Aid (ECHO), Swiss Federal Department of Foreign Affairs (FDFA), Ford Foundation, Friedrich-Ebert-Stiftung, German Humanitarian Assistance, Heinrich-Böll-Stiftung, Horizon Europe, International Centre for Migration Policy Development (ICMPD), International Organization for Migration (IOM), the Maghreb Action on Displacement and Rights (MADAR), Meta, Norwegian Refugee Council (NRC), the Ministry of Foreign Affairs of the Netherlands, Office of the United Nations High Commissioner for Human Rights (OHCHR), United States Bureau of Population, Refugees and Migration (PRM), Robert Bosch Stiftung, Save the Children, Swiss Agency for Development Cooperation (SDC), the United Kingdom Foreign Commonwealth and Development Office (FCDO), the University of Edinburgh, United Nations Development Fund (UNDP), United Nations Population Fund (UNFPA), the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), the United Nations Office on Drugs and Crime (UNODC) and the World Bank.

Photo credit: Banjaku / iStock

A small town in Spain stands abandoned. Migrants and refugees could revitalise small towns and villages in parts of Spain and Italy where the population is ageing and in decline as young people leave for the cities. Even as irregular migration is being stemmed by stricter policies and border controls, countries are dramatically increasing their migrant visa quotas for regular labour migration. (See Thematic snapshot - Irresistible policy changes? How labour shortages are forcing migration policy changes in Japan and Australia, [page 219](#); Interview with Ugochi Daniels, [page 32](#)).





Section 1: Global

This Mixed Migration Review is divided into regional sections, presenting reports, interviews and essays on regional issues in Africa, the Middle East, the Americas, Europe and Asia. As listed in the Contents, each section begins with an overview of developments and policy in mixed migration in 2023 titled 'Keeping track', but the review commences here with some reports and interviews more relevant to global themes.



Interview

Don't mess with '51!

As far as its chief custodian is concerned, the 1951 Refugee Convention remains as relevant as ever and fit for purpose, even in fields, such as climate change and certain minority rights, that barely existed when the foundational text was drawn up. In this wide-ranging interview, **Filippo Grandi** also discusses UNHCR's funding, its distinction between refugees and migrants and relationship with IOM, the risk of the UK setting a dangerous precedent with its controversial Rwanda plan, why route-based approaches matter, and the plight of the Rohingyas

Filippo Grandi has served as the UN high commissioner for refugees since 2016. From 2010 to 2014, he was the commissioner-general of UNRWA, the UN agency for Palestine refugees, having previously been its deputy commissioner-general since 2005. He also served as deputy special representative of the UN secretary-general in Afghanistan and has worked with NGOs and UNHCR in Africa, Asia, the Middle East and at UNHCR's Geneva headquarters.

Right now, Gaza is a humanitarian situation in a conflict zone, but uniquely, people are being prevented from escaping into neighbouring countries. They're being prevented from becoming refugees. You previously worked with UNRWA for many years. What are the issues here?

Yes, it's an unusual situation, but it's also an unusual context. First of all, UNHCR is not present in Gaza. This is not our mandate, but rather that of UNRWA, which is responsible for Palestinian refugees in these areas of operations. So we're not involved in this operation as we would be in many others. But the UN at large, as far as I know, has not been seized by the Palestinians saying, we want to go out of Gaza but rather they are asking us to help us stop the war, stop the bombing, and bring

the assistance in so they can go back to their homes. So, the prevailing view, I think, among the Palestinians at large is that they do not want to leave Gaza. I think that the Palestinians see exiting and leaving Gaza as an abandonment or being chased out. So clearly this is a sensitive point in a complex situation, but we stand ready to help wherever it's needed. This is where we stand now.

Two weeks ago at the UNHCR Executive Committee session in Geneva, you said that the funding projections for UNHCR in 2024 were dangerously low. Is this because of the record forced displacement numbers globally? Or is there something else at play? Have attitudes changed in your perception?

I think that there are many factors. No doubt the number of crises is now such that inevitably, even the large amount of money mobilised for humanitarian responses gets increasingly divided up into smaller pieces. Second, it is also true that public spending in donor countries—and the donor countries are not many—is being tightened in so many ways because of different factors. Post-COVID, the Ukraine war, inflation, the economic and political context... together the impact is that it has penalised humanitarian assistance. At the same time, it is also true that humanitarian assistance reached unprecedented levels in the last few years. So overall funding has gone up. Even if you look at UNHCR's funding up to last year, 2022, that was my seventh year in office here, and every year was higher than the year before. This is the first year when we are not matching last year's funding and most likely there could be a 10 to 15 percent decline for UNHCR alone. So this is very worrying and it's not only the volume of funding, it is also the type of funding. It is so earmarked now that it paralyses entire operations that are not funded. We're getting less core money, less "free" money, which we have always used to fund operations that are less attractive to donors. But now with the earmarking increasing and this core funding diminishing, we cannot do that anymore. So all the money goes in certain parts and not in others. That's very worrying especially with new crises erupting every few weeks. And with the Middle East most likely requiring urgent funding, especially Gaza. I think that that would be yet another challenge on our way that could reduce funding for crises less in the limelight.

“ We have a major emergency every eight, nine months, and this is not a sustainable rhythm in terms of large humanitarian assistance. ”

In terms of campaigning for funds, do you wrestle between exposing the true level of need globally and not scaring people away from engaging and funding the work needed because it's so complex and extensive?

I think that it has always been like this. I remember one of my predecessors, Mrs. [Sadako] Ogata, always saying that when we have an emergency we can be sure that for one or two years we're well-funded, because emergencies attract attention, right? So the problem is now there are too many emergencies. If you look at the past four years, [we've had] Ethiopia, Afghanistan, Ukraine, Sudan, and then the COVID pandemic. We have a major emergency every eight, nine months, and this is not a sustainable rhythm in terms of large humanitarian assistance. But on the other hand we need to do something about it and get things into perspective. I think if you look at the

enormity of military aid and military expenditure, there should surely be a little bit extra room for more humanitarian assistance. And then you have entire parts of the world that contribute very little. The Gulf countries probably contribute funding for humanitarian [operations], but it's all bilateral or outside multilateral channels, so we don't benefit much from that. Likewise, East Asia: besides Japan and Korea, there's very little coming from them. So there are parts of the world that could afford more and don't do that, so there's room for improvement and change.

At the same time, it should be said that not least in the face of decreasing humanitarian funding, the work we have been doing in catalysing development aid funding directly to hosting states in support of both refugees and hosting communities—including during emergencies—should not be underestimated. International financial institutions in particular have stepped up their support, strengthening national systems and in turn enabling inclusive policies in favour of both refugees and their hosts.

Since you started work for UNHCR, I think it was 1988, you must have witnessed a dramatic rise in refugee and displacement globally. Isn't it a paradox that as the world is advancing, with better outcomes in longevity, health, education and income, at the same time we've got this exponential rise in displacement.

Yes, it's true, the numbers are very high. Since we started counting reliably, it's the highest. But remember the genocide in Rwanda, which spiralled into a continental war, and remember the Balkan war and how extensive that was, very serious and complex and pretty lethal for millions of people. So, we've faced and gone through big crises in the past, but I think the factors now at play are very big. There is much higher global mobility than before, which allows more people to move from one crisis onwards, and that gives more visibility to the phenomenon. Second, the negative political spin that is given to refugee movements and migration in rich countries also gives it much more publicity and visibility, not necessarily in a good way. I remember Pope Francis was once asked if we are going towards a third world war. He said we're already in it, except it's a war in pieces. Now, I thought it was a bit exaggerated at the time, but if you look at the situation now, this ring of crisis, Ukraine, Armenia, Syria still and then Lebanon, Gaza, Sudan, the Sahel, the Horn of Africa... it's almost interconnected. So it's becoming worryingly similar to some of the context that preceded the two world wars in last century. And it is in this context that displacement is happening, and it makes it probably more difficult.

In the '90s, yes, the crises were major, with genocide and continental war, and the Balkans, as I mentioned, but they were somehow more circumscribed, even if very big. So now it's everywhere. It's spreading. It's

very political and at the same time less resources are available, so it makes it very difficult for us to handle.

It was UNHCR that first conceived the concept of mixed migration, but you've moved away from using the term. You are also increasingly strict on the distinction between refugees and migrants and pushed hard to have two separate global compacts, one for refugees and one for migration. Please explain this.

The whole issue is extremely complicated, but the insistence on the distinction is quite simple. There is a category of people on the move that we call refugees. They are displaced also, but refugees are the ones I'm talking about now that have an accepted—if not always respected—set of distinct rights, in addition to the broad human rights protection attached to all individuals including migrants. And I think that it is important to preserve that, especially as right now we are in a world that is not keen to amplify human rights frameworks or protection frameworks, so trying to change that puts too much at risk. And so, as I always say to my friends at the International Organization for Migration (IOM), this is not to diminish the protections needed by people on the move who are not refugees, but it is simply to say that rather than merging and confusing, which would create a diminishing of the threshold, let's keep the threshold as high as we can for those who have one, and let's try to build up the threshold for the others.

When I recently had my first formal meeting with the new director general of IOM, this was my main point. Let's work together. Because I think that in reality we need to not overcome the distinction but act differently in dealing practically with these flows that are of course completely mixed in the way they happen, in the way that they are driven by trafficking or smugglers and in the way that they're dealt with by states. So you have a legal construct that we will always uphold and defend and want to maintain. And then you have a reality which is extremely complicated, which we have to also take into account. And how do you do that? You do that through partnership. I'm a very strong proponent of even closer ties between UNHCR and IOM. We are the two UN agencies dealing with practically the majority of human mobility.

“ I don't think that the refugee regime in itself is unsustainable. It's a treaty, it's law. You can argue that it is wrong, maybe, but not sustainable or unsustainable. The sustainability is in how it is applied. ”

We're the two agencies with very inter-connected files. So at least in the UN, we should be, not one agency, but very joined up in what we do. And we already are

experimenting some of that work with the Venezuelans, for example, or in Libya, and increasingly in Europe and in other places, where we are indeed working very closely with IOM.

Are UNHCR and others resisting calls to renegotiate the refugee regime based on the 1951 convention because you fear it will result in a reduction rather than an increase in refugee solidarity? If this is the case, is it true that maintaining an arguably unsustainable refugee regime also has risks? Will countries just increasingly breach their commitments?

I don't think that the refugee regime in itself is unsustainable. The refugee regime is a treaty, it's law, full stop. You can argue that it is wrong, maybe, but not sustainable or unsustainable. The sustainability is in how it is applied, it is in its implementation, but the refugee regime born around the 1951 Convention—and by the way, vastly amplified and complemented by regional instruments, right? Cartagena, OAU, and the European body of rights for refugees...together it is very encompassing—has had to be updated by way of implementing modalities all the time. For example, concerning the Hungarian refugees in 1956, one could have argued that the Convention was not adapted to a mass movement of people. That was one of the first that we had to deal with. But I think actually it was because the Convention is sufficiently broad that it can encompass such cases. It's sufficiently precise that it defines the rights of the people who lose national protection. Now the 1951 Convention says very little about implementation. The question is how we have developed refugee practice, and there's a whole body of important instruments there, of which I would argue the most recent and the most comprehensive is the Global Compact for Refugees. It's not law, but it is a toolbox that actualises and enables the implementation of the 1951 Convention. I think the 1951 Convention establishes broad rights for people, but then it says very little on how to do it. How to do it will always need updates. That's why the refugee compact was important. It contains new innovations. Whether states embrace it or not is their responsibility. Our responsibility is to propose, to nudge, to try to help find resources, to sometimes advocate publicly, very much privately, etcetera etcetera.

Take the issue of climate for example. Many say the 1951 Convention is completely silent on climate. Of course it is silent on climate as nobody spoke about climate in 1951. Many people will move because of climate change. There's no doubt about that. Personally I never use the term “climate refugees” just as we do not use the term “war refugees”. But frankly, we have gone through the Convention, and we have seen that a lot of it, along with the complementary instruments, are absolutely fit for purpose when it comes to people who flee in different scenarios also because of climate. The

patterns, their circumstances of movement will be many and very different.

LGBTQI+, is another one. There a big discussion at the moment by certain states arguing quite publicly that UNHCR are straying off our mandate when we say that somebody that claims asylum because they fled as a result of persecution due to gender identity or sexual orientation. Of course, the Convention, as you can imagine, is completely silent on that. But the Convention, when rightly complemented with evolving human rights instruments which help in its interpretation, has enough on persecution to cover broadly, but then we need to develop instruments, which we have been doing, by the way, for the past 10 or 15 years.

“ Indiscriminate externalisation of the kind proposed by the British government with the Rwanda model is what I call absolute externalisation and it’s lethal to the right to asylum.”

You were quite critical recently about countries “externalising” or outsourcing asylum obligations. Is this on the rise, and what is the risk? Isn't it just another form of refugee management?

No. The problem with that is that the indiscriminate externalisation, as has been proposed, for example, by the British government with the Rwanda model, [means] that everybody has to go and seek asylum in Rwanda. Now, as you know it's been challenged in the courts, so it's not happening right now, but that's what I call absolute externalisation.¹ That is lethal to the right to asylum. And that's the right that I am the custodian of worldwide. So, I have to be very careful to protect it. It is lethal because denying all asylum seekers access to a country creates a precedent which is extremely dangerous. If they did it, then any other country could say the same. Others could point at a rich country like the UK, with means and the tradition and the rule of law, doing this. And so what about a country like Chad, where I was a few weeks ago, that has just taken in 400,000 Sudanese fleeing from horrifying violence in Darfur: mutilation, rape, killings...But Chad could say, if UK sends them to Rwanda, why shouldn't I send them to country X?

So apart from the fact that we have demonstrated that externalisation is wrong legally, secondly, it's a dangerous precedent. But if you are asking aren't there ways where we could reduce the pressure at borders by doing more work upstream along the routes? Now,

that we are open to. We are working with the US government, for example, in creating centres along the Americas routes, in Latin America, where people can stop before going forward and apply for asylum there. Now it's a very fine line, but it doesn't prevent these people... I mean, people still have a choice to go directly to the United States, where they will face a lot of issues, dangerous routes and so forth. But we give an option to people by saying, “Stop in Costa Rica, you have a facility there”. But we have also told the US that they have to be quite broad in their acceptance criteria if they want these places to be attractive. So through these places they can make it more controllable, regulated and safer for the people. But if they make it too difficult, then they will not go to these other facilities and will keep coming irregularly. So, and we have told the US we are ready to support that, and we are working with IOM on that. However, we will never agree that you deport people that are arriving at your border if they apply for protection, including because they could have applied along the route.

“ We will never agree that you deport people that are arriving at your border if they apply for protection.”

So there is a need to build up alternative pathways in complement to direct access to territory to exercise the right to seek asylum, which we have always said is important to do, hoping that progressively, by building alternative pathways, slowly, slowly, you create valid alternatives and you reduce the irregular ones and, importantly, counter the trafficking and dangerous journeys. This is a difficult balancing exercise. I have to say the US administration, which is under perhaps the biggest pressure of any government in terms of border arrivals, has been very open.

“ The route-based approach means: please governments, stop obsessing on your borders only.”

You just now touched on what you call the route-based approach which you have been promoting. Could you summarise what you mean by that?

The route-based approach means: please governments, stop obsessing on your borders only, on controls only (and when you're bad, on pushbacks only) and try to understand that if you really want to address this phenomenon of people moving along these routes, you

1 At the time of going to press, the UK's Supreme Court was deliberating on the government's appeal against a lower court's June ruling that the Rwanda plan violated the Human Rights Act and was thus unlawful. Holden, M. & Tobin, S. (2023) [UK's Rwanda plan under scrutiny at highest court](#). Reuters.

have to look at the route in its entirety, from the origin to the arrival. So yes, you have to look at controls, and we would say you have to look at improving your own restriction and asylum systems, which are often very dysfunctional because there's not enough resources invested. I'm talking about rich countries here. But then you have to look at it all the way back, because when people arrive at rich countries' borders, very often the options remaining to them are very limited. And this is what creates all the pain, the politicisation and the drama and so forth that we've seen in Europe, and at the southern border of the US. Of course we've seen in Australia maybe first of all, before the others.

So, I think that if you look at the route, it means looking at all the transit countries upstream. Can more options be given to people there? Not just for refugees, but also for migrants who move together in these mixed population movements. I'm persuaded that in many of these countries—not all, maybe not in Libya, but in other countries upstream—if you offer more options in terms of good asylum practices and good migration practices, people don't necessarily all want to go on. We've experienced that in Mexico hugely, where I think that we have already fifty, sixty thousand people from Central America who were on their way to the US but who have been helped in Mexico, even with rights to remain, asylum and employment programmes. They were given options en route. Mexico needs a workforce in the industrial cities of the centre of the country, and some of those in transit have taken these opportunities in Mexico.

Now, you may not completely offset the pressure on the rich countries' borders, but you can reduce that pressure. And to me, the most important of the route-based approach is not so much on the asylum front, but on the migration front, which is not my mandate. I think that, because we all know that countries of destination—North America, Europe, even Japan, where I was last week—need migration, desperately, with the demographics going down. And even some of the countries in transit need migration. Like Mexico, for example.

“ If you want to stop irregular migration, you need to give many more visas, you need yearly migration quotas that offer more legal pathways. It seems so obvious, but states are reluctant because it's politically so sensitive. ”

That's what needs to be better regulated if you want to stop the irregular migration. You need to give many more visas, you need to have programmes a bit like Canada. Large, yearly migration quotas that offer more legal pathways to go and work. That will reduce the

pressure on the asylum channel, and that, I think, is something that seems so obvious, but that states are reluctant to do systematically, because it's politically so sensitive. Some of the countries in Europe are telling us, we need hundreds of thousands of migrants every year. But countries are worried that if they do it alone then they will attract too many. They feel this has to be done by Europe as a whole. So, these are all the efforts, route-based efforts, that need to be made if we want to really tackle [irregular migration], rather than simply declare the Convention a failure, and say everybody should go to another country. That will not work. That simply will not work.

“ There's an astonishingly small number of high-level traffickers that are actually prosecuted. That's a problem. ”

To what extent is UNHCR involved in working with authorities to identify and prosecute human traffickers, if at all?

We are not directly involved with counter-trafficking activities. This is beyond our capacity and mandate, that's for the UN Office on Drugs and Crime and governments, etcetera. But we are involved in advising and in other activities. Our view is fairly clear and there are some few critical aspects to note. One is that there's an astonishingly small number of high-level traffickers that are actually prosecuted. That's a problem. Considering the number of countries that claim they are trying to “break the business model of the traffickers”, the results are, let's say to be polite, very modest. Compared to their stated intentions, there are extremely few prosecutions. But also, following the money trail to get to the people that control these flows... very little done to achieve that. [Imposing] sanctions on those that are identified is very rarely or not very effectively done. So, these are areas in which little progress is made. There's no point in talking about breaking the business models of the traffickers when so little is effectively done. Nevertheless, it's alright to campaign against the traffickers, we are all in support of that, but then let's also step up care for the victims, whether they're refugees or not. It's like rescue at sea. Everybody has a right to care if you've been brutalised by these criminals.

Recently in Bangkok, you were supporting “voluntary dignified return” to Myanmar of the almost one million Rohingya in Bangladesh. But isn't it increasingly likely that under the current Myanmar leadership, and what looks like popular public opinion in that country, this is a diminishing possibility? If you agree, then what are the alternatives for a caseload like the Rohingya?

It's not just diminishing, but it's always been a very difficult case. The prospects for return have always

been very limited. You may remember that just before the exodus of 2017, there was the Advisory Commission on Rakhine State chaired by Kofi Annan, [the Final Report of] which I think still stands out as the best guide of what needs to be done, starting from letting the Rohingyas that are still in Myanmar leave those wretched, displaced camps and go back to their homes, have freedom of movement, the right to work and access [to services], and of course what that commission, I think, referred to as establishing a pathway to citizenship, which is really the crucial issue.² Now if those very basic but fundamental issues don't happen, it's very unlikely—and we keep saying this to everybody—that people will decide to go back, although it's interesting because we conduct intention surveys in all large refugee groups, and it's quite astonishing that the majority of Rohingyas still say that eventually they want to go back home.

So, there is still that intention, which I think needs to be respected. But Bangladesh has been very cautious in amplifying certain rights for the refugees because it does not want—I think that's the intention—to make a *fait accompli* of this exodus. They say very rightly that the responsibility lies with Myanmar, and this is where people should go to. I think that progressively Bangladesh has expanded... for example in education now there is more access, but it's still quite limited. And that's why I was in Bangkok, with Bangladesh representatives and other the host countries in which we wanted to remind everybody that this is an issue that has not been resolved.

Meanwhile, of course, humanitarian assistance unfortunately needs to be maintained, and I'm worried because it is declining there too, and I think wherever possible, allowing people to become a bit more self-reliant, given the duration of this exile, is also important, taking into careful account the constraints of each country, Malaysia, Bangladesh, etcetera. There is talk about alternatives such as small resettlement programmes in the US, Canada and Australia, but these will have to really focus on the most vulnerable, because they will be so small compared to the bulk of almost one million people in need. I think that frankly, in spite of this being so difficult, we need to continue to put pressure for the conditions to be created for return.

By the way, UNHCR and UNDP still have a programme in Rakhine—which was originally designed during the Aung San Suu Kyi government—to create conditions for return, and we had many negotiations back then, and they were successful, and we established this programme, which at the beginning was fairly promising. Now then there was the coup d'état, the military, de facto authorities... everything has become

even more difficult, but we don't stop when it's difficult, we have to insist.

In terms of global refugee solidarity, do you think there are lessons the Global North can learn from the Global South, or is such a dichotomy too simplistic?

No, no, I think there are many lessons. But there are pushbacks and violations also in the Global South, let's not be over-idealistic. But in general, the Global South remains open, Africa in particular. In Africa, I saw it in Chad and in the countries bordering Sudan, where I spent a large part of the summer travelling, it's still very much strongly felt, these people fleeing or on the move are our brothers and sisters, they're suffering, they're being shot at. You know how many times in Chad, in South Sudan, in Uganda, I hear the sentence, "We've been refugees ourselves, we know what it means. So, we owe it to them, they took us in, we have to take them in now". There is much more of this sense of solidarity.

But in Europe this is also strong. Look at Ukraine: people tend to use the Ukraine case negatively; I tend to use it positively. Ukraine demonstrated that solidarity is well and alive in Europe, except that of course, Ukraine is an easier fit, for all the reasons that we know. But people fleeing Sudan or Myanmar undergo the same hardships as fleeing Ukrainians. So, this is the responsibility of politicians. Their responsibility is to recognise that maybe some groups are easier than others but their responsibility, like mine, is to remind that all have rights, and therefore we should be equal in our treatment of all refugees. This is the difficult part. But Ukraine... When politicians say, "Oh, solidarity is finished, people are tired"... If they're tired, how could they take in five or six million, give them all the rights, freedom of movement? So solidarity is not dead; it's alive, it needs to be managed, and it needs to be grown by politicians, not stifled and denied.

“Solidarity is not dead; it's alive, it needs to be managed, and it needs to be grown by politicians, not stifled and denied.”

2 Advisory Commission on Rakhine State (2017) [Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine – Final Report of the Advisory Commission on Rakhine State](#).

Normalising the extreme

Since 2019, the Mixed Migration Review has dedicated a section to chronicling alarming programmes and actions that not long ago would have been considered beyond the pale but are now often carried out in the brazen expectation that they will elicit minimal—or at least manageable—public opposition or outrage.¹ This year’s entries again clearly demonstrate a continuing normalisation of ever more extreme actions and policies towards migrants, refugees and asylum seekers: although what follows is far from an exhaustive list of relevant incidents and policy measures across the world, it does offer compelling evidence, in the form of a series of snapshots, that the extreme continues to be normalised, and in some cases even enshrined in law.

While these snapshots are divided under various headings (Detention, Deportation, Pushbacks, etc) there is often an overlap between these categories, and between this section of the review and others (such as the essays and Keeping track). For the sake of concision, context has been kept to a minimum in the body text; readers are invited to explore the footnoted source documentation for extensive background information and additional research.²

By Anthony Morland³

Detention

Given the global prevalence of the phenomenon and its constant evolution, it is impossible to know with any precision how many people are detained across the world because of their immigration status. Still, research conducted by the Global Detention Project offers instructive insights. Its database lists some 1,594 immigration detention centres in the Africa, Americas, Asia-Pacific, Europe and Middle East regions and notes that such facilities hold tens of thousands asylum seekers, undocumented migrants, refugees, trafficking victims, torture survivors and stateless persons, including children.⁴ In the European Union alone, a lack of correct documentation leads to the detention of more than 100,000 people every year.⁵

Adding to an extensive and harrowing catalogue of reports about the abuses faced by migrants detained in **Libya**, a team of UN-appointed independent human

rights experts said in March that their three-year investigation had documented “numerous cases of, inter alia, arbitrary detention, murder, torture, rape, enslavement, sexual slavery, extrajudicial killing and enforced disappearance.”⁶ According to their fact-finding mission, whose remit covered events going back to 2016, more than 670,000 migrants from over 41 countries were present in Libya since June last year.⁷ In the light of additional evidence of state involvement in such abuses, the fact-finding mission said that violations of international human rights law and international humanitarian law as well as crimes against humanity had been committed against migrants held in facilities controlled by various Libyan state agencies. The report prominently noted that the latter received technical, logistical and monetary support from the European Union and its member states to facilitate the interception and return of migrants.⁸

This logistical support includes intelligence supplied to the Libyan coastguard collected from drones operated

1 This section of the MMR is compiled from material published by a wide range of organisations and media outlets, and terminological definitions vary between them. The term “migrant”, for example, is used loosely and should not be understood to exclude people seeking asylum or who have been granted refugee status or some other form of international protection.

2 To reduce the number of footnotes, this section avoids the use of “ibid”: information in sentences that lack footnotes can generally be attributed to the previous footnote.

3 Anthony Morland is a journalist and editor based in Paris.

4 Global Detention Project (n.d.) [Website homepage](#).

5 PICUM (n.d.) [Supporting people through migration](#).

6 Human Rights Council (2023) [Report of the Independent Fact-Finding Mission on Libya](#).

7 In March 2023, IOM said 5,000 migrants were then being held in official detention centres in Libya, but that there could be many more held in non-official centres. InfoMigrants (2023) [IOM: thousands of migrants suffering in Libya detention centers](#).

8 Over the last six years, the Libyan coastguard has intercepted some 185,000 people at sea who were subsequently detained in centres that are controlled by “violent militias”. EuroMed Rights (2023) [HR organisations warn of the deteriorating situation of migrants, asylum seekers and refugees in Libya and the worrying shrinking civic space](#).

by the EU's own border and coast guard agency, Frontex, an arrangement that Human Rights Watch said points to the EU's "complicity" in the abuse faced by migrants in Libya.⁹ The testimony of 100 migrants interviewed for the UN's fact-finding mission describes "an abhorrent cycle of violence" that starts on entry to Libya and continues during "capture, recapture and repeated transfers to official or unofficial places of detention without recourse to judicial review." Migrants detained in Libya are generally denied their legal rights and are subjected to deliberate medical neglect and extortion, according to a human rights NGO, which said that detainees often had to pay bribes of around \$1,000 to secure their release.¹⁰

Over the past two years, **Algeria** has reportedly extended the severe judicial measures it has long taken against foreigners involved in irregular migration from its shores across the Mediterranean to encompass its own nationals.¹¹ These measures often led to long prison sentences when non-Algerians were intercepted leaving for Spain or Italy, and more lenient punishments for Algerians. But authorities have now become "visibly tougher" at two key points of departure, stepping up beach patrols and checks on vehicles, while prosecutions are stricter, regardless of nationality.

Between August 2022 and March 2023, hundreds of Eritrean refugees and asylum seekers were arbitrarily arrested and detained in **Sudan** as police and other security services stepped up immigration control operations.¹² Many of the arrests took place during raids on Eritreans' homes and workplaces. The reason for their detention was often the lack of proper identification documents, residence permits or permits to leave refugee camps in the east of Sudan. Eritreans were subjected to unusually large fines of 300,000 Sudanese pounds (around \$500), and those unable to pay were sent to prisons in Khartoum indefinitely, or until relatives paid the fines. This created a climate of fear among the Eritrean community in Sudan's capital, leading them to hide in their homes and avoid venturing outside.

This year, authorities in **India's** Uttar Pradesh state arrested and detained dozens of Rohingya refugees as part of a crackdown on refugees from **Myanmar**.¹³ Refugees in India can be held indefinitely due to an absence of legal limits on detention. In one incident, security forces fired tear gas during a protest by a group of detained refugees in Jammu and Kashmir, resulting in the death of a five-month-old baby. Despite publicly

condemning the violence in Myanmar at the United Nations, India's leadership has implemented policies that restrict the rights of refugees from Myanmar, including limiting their freedom and expelling them from the country. The ruling BJP party has been carrying out a deportation campaign since 2017, specifically targeting Rohingya refugees, resulting in the arrest and detention of thousands.

In mid-September, police in **Pakistan** detained hundreds of Afghan nationals in various locations, including Karachi and Islamabad.¹⁴ Authorities said they were conducting a crackdown on Afghans "living illegally" in the country. But many of those detained reportedly had ID cards issued by the government of Pakistan, which has been accused of racial profiling and of harassing refugees who feel it is not safe enough to return to their Taliban-controlled homeland. The arrests came shortly after clashes on the border between Afghanistan and Pakistan, part of which was closed for nine days. Some 3.7 million Afghans are estimated to be living in Pakistan, around half of whom are registered.

Detainees held in crowded facilities in **Cambodia** include many people from across Southeast Asia (including children) who had escaped from scam online employment schemes into which they had been trafficked.¹⁵ According to a complaint filed in May to the ASEAN Inter-Governmental Commission on Human Rights by three NGOs, the detentions violate the non-punishment principle enshrined in the UN anti-trafficking protocol and the ASEAN Trafficking Convention. In some cases, detainees were re-trafficked immediately upon their release. The complaint also cites the case of a Malaysian national who had managed to escape their traffickers, only for the police to whom they had reported their situation to call the very same traffickers, who came to collect the person. Despite having been forced by their traffickers to work in so-called "fraud factories", where large-scale online crime (such as romance scams and crypto fraud) is conducted,¹⁶ many—including several hundred in Thailand—have faced prosecution on return to their home countries.

Over recent years, many thousands of migrants and asylum seekers in numerous countries in **Europe** have been jailed because of their alleged involvement in smuggling, even when such involvement amounts to simply holding a boat's tiller, handling a GPS device or giving a life jacket to a fellow passenger, according to

9 Sunderland, J. & Pezzani, P. (2022) [Airborne Complicity – Frontex Aerial Surveillance Enables Abuse](#). Human Rights Watch.

10 Euro-Med Human Rights Monitor (2023) [Libya: Death of detainee underscores lethal conditions in migrant detention centres](#).

11 Naceur, S. (2023) [Ruthless, Illegal, and Dangerous](#). Rosa Luxemburg Stiftung.

12 Human Rights Council (2023) [Report of the Special Rapporteur on the situation of human rights in Eritrea](#). Mohamed Abdelsalam Babiker.

13 Global Detention Project (2023) [The Threat of Detention for Myanmar Refugees in India](#).

14 Radio Free Europe (2023) [Hundreds Arrested In New Pakistani Crackdown On Afghan Refugees](#); Asia News (2023) [Pakistan detains Afghan refugees with UN papers](#).

15 Migrant Care, Tenaganita, & Global Alliance Against Trafficking in Women (2023) [Complaint to the Asean Inter-Governmental Commission on Human Rights](#).

16 Extensive media coverage of this phenomenon includes: Reuters (2023) ['Hundreds of thousands' trafficked into SE Asia scam centres](#); and Wee, S-L. (2023) [They're Forced to Run Online Scams. Their Captors Are Untouchable](#). The New York Times.

a recent investigation.¹⁷ They include more than 2,500 boat drivers imprisoned in Italy since 2014; 2,200 held in Greece on charges of smuggling people or “facilitating the illegal entry” of people into the country; and 912 people convicted of facilitating immigration into the English county of Kent—the leading place of irregular arrival to the UK—between October 2019 and October 2021. Those found to have steered boats across the English Channel could risk life sentences. In several trials in **Greece, Italy** and the **UK**, convictions relied on the testimony of a single witness. In one case, a Syrian man who had agreed, in order to reduce his crossing fee, to steer a boat full of migrants from Türkiye to Italy was arrested in Greece after 18 of the passengers drowned. He was convicted of facilitating the illegal entry of 57 survivors and sentenced to 187 years in prison (although he will be eligible for parole after 12).¹⁸

Italy intends to ask failed asylum seekers to pay a €5,000 deposit bond to avoid being placed in detention centres while their appeal against the asylum rejection is decided. If they cannot do that, they will be held in detention for up to 18 months. Currently, applicants are free to move around the country while their appeal is considered, giving them the opportunity to evade authorities and ignore any negative outcome of their appeal. The previous limit for detention was three months.¹⁹

Security forces in **Bulgaria, Hungary** and **Croatia** were late last year reported to operate a series of secret “black sites” along their borders to “systemically detain people before illegally deporting them”.²⁰ Evidence gathered by a consortium of journalists revealed the use for detention in these countries of small “cage-like structures”, dangerously hot vans and shipping containers as well as the denial of food and water. Their report suggested these sites are part of a system that is partly funded by the EU and are in close proximity to Frontex personnel.

The 104 survivors of a June shipwreck off the coast of Greece’s Peloponnese peninsula were held in “detention-like” conditions as irregular migrants after being rescued from a tragedy that claimed some 600 lives off the coast of Pylos.²¹ Survivors from the capsized *Adriana* fishing vessel found themselves compelled to rest on mattresses placed directly on the ground, and their freedom to leave the location was severely restricted, as was their ability—and that of others who had been hospitalised—to meet

with friends and family members who had come to visit them. The subsequent process of asylum application reportedly fell short of norms established under the Greek Asylum code. Nine Egyptians among these survivors now stand accused of smuggling offences and face life sentences if convicted, although relatives insist they too were paying passengers.²²

Greece’s treatment of detained migrants also came under fire in February from a coalition of 14 NGOs that reported on the use since 2020 of “physical violence—including excessive and disproportionate force and the use of electric discharge weapons—psychological torment, humiliation, denial of access to medical care and verbal aggression” in a range of holding facilities, including pre-removal detention centres.²³ The coalition’s report contends that such use of violence in Greece was “severe and structural” and was designed to “control and intimidate detainees” and to prevent or reduce inward migration flows.

Greek authorities in Megala Therma, on the northern coast of Lesbos, arbitrarily detained unregistered newly arrived migrants in “dire” conditions, in some cases for weeks, in units of an overcrowded quarantine centre that lacked beds and in which men, women and children were housed together with no regard for standard safeguarding procedures.²⁴ Migrants held in this facility are subsequently transferred to a Closed Controlled Access Centre on the island where conditions have been described as “prison-like”. Authorities allegedly restricted access to food in a bid to encourage migrants to leave.

Within the space of a month over the summer, almost 18,000 allegedly irregular migrants were apprehended in drone-assisted raids across **Türkiye** spearheaded by the Interior Ministry as part of efforts to reduce the number of migrants in the country amid pressure from far-right parties.²⁵ With its worsening economic climate characterised by soaring inflation, migration has emerged as a highly charged political issue in Türkiye, which hosts some 3.6 million Syrians seeking sanctuary from the conflict in their own country as well as people from various states in Africa, Southeast Asia and the Middle East. Consequently, minor infringements of immigration rules that previously resulted in a mere warning from police, are increasingly leading to detention and even deportation. That domestic politics played an important

17 Bourdin, J. et al (2022) [How new laws leave smugglers free while jailing thousands of migrants and asylum seekers on dubious charges](#). New Lines Magazine.

18 Under Greek law, it is a crime to help irregular migrants enter the country, punishable by jail terms of up to 15 years for each person transported, but convicts can only stay in jail for a maximum of 20 years.

19 Times of Malta (2023) [Italy tells asylum seekers to pay €5,000 to avoid detention](#).

20 Lighthouse Reports (2022) [Europe’s Black Sites](#).

21 Refugee Support Aegean (2023) [Blatant lack of information and investigation, one month after the shipwreck in Pylos, Greece](#).

22 Al-Najjar, M. et al (2023) [Khalifa Haftar and His Role in The Deadly Shipwreck Off Greece](#). Spiegel International.

23 Border Violence Monitoring Network (2023) [Dark Rooms, Degrading Treatment and Denial: The Use of Violence in Greece’s Pre-Removal Detention Centres](#).

24 MSF (2023) [Pushbacks, detention and violence towards migrants on Lesbos](#).

25 Hurriyet Daily News (2023) [Over 10,000 illegal migrants held in Istanbul amid intensifying ops](#); Inanc, Y. (2023) [Turkey: Police step up shadow campaign to deport immigrants and refugees](#). Middle East Eye.

role in the toughening of official attitudes to migrants became especially evident in the run up to the elections in May, when there was a sharp rise in the number of arrests during an operation involving more than 33,000 personnel raiding almost 20,000 locations across the country.²⁶

Based on a three-year investigation, an extensive report into conditions at an immigration detention facility in the **United Kingdom** found “credible evidence” that human rights law had been breached and that staff at the centre had used racist and derogatory language towards those held there.²⁷ The public enquiry also found that a “toxic culture” pervaded staff at Brook House, where people are detained prior to deportation. Recorded abuses included the use of dangerous restraint techniques and forcibly moving people when they were naked or near naked. The report called for a range of changes to be introduced into the UK immigration detention system, including a 28-day time limit. There is currently no limit to the duration of such administrative detention.

Russia's military recruitment drive to strengthen its frontline forces in Ukraine has extended to coercing not only foreign migrant workers but also, via the mercenary Wagner Group, immigration detainees in Vladivostok.²⁸ Targeted detainees were said to have been offered both the carrot of rapid Russian citizenship and the stick of deportation with a ban on returning to Russia within five years.

In **Mexico**, “inhumane policies” in a migrant detention centre were blamed for the deaths of almost 40 people during a fire in late March.²⁹ After the blaze broke out when some detainees set their mattresses on fire to protest their planned deportation, authorities allegedly left detainees locked up with no way to escape. Video footage of the disaster showed guards walking away from the fire and making no attempt to release those in the smoke-filled cell.³⁰ Pending an investigation into the fire, Mexico's immigration agency said it was closing 33 immigration detention centres across the country.³¹ As part of the Mexican government's strategy—carried out in collaboration with the US and **Canada**—to curb migration, authorities detained more than 318,000 migrants in 2022 and expelled some 16,000.³²

Deportation

In the first eleven weeks of 2023, authorities in Algeria expelled almost 10,000 undocumented migrants—including children and women, some of them pregnant—and abandoned them in or near a desert village in a no-man's land just across the **Niger** border.³³ Witness testimony indicated that many were beaten and/or robbed of their money, phones, valuables and documents by Algerian security forces during their ordeal. While Algeria regularly deports Nigerien citizens under a 2014 bilateral readmissions agreement and takes them to a small Niger border village called Assamaka, many others, mostly people from West and Central Africa (but also from Arab or Asian countries) are deposited via unofficial convoys at the so-called “Point Zero” on the border from where they have to walk 15 kilometres to Assamaka. Most remain in the village there for lack of funds for onward transportation, with little in the way of food, water, shelter or humanitarian assistance. One leading international NGO active in Assamaka, where temperatures can reach 48 degrees celsius, said a health facility it supports there had been “overwhelmed”, with people sleeping in it wherever they could find space, even on the roof and in an area usually reserved for waste.³⁴

In July, reports—later denied by Tunis—began emerging of hundreds of Black Africans being arrested in or near the port city of Sfax in **Tunisia** and then being forcefully expelled without due process to a militarised desert buffer zone on the Libyan border, where little food or medical assistance was available.³⁵ Those allegedly expelled included people with both regular and irregular status from a range of countries, including **Côte d'Ivoire, Cameroon, Mali, Guinea, Chad, Sudan** and **Senegal**. Some were asylum seekers registered with UNHCR in Tunisia. They were unable to enter Libya or return to Tunisia, and many of their phones had been smashed by security forces. Dozens of people reportedly died in the no man's land between the two borders.³⁶

For months, violent anti-migrant sentiment had been running high in Sfax—a popular departure point for Europe—(and indeed across the country) in the wake of widely reported xenophobic remarks made in February by the Tunisian president.³⁷ Amid the ensuing climate of fear, which was marked by mass evictions, sackings,

26 Sanderson, S. (2023) [Turkey cracks down on migrants in major operation as pre-election rhetoric heats up](#). InfoMigrants.

27 Taylor, D. (2023) [Physical and verbal abuse found in Brook House immigration removal centre inquiry](#). The Guardian.

28 Global Detention Project (2023) [Russia: Immigration Detainees Amongst Foreign Migrants Targeted for Military Recruitment](#).

29 Amnesty International (2023) [Mexico: Fatal fire in migrant detention center is result of inhumane policies](#).

30 Verza, M. & Lee, M. (2023) [Video shows guards walking away during fire that killed 38](#). Associated Press.

31 Blust, K. (2023) [Mexico closes 33 migrant detention centers amid investigation of deadly fire](#). Fronteras.

32 Amnesty International (2023) [Mexico: Fatal fire in migrant detention center is result of inhumane policies](#).

33 Alarm Phone Sahara (2023) [Urgent appeal: Humanitarian crisis in Assamaka on the Niger-Algeria border: Thousands of people deported from Algeria in vulnerable conditions and left on their own in the middle of the Sahara without shelter and care](#).

34 MSF (2023) [MSF condemns appalling conditions for migrants abandoned in Assamaka](#).

35 Human Rights Watch (2023) [Tunisia: Crisis as Black Africans Expelled to Libya Border](#).

36 Libya Update (2023) [Migrant Crisis at Tunisia-Libya Border Worsens as Death Toll Rises](#); Al Jazeera (2023) [At least 27 people found dead in desert after expulsion from Tunisia: Libya](#).

37 Amnesty International (2023) [Tunisia: President's racist speech incites a wave of violence against Black Africans](#).

verbal abuse and physical attacks, hundreds of migrants from Mali, Guinea and Côte d'Ivoire opted to fly home.³⁸ Such human rights concerns appear to have been largely overlooked by the EU when in July it signed a €1 billion partnership with Tunisia in a bid to reduce irregular migration to the bloc.³⁹ Various critics have derided the externalisation deal as “likely to exacerbate violations and abuses and perpetuate impunity” in Tunisia, just another step in the EU’s “war on migrants”, and a new pillar in the bloc’s “failed asylum architecture”.⁴⁰ Even some EU officials and member states were against the deal.⁴¹ In September, Tunisia blocked five members of the European Parliament from entering the country on a planned visit whose purpose included assessing the migration deal.⁴² The same month, hundreds of migrants were arrested in the Sfax region by Tunisian police, including anti-terrorism units, in an operation ordered by the president himself.⁴³

In early September, Prime Minister Benjamin Netanyahu of **Israel** said plans should be drawn up for the removal of all African migrants in the country.⁴⁴ This followed violent clashes between rival groups of Eritrean nationals in Tel Aviv in which 140 people were injured. As well as calling for the immediate deportation of the “rioters” he instructed his ministers to draft plans for the “removal of all the other illegal infiltrators”, using a term frequently used in Israel to describe African irregular migrants. Some 25,000 migrants, mostly from Sudan and Eritrea, currently live in Israel. Very few are recognised as asylum seekers and even fewer as refugees. Previous government and Knesset efforts to deport migrants from Israel have been thwarted by the country’s courts.

Refugees and asylum seekers were among hundreds of Eritreans summarily expelled from **Ethiopia** at the end of June, according to the UN, whose human rights experts noted that such collective expulsions violated international law and, in the absence of “individual risk assessments of their exposure to human rights violations, including torture and enforced disappearance”—abuses

that are well documented in **Eritrea** when its citizens are forcibly returned—amounted to refoulement.⁴⁵ The experts also voiced concern about “reports of continued arrests and prolonged arbitrary detention of Eritreans [in Ethiopia] for alleged violations of immigration law, without charge, without access to a lawyer and without judicial process.”

Between April and July, authorities in **Kuwait** deported some 700 Filipinos amid tensions over the rights of migrant workers in Kuwait, who number almost 270,000.⁴⁶ Some had to finance the cost of their flight home themselves. Around 500 Filipinos who had sought sanctuary in a shelter run by their embassy were among those deported after a brief spell in detention.

Between April and May this year, the armed forces in **Lebanon** were accused of arbitrarily and summarily deporting over 1,000 Syrian nationals back to Syria, including unaccompanied children, giving no consideration to their refugee status or risk of persecution once returned.⁴⁷ Some of those deported said they had been arrested and forcibly conscripted into the army upon their return.⁴⁸ Others said they had been beaten and threatened when apprehended in Lebanon. Some also said they had been given no right to consult lawyers or challenge their deportation, as a group of NGOs accused the Lebanese authorities of “scapegoating refugees” for their own economic failures.⁴⁹ In several cases, the deportees were handed over directly to Syrian authorities, whose abuses against returning migrants have been widely documented.⁵⁰

Pushbacks, pullbacks and other border abuses

In late 2022, a group of UN rights officials issued a report alleging that large numbers of Ethiopian migrants were being deliberately killed on a daily basis

38 Naceur, S. (2023) [Ruthless, Illegal, and Dangerous](#). Rosa Luxemburg Stiftung. Bathke, B. (2023) [Hundreds of migrants fly home from Tunisia fearing more attacks](#). InfoMigrants.

39 While the [memorandum of understanding](#) upon which the EU-Tunisia deal was based refers to respect for human rights, the agreement itself only includes very general language on this topic, and makes no provision for human rights monitoring. Pijnenburg, A. (2023) [Team Europe's Deal – What's Wrong with the EU-Tunisia Migration Agreement?](#) Verfassungsblog.

40 El Amouri I. & Sabchev, T. (2023) [EU deal will only worsen racist abuse of migrants in Tunisia](#); Naceur, S. (2023) [The Spirit of 1951](#). Rosa Luxemburg Stiftung; Zribi, N. (2023) [Externalizing Borders or Externalizing Repression? Tunisia at the Center of a Failed Asylum Architecture](#). The Tahir Institute for Middle East Policy; See also: Woollard, C. (2023) [Editorial: The EU's Dodgy Deal with Tunisia is a Classic of the Genre: Undemocratic, Unlawful and Unlikely to Work](#). European Council on Refugees and Exiles; Popoviciu, A. (2023) [How Europe Outsourced Border Enforcement to Africa](#). In These Times; and Doyel, S., Forin, R. & Frouws, B. (2023) [A damaging deal: abuses, departures from Tunisia continue following EU agreement](#). Mixed Migration Centre.

41 O'Carroll, L. (2023) [EU states expressed 'incomprehension' at Tunisia migration pact, says Borrell](#). The Guardian.

42 Euronews (2023) [Tunisia denies entry to European Parliament's foreign affairs mission](#).

43 Amara, T. (2023) [Tunisia arrests migrants, seizes boats in major people-smuggling crackdown](#). Reuters.

44 Sky News (2023) [Benjamin Netanyahu plans to deport all African migrants from Israel after Eritrean groups involved in violent clashes](#).

45 United Nations (2013) [UN experts urge Ethiopia to halt mass deportations of Ethiopians](#).

46 Fatima, S. (2023) [Kuwait departs 700 Filipinos in three months](#). Siasat.com.

47 Human Rights Watch (2023) [Lebanon: Armed Forces Summarily Deporting Syrians](#).

48 Gebeily, M (2023) [Syrian refugees deported from Lebanon face arrest, conscription, say relatives](#).

49 Amnesty International (2023) [Lebanon: Halt summary deportations of Syrian refugees](#).

50 Amnesty International (2021) [Syria: "You're going to your death" Violations against Syrian refugees returning to Syria](#).

on the border separating **Yemen** and **Saudi Arabia** by security forces operating under Saudi state authority.⁵¹ In an apparent bid to deter migrants from crossing the border, the perpetrators were said to have deployed mortar rounds and sniper fire from Saudi territory towards individuals and groups of migrants in Yemen. Other shootings allegedly took place on Saudi territory, according to the report, which also indicated that some migrants had been tortured and raped. Saudi Arabia denied the officials' findings of a "systematic pattern of large-scale, indiscriminate cross-border killings, using artillery shelling and small arms fired by Saudi security forces against migrants." Subsequent investigations and interviews conducted in June 2023 by the Mixed Migration Centre (MMC) with Ethiopian returnees provided further evidence of such atrocities, with Yemen interviewees telling MMC about seeing "piles of bodies lying exposed for lengthy periods of time, often placed in shallow graves."⁵² Coupled with data in the UN officials' report, MMC's research suggests that at least 794 people were killed and 1,703 injured as a result of incidents at the northern border in 2022. MMC's investigations also pointed to the use of unmanned "sensor-triggered, or camera-activated automatic shooting systems" at the border. In late August 2023, Human Rights Watch said in an extensive report that there was evidence to suggest the killings were continuing.⁵³ "Saudi border guards have used explosive weapons and shot people at close range, including women and children, in a pattern that is widespread and systematic," the rights group added. Also in August, it was reported that the Saudi border forces behind the killing of migrants in Yemen had received training from German federal police and the US military.⁵⁴

On the southern border of the **United States**, new pushback tactics involved stringing miles of barbed wire along the US bank of the Rio Grande and a wall of buoys and underwater webbing in the middle of the river, which marks the border with Mexico.⁵⁵ Installed in early July, the riverine barriers, which are part of a multibillion-dollar effort by Texan Governor Greg Abbot to secure the border, have raised fears about the risk of drowning. In June, a pregnant woman having a miscarriage was found caught in the wire, and Texas national guards pushed back a four-year-old girl trying to get through the barrier. She later passed out from exhaustion, according to a leaked email to a superior from a state trooper, who

described the national guards' actions—which allegedly involve denying people water amid extreme heat—as "inhumane".⁵⁶

At the end of last year, a network of NGOs and independent experts pointed to an "unprecedented rise in violence" at the **European Union's** border, with incidents of beatings, forced undressings, torture and other abuses carried out not just by a "few bad apples" but in a context that amounts to a "rotten orchard where violence is being normalised".⁵⁷ Their findings, collated in an updated, 3,173-page edition of *The Black Book of Pushbacks*, were drawn from interviews with more than 700 people trying to reach Europe in 2021 and 2022, when coronavirus restrictions and lockdowns led to the evacuation from border areas of international organisations, meaning that border guards in many countries,⁵⁸ in the absence of independent witnesses, felt a greater sense of impunity as they implanted "gruesome deterrence tactics" that also included the shaving of heads, dog attacks and the use of electric discharge weapons. The incidents and practices listed below indicate that the easing of the pandemic did not bring an end to harsh tactics at Europe's borders—both external and internal—but instead point to their normalisation. One statistic in particular lends credence to the existence of such a trend: over the course of 2022, some 225,533 people were illegally pushed back from the EU's external border, according to a tally published in March this year by a Belgian NGO which said pushbacks "form the basis of Europe's external borders policy".⁵⁹

Border officials in **Italy** continued to react to the arrival by sea of asylum seekers, including children, from Afghanistan, Syria and Iraq by locking them belowdecks in ferries—in effect "secret prisons on private ships"—and forcibly sending them back to Greece, according to a human rights NGO.⁶⁰ On the voyage to Greece from the Italian ports of Venice, Ancona, Bari and Brindisi—which, depending on the route, can take well over 24 hours—some of the unofficial detainees were, unbeknownst to the vessel's fee-paying passengers above, reportedly handcuffed to fixed furniture and thus unable to move, while others were confined to very small rooms. Such secret and illegal pushbacks reportedly involved hundreds of people within the space of 12 months, despite a 2014 European Court of Human Rights ruling that such transfers were unlawful because they denied

51 Various UN officials (2022) [Official communication to the Kingdom of Saudi Arabia](#).

52 Frouws, B. & Horwood, C. (2023) [Murderous border controls: the mass killings of Ethiopian migrants along the Saudi Arabian – Yemen border](#). Mixed Migration Centre.

53 Human Rights Watch (2023) ["They Fired on US Like Rain" Saudi Arabian Mass Killings of Ethiopian Migrants at the Yemen-Saudi Border](#).

54 Beaumont, P., Ganguly, M. & Borger, J. (2023) [Germany and US trained Saudi forces accused of killing Yemen migrants](#). The Guardian.

55 Associated Press (2023) [Mexico files border boundaries complaint over Texas' floating barrier plan on Rio Grande](#). (Via ABC News).

56 Wermund, B. (2023) [Exclusive: Texas troopers told to push children into Rio Grande, deny water to migrants, records say](#). Houston Chronicle.

57 Barker, H. & Zajović, M. (Eds) (2022) [The Black Book of Pushbacks – Expanded and Updated Edition](#). Border Violence Monitoring Network.

58 Namely: Croatia, Greece, Albania, North Macedonia, Hungary, Slovenia, Italy, Austria, Romania, Bulgaria, Serbia, Bosnia and Herzegovina, Poland and others.

59 11.11.11 (2023) [Over 200,000 illegal pushbacks at EU's external borders in 2022](#).

60 Euro-Med Human Rights Monitor (2023) [Italy's secretive forced deportation of newly arrived migrants is illegal, barbaric and dangerous](#).

people their right to claim protection upon arrival in Italy.⁶¹ According to the human rights NGO, Italy's pushbacks of asylum seekers to Greece "are not isolated episodes, [but] rather the result of a precise political strategy".

Greece faced renewed pushback allegations of its own in May, when the New York Times published video footage that showed masked men on the island of Lesbos forcing a dozen asylum-seekers, including young children, onto a small raft and abandoning them at sea.⁶² This prompted the European Commission to urge Athens to open a full investigation into the incident and to warn it might take "formal steps" against Greece, a year after the bloc's commissioner for home affairs had told Greek authorities "there is no place for illegal deportations".⁶³ The investigation is set to be carried out by an independent monitoring authority established last year as a condition of EU funding for Greek coast guard operations.

Gendarmes in **France** stand accused of including unaccompanied children among the migrants pushed back to the Italy border town of Ventimiglia, in violation of existing regulations, because of lack of space in French reception centres.⁶⁴ At the French border post in the Riviera resort of Menton, minors are frequently detained overnight with unrelated adults before being pushed back—at a rate of "dozens" per month—to Italy, often without confiscated possessions, such as documents and phones being returned to them and in violation of French and international law.⁶⁵

In April, lawmakers in **Lithuania** took normalisation to its logical conclusion when they legalised the common practice of turning away irregular migrants from the country's borders by adopting—with an overwhelming majority—amendments on the Law on the State Border and Protection.⁶⁶ Such pushbacks had previously been authorised in 2021 under a minister's order and a subsequent government resolution. The interior ministry stated the new amendments were aimed at countering the instrumentalisation of migration by Belarus and to put in place additional safeguards for vulnerable people. But human rights activists warned that by "forcibly returning refugees and migrants to places where they face

a risk of torture and other ill-treatment, the [Lithuanian] government is trampling on their rights and on Lithuania's own international obligations" and was thus giving "a green light to torture".⁶⁷ In early September, the EU Commission defended the new border polices enacted by Lithuania and neighbouring **Latvia** (whose parliament has approved similar amendments, to the consternation of UNHCR),⁶⁸ with one official saying the two countries were "doing their best to protect the EU border."⁶⁹

Further light was shed this year on pushbacks to **Bosnia and Herzegovina** that have long been carried out—despite official denials—by police in **Croatia**. According to an extensive report about the "routine brutality towards migrants and asylum seekers" on the border between the two countries, these forced returns occur without asylum requests or protection needs being assessed and include unaccompanied minors and families with young children.⁷⁰ The report said police on the border frequently steal crucial possessions such as mobile phones, money and ID documents and force refugees and migrants into Bosnia and Herzegovina not at official crossing points but at other locations along the border, where some expulsees have to wade across rivers or navigate dense forests with no idea where the nearest town is. No steps are taken to arrange the reception of those pushed back by authorities in Bosnia and Herzegovina, the report said.

Over recent years **Malta** has been repeatedly criticised for pushing back migrants from its waters or not responding to their distress calls, to the point of being accused in a complaint filed to the International Criminal Court of having committed crimes against humanity.⁷¹ Such opprobrium continued in 2023. In May, for example, four NGOs involved in search and rescue (SAR) operations on the Mediterranean accused Malta of coordinating the "criminal mass pushback by proxy" of 500 migrants aboard a vessel in distress in its SAR zone who were forcibly returned 330 kilometres to eastern Libya, where they were immediately imprisoned.⁷² They included nationals of Syria, Egypt, Bangladesh and Pakistan. In the first six months of 2023, more than 8,700 people were returned to Libya after being intercepted by its EU-funded coast guard.⁷³

Malta's SAR zone is also reported to be the theatre of

61 Creta, S. et al (2023) [Detained below deck - Asylum seekers held in secret cells on ferries between Greece and Italy](#). Lighthouse Reports. This report explains that the practice involves people who arrived at Italian ports as stowaways on the same ferries aboard which, after a spell of onshore detention, they were pushed back to Greece. While a 1999 readmission agreement empowers Italy to return undocumented migrants who arrived from Greece back to Greece, the arrangement does not apply to asylum seekers.

62 Stevis-Gridneff, M. et al (2023) [Video Shows Greece Abandoning Migrants at Sea](#). The New York Times.

63 Tidley, A. (2023) [Brussels warns Greece it could take 'formal steps' over latest illegal migrant pushback allegations](#). EuroNews.

64 ANSA (2023) [France sending unaccompanied minors back to Italy](#). MSF.

65 Human Rights Watch (2023) [France: Submission to the UN Committee on the Rights of the Child](#).

66 LRT & EURACTIV (2023) [Lithuania legalises migrant pushbacks](#).

67 Amnesty International (2023) [Lithuania: Legalizing illegal pushbacks gives green-light to torture](#).

68 UNHCR (2023) [UNHCR concerned with new legislation in Latvia](#).

69 EU Observer/Baltic Times (2023) [EU Commission defends Latvia and Lithuania accused of pushbacks](#).

70 Human Rights Watch (2023) ["Like We Were Just Animals" Pushbacks of People Seeking Protection from Croatia to Bosnia and Herzegovina](#).

See also: Sapoch, J. et al (2023) [Inside Croatia's Secret WhatsApp Group](#). Lighthouse Reports.

71 Taylor, A. (2023) [NGOs accuse Maltese PM, ex-PM of crimes against humanity at International Criminal Court](#). Euractiv. See also, for example: The Shift (2022) [Classified OLAF report alleges cover-ups, pushbacks of asylum seekers from Malta](#).

72 Alarmphone (2023) [500 people abducted at sea! Malta coordinates criminal mass pushback by proxy to a Libyan prison!](#)

73 Civil MRCC (2023) [Echoes, Issue 7, July 2023: Moving on](#).

pullbacks carried out by forces acting under the umbrella of the Libyan National Army led by General Khalifa Haftar, whose institutions in eastern Libya operate in rivalry to the UN-recognised government in Tripoli.⁷⁴ These forces, known as the Tareq Bin Zeyad (TBZ) brigade, have also been implicated (since 2021) in the deportation by truck of migrants in southwestern Libya to Niger, as well as in a “catalogue of horrors”, such as unlawful killings, torture and other war crimes allegedly committed in Libya.⁷⁵ In one incident in July of this year, 250 people aboard a fishing vessel that had run out of fuel in the Maltese SAR after departing from Libya were transferred to a vessel operated by TBZ and taken to Benghazi in eastern Libya, where they were robbed and detained. A similar incident involving 300 migrants occurred on 26 July. In August, also in the Maltese SAR zone, the TBZ reportedly intercepted a boat carrying 110 migrants who had departed from Lebanon and detained them in Benghazi, and then released most of them only after ransoms were paid.⁷⁶

Neglecting and thwarting maritime search and rescue

As noted above, 2023 brought renewed and widespread criticism of the EU and its member states in relation to maritime search and rescue. In late August, after three civilian SAR ships were kept from operating at sea by authorities in Italy acting under new legal powers (see below), 56 NGOs issued a joint statement calling on “European states to stop obstructing and hindering civil search and rescue missions in the Mediterranean Sea.”⁷⁷ The signatories noted that on 60 occasions since December 2022 Italian officials assigned unnecessarily distant ports for civilian SAR vessels to disembark the migrants they had rescued. Rather than effectively deterring people from attempting to cross the Mediterranean, policies such as these “result in more suffering and more deaths,” the statement said, pointing to the June loss of 600 lives in the shipwreck off the coast of Greece as an example of “preventable deaths” that happen “year in and year out” on the Mediterranean. Between January and mid-September 2023, more than 2,000 of the 157,000 people who attempted the Central Mediterranean Route died or went missing, considerably

more than last year’s 12-month total of 1,417 (among 160,00 attempted crossings).⁷⁸

Among these fatalities were 94 (mainly Afghan) migrants, including 35 children, who died close to the Italian coast near the Calabrian port of Crotona when the overcrowded wooden pleasure boat they were aboard sank in February. In the furore that followed the tragedy, Italian authorities and Frontex—which had spotted the vessel six hours before wreck—traded blame for the failure to respond quickly and allegedly tried to conceal exactly what they knew as the disaster unfolded.⁷⁹

Noting that tardy responses to emergencies at sea often had fatal consequences, one migration expert concluded in a May op-ed that delaying SAR is not so much a European policy failure as a “deliberate, cruel strategy” honed over the last decade to prevent arrivals while accelerating interceptions to Libya “no matter the cost”.⁸⁰ The author noted that Italy and Malta “continue to leave vast stretches of the sea unattended” and that the maritime authorities of European states often withhold information about vessels in distress from nearby civilian SAR operators. A similar note was sounded by an SAR coordination platform, which asserted in March that non-assistance had become “a routine part of a suite of deadly measures aimed at reducing arrivals in Malta.”⁸¹ In 2022, according to the platform, authorities in Malta ignored more than 20,000 people in distress. After the deadly wreck of the *Adriana* off the coast of Pylos in June (see above), Greek authorities were accused of first delaying their response to an alert issued by Frontex, then of causing the wreck by towing the fishing boat, and later of covering up their alleged role in the disaster.⁸² The *Adriana* disaster also prompted the EU’s ombudsman to launch an investigation into Frontex’s role in the incident and in SAR operations in general.⁸³ In the context of Libyan pullbacks (see above), Human Rights Watch said last December that “Frontex’s rhetoric around saving lives remains tragically empty as long as the border agency doesn’t use the technology and information at its disposal to ensure that people are rescued promptly and can disembark at safe ports”.⁸⁴

The criminalisation of migration advocacy in Greece has also compromised maritime safety, according to NGOs there, as illustrated by the case of one activist facing

74 Marsi, F., Shankar, P. & Sanad Verification Unit (2023) [The Libyan Militia illegally towing back vulnerable refugees. Al Jazeera.](#)

75 Amnesty International (2022) [Libya: Hold commanders of Tariq Ben Zeyad armed group accountable for 'catalogue of horrors'.](#)

76 AlJoud, S. (2023) [Libyan militants release 80 of 110 migrants departing Lebanon.](#) L'Orient Today.

77 Statewatch (2023) [Urgent warning: more deaths at sea, NGO ships blocked.](#)

78 Missing Migrants Project (n.d.) [Migration within the Mediterranean.](#) Accessed 14 September 2023.

79 Azimi A., et al (2023) [The Crotona Cover Up.](#) Lighthouse Reports.

80 Stierl, M. (2023) [The EU's secret weapon against refugees — time.](#) Al Jazeera. According to the author, this cost included the deaths of 90 people aboard an overcrowded boat that capsized off the coast of the Italian town of Crotona in February 2023, and the deaths a few weeks later of dozens aboard another boat that capsized 30 hours after Libyan and European authorities had been alerted to its being in distress.

81 Civil MRCC (2023) [Echoes, Issue 7, July 2023: Moving on.](#)

82 Human Rights Watch (2023) [Greece: Disparities in Accounts of Pylos Shipwreck Underscore the Need for Human Rights Compliant Inquiry;](#) Pollmeier, A. et al (2023) [Drowning in Lies.](#) Lighthouse Reports.

83 Vela, J. (2023) [Watchdog to probe EU border agency's role in deadly shipwreck.](#) Politico.

84 Human Rights Watch (2022) [EU: Frontex Complicit in Abuse in Libya.](#)

charges related to people smuggling that followed his documentation of arrivals from Türkiye.⁸⁵ The activist in question reported such arrivals to police in a bid to pre-empt their being pushed back or expelled. Meanwhile, a group of 24 aid workers who were arrested in 2018 while helping migrants arriving on Greece's shoreline continue to be investigated for allegedly aiding smuggling networks, money laundering and belonging to a criminal organisation, charges that could lead to jail terms of up to 20 years.⁸⁶

It is not just European states that impede the work of civilian SAR efforts on the Mediterranean: the Libyan coastguard does so too, even beyond Libya's 24-mile patrol zone. For example, in March, a Libyan coastguard vessel first fired warning shots at the NGO-run Ocean Viking as it attempted to rescue people aboard a rubber boat 37 miles off Libya's coast and then took the dozens of migrants aboard back to Libya.⁸⁷ A similar incident, allegedly involving a vessel the EU had just donated to the Libyan coastguard, took place in international waters in July.⁸⁸

Other legislative, judicial and policy developments

The Illegal Migration Act came into force in the United Kingdom in July, introducing another raft of measures aimed at reducing the numbers of people reaching the country aboard small boats via the English Channel, people whom Home Secretary Suella Braverman has said were “criminals [who] don't have a right to be here.”⁸⁹ The new law provides for the detention and deportation, either to Rwanda⁹⁰ or another safe country, of asylum seekers arriving in the UK illegally—defined under existing legislation as entering via non-regular pathways—and the abolition of their right to claim asylum in the UK. Minors are not exempt from the detention provisions, on the ground that doing so would incentivise people to bring their children when they

cross the Channel.⁹¹ The act also renders inadmissible most claims—however compelling—for protection and those related to human rights, including in the case of victims of trafficking and modern slavery, and introduces new restrictions on immigration bail.⁹² The law's many critics have pointed out that in the absence of “safe and legal routes” for people seeking asylum in the UK, the act effectively abrogates the UK's obligations under the Refugee Convention and will have “profound consequences for people in need of international protection.”⁹³ Ahead of the law's enactment, the Council of Europe warned the UK government that it constituted a significant step backwards in the fight against human trafficking and modern slavery.⁹⁴

Earlier in the year, the UK's immigration minister said the government's efforts to “suffuse our entire system with deterrents” would entail providing asylum seekers with accommodation that met “basic living needs, and nothing more.”⁹⁵ A little later, it was announced that up to 500 asylum seekers would be housed on a three-storey barge built to accommodate half that number, prompting concerns about overcrowding, fire safety and sanitation.⁹⁶ At the time of writing, the barge stood empty, following the discovery in its water system of a deadly strain of legionella.⁹⁷ In September, the same minister faced renewed scorn when he announced the creation of a dedicated task force and tougher sentences to ensure that “crooked” lawyers found to be “coaching” migrants how to abuse the UK's immigration system through fraud would be prosecuted, with the possibility upon conviction of sentences up to life imprisonment.⁹⁸

In January, legislators in Italy approved a new migration decree that greatly restricts the work of NGOs conducting search and rescue operations on the Mediterranean.⁹⁹ Among other provisions, the law's code of conduct bans such NGOs from carrying out multiple rescues on the same voyage, obliging them instead to immediately head to an often very distant designated Italian port, regardless of whether other vessels are in distress nearby. Failure to comply could lead to fines of

85 Strickland, O. (2023) [Why Greece is clamping down on these refugee rights activists](#). Middle East Eye.

86 Hardie, E & Kennedy, N. (2013) [Greece drops some espionage charges against aid workers who rescued migrants from the sea](#). CNN.

87 Moore, M. (2023) [The Libyan Coast Guard is not what it seems](#). Foreign Policy.

88 Vasques, E. (2023) [Exclusive: Libyans fired at rescuers while performing a rescue at sea](#). Euractiv.

89 UK Parliament (2023) [Illegal Migration Act 2023](#); ABP Live (2023) [Migrants Coming To UK Illegally Are 'Criminals': British Home Secretary Suella Braverman](#).

90 Under a bilateral agreement announced in March 2022, but which has yet to come into effect due to legal challenges. BBC (2023) [What is the UK's plan to send asylum seekers to Rwanda?](#)

91 Francis, S. (2023) [Not detaining child migrants creates pull factor – Sunak](#). BBC

92 UK Parliament (2023) [Illegal Migration Act 2023](#); UNHCR (2023) [UK Asylum and Policy and the Illegal Migration Act](#).

93 UNHCR (2023) [UK Illegal Migration Bill: UN Refugee Agency and UN Human Rights Office warn of profound impact on human rights and international refugee protection system](#). See also: Full Fact (2023) [Current safe and legal routes to the UK do not involve applying for asylum](#).

94 Taylor D. (2023) [Europe's human rights watchdog warns UK over illegal migration bill](#). The Guardian.

95 Walker P. (2023) [Asylum seekers will get the most basic housing possible, says Robert Jenrick](#). The Guardian.

96 Amnesty International (2023) [UK: Bibby Stockholm is 'utterly shameful' way to treat people seeking asylum](#).

97 ITV News (2023) [Bibby Stockholm: Migrants 'allowed to drink water after legionella discovery'](#).

98 UK Government (2020) [Government to build cases to prosecute rogue immigration lawyers](#); Murphy O. (2023) [Robert Jenrick slammed as lawyers aiding migrants face life imprisonment](#). In July, the same minister made headlines when he instructed staff at an immigration centre to paint over cartoon murals that had been installed for the benefit child asylum seekers because he felt they sent too welcoming a message. Geiger, C. (2023) [Minister Robert Jenrick ordered painting over of child asylum unit murals](#). BBC.

99 Gazzetta Ufficiale (2023) [Decreto-Legge 2 gennaio 2023, n. 1 \(Raccolta 2023\)](#).

up to €50,000 and the seizure of rescue ships—a penalty that has already been imposed on at least one civilian SAR vessel.¹⁰⁰ SAR NGOs must now also collect biodata from those they rescue and share it with authorities. The decree's measures appear to be incompatible with a range of international laws and have given rise to fears of a rise in maritime fatalities.¹⁰¹ The law elicited widespread condemnation and has been variously described as “a new low in [Italy's] strategy of smearing and criminalizing nongovernmental organizations saving lives at sea”, “simply unacceptable” and “ineffective” as a deterrent to irregular migration.¹⁰² Such criminalisation is fairly common across the EU: according to a report published in March, more than 100 people in the bloc faced criminal or administrative proceedings in 2022 for acts of solidarity with migrants.¹⁰³

In May, Italy passed the so-called Cutro decree, a package of measures designed to curb irregular migration by introducing a range of restrictions to Italy's protection regime.¹⁰⁴ Derided as “inhumane”, the new law reduces access to fair asylum procedures and limits freedom of movement, while increasing the permitted duration of pre-deportation detention.¹⁰⁵ The government introduced additional measures in September, after some 10,000 migrants reached the island of Lampedusa. These also had an impact on the permissible duration of detention—in centres described as “black holes” by rights activists—as well as on the deportation of people found to have no right to be in Italy.¹⁰⁶

In June, Governor Greg Abbot of the US state of Texas signed into law a package of measures designed to “hold the line and protect Texans from the record level of illegal migration, weapons and deadly drugs pouring into Texas.”¹⁰⁷ The measures expand US Border Patrol agents' powers of arrest and search and seizure at the border with Mexico. Abbot's original plans to allow civilians to serve in a border protection unit with law-enforcement powers were rebuffed by state legislators in the wake of fears they could lead to state-sponsored vigilantism. In December 2022, Abbot sparked outrage when he called for NGOs to be investigated for “unlawfully orchestrating” irregular crossings of the US-Texas border without offering any evidence that any non-profits were engaged in such activities.¹⁰⁸ Meanwhile, in Florida, Governor and presidential candidate Ron DeSantis signed a stringent

new law relating to unauthorised migrants. Among other measures, the law makes it a felony to transport into the state people who entered the US without authorisation, requires some hospitals to query the immigration and citizen status of their patients and imposes fines and possible jail time on undocumented migrants who secure employment having provided false documents.¹⁰⁹

The government of Chile took steps this year to expedite expulsions of irregular migrants, expand the criteria for deportation, and criminalise the irregular entry of those ineligible to claim asylum or who transited through safe countries, with prison sentences and fines imposed on offenders.¹¹⁰ The changes appear to violate existing refugee legislation and fall foul of Chile's international obligations, including under the Refugee Convention.¹¹¹

In some cases, it is the inaction of state agents, rather than their policies or operations, that facilitates the abuse of migrants and refugees by non-state actors. In **Cyprus**, for example, police reportedly demonstrated a “shocking failure” to respond as a racist mob armed with Molotov cocktails went on the rampage in the coastal city of Limassol in early September, targeting people they deemed to be of the wrong skin colour.¹¹² Some 200 rioters dressed in black took to the streets chanting “Cyprus is Greek” and “We'll start with the blacks first and then police.” Several business premises were destroyed. Media coverage suggested that while there was a significant police presence in the town on the night in question, officers were deployed “in all the wrong places” and did not prevent protestors from attacking migrants. Similar violence had broken out a week earlier in the town of Chloraka. One rights activist later suggested that the rioters had been emboldened by a decade of the Cypriot government's anti-migrant rhetoric and tolerance of racist behaviour.¹¹³

100 Sea-Eye (2023) [Sea-Eye sues Italy for unlawful detention of Sea-Eye 4](#).

101 Human Rights Watch (2023) [Italy's Anti-Rescue Decree Risks Increasing Deaths at Sea](#).

102 Mellersh, N. (2023) [International law and the criminalization of sea rescue](#). Infomigrants.

103 Gionco, M. (2023) [More than 100 people criminalised for acting in solidarity with migrants in the EU in 2022](#). PICUM.

104 ANSA (2023) [Lower House gives definitive approval to migration package](#).

105 Autin, A. (2013) [Disastrous Clamp Down on Migrant Rights in Italy](#). Human Rights Watch.

106 Amante, A. (2023) [Italy passes tougher measures to deter migrant arrivals](#). Reuters.

107 Office of the Texas Governor (2023) [Governor Abbott Signs Sweeping Package of Border Security Legislation](#).

108 Corchado, A. et al (2022) [Migrant aid groups slam Texas Gov. Greg Abbott for his call for investigation](#). Dallas Morning News.

109 Chishti, M. & Gelatt, J. (2023) [Activism on Immigration by U.S. States Is Back, with New Tactics and Different Targets](#). Migration Policy Institute.

110 MercoPress (2023) [Chile toughens migration controls](#).

111 [Official Communication](#) sent from the United Nations' Office of the High Commission for Human Rights to the Chilean Government.

112 Kades, A. (2023) ['Police did nothing' as migrants attacked in Limassol's racist protest](#). Cyprus Mail.

113 MacGregor, M. (2023) [Cyprus: Property destroyed, migrants attacked in second weekend of riots](#). InfoMigrants.



Interview

Migration has a lot to offer

While generally associated with challenges and often mired in “toxic discourse”, large-scale migration, when properly managed, can deliver a range of social and economic benefits, not only to migrants but also to origin, transit and destination countries, explains **Ugochi Daniels**.

Ugochi Daniels took office as IOM's Deputy Director General for Operations on 1 September 2021. Daniels is a senior executive with over 27 years of diverse managerial experience with donor and United Nations entities, academia, as well as private sector institutions.

Part of your responsibility as Deputy Director General for Operations is to oversee the department dealing with operations and emergencies in IOM. Can you mention the kind of emergencies IOM has been dealing with this year?

Actually, for the past year the Department of Operations and Emergencies here at IOM headquarters has been contending with the largest ever number of what we call “mega emergencies”. Starting off, obviously, with the situation in Afghanistan. Then we have the situations in the Horn of Africa, particularly in Somalia and Ethiopia, followed by emergencies in north-eastern Nigeria and most recently in the Niger, the Democratic Republic of the Congo, the Sudan and Haiti. Our biggest operational response of all is the ongoing war in Ukraine, which involves several countries in the region.

That is very busy and, for a migration agency, that sounds more like UNHCR's schedule.

No, I would argue that it is simply the schedule of all of us working in humanitarian assistance, which includes also responding to internal displacement, rather than just to cross-border displacement. I think what is particular in the case of IOM is that we always look at the mobility angle in terms of what is forcing people to

be displaced, what is keeping them displaced and what is not enabling them to return.

How can we make sure that although they are displaced, they are, to the greatest extent possible, safe and have access to services? How do we deal with the fact that the communities they belong to and the social systems and social protection systems that they have are accessible to them? It is a much bigger agenda than to say it would just be IOM or UNHCR working on it, because often we work together. We believe that the whole humanitarian system is critical.

That is where IOM's mission is interesting isn't it? Because you are in humanitarian situations and yet a lot of your mandate is about much longer-term migration issues that deal with labour shortages around the world and opening up visas and borders and making talent going where it's needed. You straddle both sides.

Exactly. The response to massive displacement, response to crisis, response to the impact of climate and other environmental disasters is a large part of what we do because it triggers people to move. But we are also very much focused on what we call transition and recovery as well as development. Because migration

“ Migration is a choice and can create win-win solutions for countries of origin, transit, destination and, most important of all, for the migrants themselves. ”

has a lot to offer. And we believe that migration can be part of the solution if it is dignified, safe and well managed. Migration is a choice and can create win-win solutions for countries of origin, transit, destination and, most important of all, for the migrants themselves.

Is IOM thinking about future emergencies and being positioned or prepared for them? What kinds of scenarios are you expecting?

Yes of course. We absolutely have to look at scenarios, because if you are not looking at scenarios then you are permanently just reacting to the now, with absolutely no prospect of being able to get to a sustainable solution in the future. Just to go back to that list, I think the biggest future trigger of movement is going to be, and in some respects already is, climate change. I am just coming from the Africa Climate Week and Summit 2023 in Nairobi, Kenya. Africa had over seven million displacements last year due to the impact of disaster alone, much of which was caused by climate change. In this context, IOM is looking at what we call predictive analytics in order to be able to anticipate, prepare for and prevent, and we do so in close collaboration with governments and our partners. But it is bigger than that. And you rightly mentioned labour mobility. All the data that are there in terms of ageing in certain parts of the world and youthful populations in other parts of the world need to be harnessed. We know that remittances from migrants are the number one source of development finance. Migration can offer a lot of solutions that work for all, in terms of addressing countries where there is ageing and the resulting labour gaps within certain sectors.

“ If you are not looking at scenarios, then you are permanently just reacting to the now, with absolutely no prospect of being able to get to a sustainable solution in the future. ”

In fact, G20 economies have the highest vacancy rate ever, with 30 million vacant positions, and their economies are not going to grow without migrant labour. Remittances from migrants and diasporas are fuelling development in developing countries. At IOM, we have come up with solutions that work across the board and uphold human dignity and safety.

I must say a point on irregular migration, because this is what gets the headlines and fuels xenophobia and misinformation. It is part of a very toxic discourse where

the reality is that the solutions for irregular migration are known, but we see a very strong focus on security and border management. We as IOM of course support countries in managing their borders. Countries have an absolute right to ensure their security. But, in our view, that is not enough to stop irregular migration and to deal with the traffickers and the smugglers. This is because we know that regular pathways have a multiplier effect: they boost public confidence in migration systems; they act to undermine smugglers' business models; and they protect migrants. Whereas an over-emphasis on security can actually fuel an increase in irregular migration, more desperate measures and greater and greater risks.

Do you see a global contradiction where all over the world countries are experiencing labour shortages and at the same time we are hearing about increased restrictions on immigration?

Yes, it really is often a bipolar discussion. Let me break this down a bit. Starting with all the data that indicate that millions of people—or predict that millions of people—will be on the move because of the impact of climate change. But that data also suggests that, of the almost over 200 million who will be on the move, most will be moving within countries. We are looking at rural-to-urban migration and therefore the critical role cities play, so I think that one focus really needs to be on supporting the cities with urban planning that takes into account future migration. And in fact, if well done, well managed, well planned for, urbanisation can actually accelerate the achievement of the Sustainable Development Goals. Cities play a critical role and we should better seize the opportunities migration can generate for cities.

“ Regular pathways have a multiplier effect: they boost public confidence in migration systems; they act to undermine smugglers' business models; and they protect migrants. ”

Now the other part. As I mentioned earlier, there is the crackdown on irregular migration and then of course the xenophobia, the misinformation, the fear, and the political instrumentalisation of migration. I always try to ensure that the discussion is holistic and not just looking at one part of the extremes because irregular migration to these countries is happening at the same time as discussions to increase opportunities for people to come. I have been in airports where every five metres there is a sign for a talent mobility scheme. Countries are very aware of the fact that they have to attract talent for their economies to grow. And in some cases, it is not even skilled talent that they need. They need agricultural workers, construction workers, low-skilled workers as well. Recruitment agencies speak to IOM and say,

Interview

Ugochi Daniels

"Please, please, please help our governments develop the tools that they need so that recruitment agencies can bring in the labour that is required for companies".

People who talk about the value of migration and the need for migration often avoid any discussion around AI and automation. Surely that's going to have an impact on migration needs?

IOM has some analysis in terms of jobs that will be the future of work. And this is a lot of the cooperation that we have with the International Labour Organization. AI is part of the future of work, but also part of the future of work is the whole concept of digital nomads—people working across borders without moving physically. It is already happening. But at the same time, if you look at ageing societies and elderly care, you can't automate elderly care. So again, it requires a comprehensive discussion.

I have just returned from a visit to Ukraine, for example, and there the government estimates that for the next ten years they are going to need 4.5 million additional workers, which is a huge number. That is not going to be met without the contribution of migrants, right? Automation of jobs, the role of AI, is important, but it is not the be-all and end-all. And, even though on one end, AI will replace some jobs, what we are seeing at the back end is that a new job sector is emerging to support AI.

What is your current assessment of the successes or failures of the Global Compact for Migration?

Last year we had the International Migration Review Forum, which was held four years since the adoption of the Global Compact. We know that the Global Compact is voluntary, and to be honest, going into the review, we weren't 100 percent certain of what the outcome would be. Because of all the geopolitical dynamics that are at play currently. And we were also wondering what would the progress be and what the commitment to the Compact would look like. We were very conscious of the fact that the discourse around migration can be very toxic, and the geopolitical dynamics also could influence the discussion. But we were, on the contrary, very pleased with the outcome.

We were initially worried whether it would regress, but rather it advanced because one of the big outcomes was member states now asking for a limited set of indicators to measure progress on the Compact. And that came from member states themselves. There has been a lot more progress in some than in the others, unsurprisingly. I would say that the review showed that there has been a lot of progress that has been made. It showed that we still have global commitment to the Global Compact, but it also showed that there is still a lot more to be done and countries are committed to it. And we also saw countries who didn't adopt the Global

Compact in 2016 are now more forward leading in adopting the Compact or the objectives of the Compact for their migration management. I think that the GCM is still highly relevant and will continue to drive multilateral cooperation of member states on migration and movement of people.

“ If well done, well managed, well planned for, urbanisation can actually accelerate the achievement of the Sustainable Development Goals. Cities play a critical role and we should better seize the opportunities migration can generate for cities. ”

What about the role of the diaspora in the effort to meet SDGs and accelerate migration?

The role of remittances in being the main funder of development in developing countries is very important and it is only going to continue to grow. The role of the diaspora beyond remittances is also growing. And in countries where there is a diaspora policy and a framework for engagement of the diaspora, we see that remittances as a proportion of GDP have actually doubled.

This includes the importance of social protection mechanisms for the diaspora and how it is helping with integration of migrants in destination countries. We have social protection mechanisms—some are traditional, they are very culturally based in the countries of origin and in the countries of destination, which help with integration, which is often very difficult for countries to achieve. Often countries are not even aware of them.

A whole unknown area is the role that the diaspora plays in helping with integration. If I may give myself as an example. I am Nigerian. I live in Geneva, and there is a strong Nigerian diaspora in Geneva. For example, in terms of the Igbo people, of which I am part, from eastern Nigeria, we have a community. It provides classes in our local language, which helps the diaspora in integrating here, but still helps them to feel that they have ties back home. It also provides a social safety net and there are fees that are paid. But once you are a member, you are entitled to all different types of support. Whether it is for loans to start a business, whether you are dealing with medical bills or with a death, there is a whole schedule of what your entitlements are as a member. It is not a club. It is called an association, which is a social safety net for migrants when they move. Similarly, there is support that the association provides to the community back home. And as I said, this is already worldwide. And other nationalities are doing the same. I think the point

I wanted to make, as we look to the future, as we look to IOM's priorities, it is also bringing this whole social protection system that is operating in parallel to national social protection systems of countries of origin or countries of destination. How can we also build on that and basically make the links more effective? Because, for many migrants, this is actually the first social protection system and community that they come into contact with when they move. And I have absolutely no idea, for instance, if the government of Switzerland or the municipality of Geneva is aware that there is an informal parallel integration system in place and that it potentially could complement what is happening with government integration systems. I think it is a really exciting area because it recognises the capacity that the diaspora and migrants have. Successful integration in a country for a migrant is really at the heart of fully achieving all that migration has to offer.

Every six months when there's a new EU presidency, IOM releases some recommendations, and they never refer to the Global Compact. And considering that you represent the organisation which coordinates the UN Migration Network, is there a particular reason for this?

First of all, it is not intentional. It is not like we say we are not going to refer to the Global Compact. And in fact, the recommendations that we make are all in line with how to implement the GCM objectives in the context of the EU. I hadn't even taken note of the fact that we don't refer to the Compact when we are giving recommendations to the EU presidency, but all of our recommendations are always informed by the Compact and aligned with the six-month window of the relevant Presidency of the Council of the EU.

Being a multi-government agency and being project-driven do you find it difficult representing migration to and amongst governments that have such a diverse relationship with migration?

Absolutely not. I think my whole career in the UN has been on talking and engaging governments on difficult or sensitive issues and it is no different when it comes to migration. This is because I always come from the angle of this is what is in line with what it is you want to achieve for your citizens and for your people. And this is how we as IOM can help and support you in that. We look at what the evidence, data, and lessons learned say in different countries around the world. I think, for me personally, and also for IOM as an organisation, we try to always put forward what it is we know that is backed by the science, backed by the data, and that we know works and will deliver solutions. That is a discussion every country is ready to have. I have had discussions with some of the most vocal who have taken a very political stance on the issue of migration, and even there it is possible to have a balanced conversation and show this is the opportunity that migration can provide.

Is there an elephant in the room that we're not talking about in the migration discussion, i.e. discrimination, racism, xenophobia, or just people's reluctance towards multiculturalism and its politicisation?

Of course there were and are many stories, not just stories, but reports of racism, xenophobia, etcetera. But what didn't make the headlines were the opposite stories of welcome and assistance and support. I don't in any way want to downplay acts of racism or acts of xenophobia, but I do want to highlight that there is a counter-narrative and, for many, a lived experience that is positive. Xenophobia is a huge issue and obviously it is not going to change overnight, but it is not the only story. I think sometimes some commentators can also be guilty of zeroing in on the more sensational and negative stories around the narratives of migration.

When you look at how the Global South handles issues around migration and refugees, do you think there are lessons for the Global North? And if so, what are they?

There are some very good examples and there are also challenges. For IOM, Niger is our biggest operation in terms of voluntarily returning migrants who are expelled from neighbouring countries in North Africa. I think there are enough bad practices to go around, but there are also really good ones. I mean, Uganda is outstanding in terms of the number of refugees it is hosting. It gives land too, there is access to land tenure, which doesn't happen in most countries, right? There are many good examples of how the Global South has integrated refugees. What we saw with Colombia and Venezuela is another example. There are absolutely lessons to be learned. There are absolutely very strong examples in the Global South but that doesn't mean that we don't deal with xenophobia as well. We've had many cases in—I don't want to use Africa as the only example—but we have had many cases where there is xenophobia and fear. I want to be more positive than saying it's a mixed bag, but absolutely the Global South has very good practices to share. That said, there is still a lot more that we have to do and certainly for IOM this is a key aspect of the work that we are doing when it comes to protection and human rights, namely to remind countries of their national as well as their international obligations to protect, respect and fulfil the human rights of migrants.

“ I think that the Global Compact for Migration is still highly relevant and will continue to drive multilateral cooperation of member states on migration and movement of people. ”

Resisting the extreme

The aim of this section is to present a more optimistic counterpoint to the contents of *Normalising the extreme*. It does so by setting out some examples of policies and actions around the world that recognise that migrants merit support and protection, rather than stigmatisation, scapegoating and criminalisation, and that acknowledge the potential of migration as a positive driver of growth and prosperity for migrants themselves as well as societies in origin and destination countries. It is thanks to such attitudes, government policies and civil society initiatives that millions of migrants and refugees find sanctuary, success and pathways to citizenship and integration in their host countries. Like its sister section, *Resisting the extreme* offers a selection of snapshots to illustrate its point, and does not claim to be an exhaustive overview of relevant measures. (More extensive summaries of migration policy developments can be found in MMC’s regional quarterly updates).¹

By Anthony Morland²

Global attitudes to refugees remain strong

Asked whether they agreed in principle that people should be able to take refuge in other states to escape war or persecution in their own countries, 74 percent of almost 22,000 people surveyed this year in 29 countries said they did.³ While that represents a slight dip compared to last year’s 78 percent, it is still indicative that citizens across the world are supportive of one of the cornerstones of the Refugee Convention: the right to seek asylum. The organisers of the poll, conducted to mark World Refugee Day on 20 June, suggested the decline may have been due to an erosion of the unusually positive attitudes towards people who had fled the conflict in Ukraine. More than eight in ten respondents said they were in favour of allowing refugees already living in their country to remain there, but responses were more mixed over accepting new refugees. Opinions were also divided over whether people seeking asylum should be allowed to work, with three fifths saying this would help integration but half fearing it would attract people lacking a valid claim to asylum. Indeed, across the board, respondents’ chief concern involved the genuineness of people’s claims to be refugees. In a reflection of widespread global empathetic engagement, a third of respondents said they had personally taken some steps in support of refugees during the year leading up to the survey by, variously, donating money or goods, posting messages on social media, signing petitions and contacting their elected representatives.

Government and state initiatives

This section includes several examples of where various state entities—executive, judicial and legislative—stood up to others in an effort to protect the rights of migrants and refugees and to curb what they saw to be extreme measures.

At least seven provinces in **Canada** this year cancelled contracts under which the federal government uses their jails to detain migrants under the Immigration and Refugee Protection Act, joining Manitoba, which did so in 2022.⁴ The detention of migrants on administrative rather than criminal grounds has prompted criticism from human rights defenders and immigration lawyers in Canada who said it violated international law and unnecessarily separated detainees from their relatives and legal advisors. When Ontario became the eighth refusenik in June, one commentator said the province had joined “a rapidly growing provincial revolt against [Canada’s] prison immigration policy” and that its decision constituted “an important, human-rights-affirming limitation” that would “fundamentally alter the landscape of immigration detention” in the country.⁵ In the five years leading up to the end of 2020, Canada detained an annual average of 8,000 migrants, a quarter of whom were held in provincial facilities.

1 Mixed Migration Centre (n.d.) [Quarterly Mixed Migration Updates](#).

2 Anthony Morland is a journalist and editor based in Paris.

3 IPSOS (2023) [World Refugee Day 2023: Support for the principle of refuge remains high despite a decline since 2022](#). Note: 74 is the average country percentage, rather than the survey-wide average.

4 Bureau, B. (2023) [Quebec, New Brunswick become latest provinces to stop imprisoning migrants](#). CBC News.

5 Boulanger, A.-R. (2023) [Guest Opinion: Canada – Rejecting and Promoting Migrant Detention. All in a Day’s Work](#). Global Detention Project.

A few weeks after Ontario's defiant move and some 600 kilometres to the south, local and central branches of the **United States** government were also at odds with each other. But this time the dynamic was reversed, with the federal Department of Justice (DOJ) announcing plans to thwart Texas in the courts over the state's installation of buoys along the Rio Grande (see Normalising the extreme).⁶ In a letter, the DOJ warned Texas governor Greg Abbott that its actions on the river that marks the border with Mexico were "unlawful... raise humanitarian concerns [and] present serious risks to public safety and the environment." The buoys rotate when climbed and are strung with underwater netting to maximise their impassability. In September, a federal court ordered Texas to remove the buoys, describing them as a "threat to human life", but an appeals court put this ruling on hold the following day.⁷ Local authorities in various cities in the US have also stood up to the migrant-related actions of Abbott, and his Florida counterpart, Ron DeSantis. This year both governors transported migrants from their states on buses and planes to places such as Los Angeles, Chicago, Sacramento, New York and Washington D.C. in a bid to demonstrate that migrant-friendly policies in these so-called "sanctuary cities" were wrong-headed.⁸ Subsequent media coverage suggests their plan backfired, with one editorial declaring that the two governors were mistaken "if they think they are teaching cities with sanctuary polices any lessons with their inhumane political stunts or causing their leaders to rethink their commitment to not treating migrants as criminals."⁹ With the help of church groups and NGOs, municipal authorities were on hand to greet the dozens of confused plane and bus passengers and offer them food, shelter and clothes.¹⁰

On the other side of the Atlantic, steps taken by the **United Kingdom** government in its determination to "stop the boats" carrying thousands of migrants across the English Channel came up against opposition from a range of state-associated quarters. In June, the English Court of Appeal ruled that it would be unlawful for asylum seekers reaching the UK irregularly to be deported to Rwanda because judges had determined it was not a safe country.¹¹ The appeal—against a lower court's ruling that the Rwanda plan was legal—had been lodged by a group of asylum seekers selected for removal to Rwanda,

who were supported by UNHCR. In granting the appeal on the ground of Rwanda's safety (other grounds were not upheld), the judges dealt a major blow to a flagship component of the government's migration policy.¹² Earlier in the year, this policy's legislative backbone, the Illegal Migration Act, faced vociferous resistance in the House of Lords, the upper chamber of the UK parliament.¹³ The archbishop of Canterbury, who has a seat in the Lords, described the bill as "morally unacceptable".¹⁴ He and other members managed to water down some of the bill's more extreme provisions—relating to detaining minors and abolishing the right to claim asylum for those reaching the UK "illegally"—but their amendments were overturned by the lower house.¹⁵ As the legislation was still being debated in parliament, children's charities wrote an open letter to Prime Minister Rishi Sunak, urging him to drop the bill's "extreme and cruel" provisions for detaining minors, while faith leaders and medical organisations also spoke out publicly.¹⁶ Similar outrage also prevailed among asylum caseworkers at the UK's Home Office—which is now facing a record backlog of more than 175,000 claims—where one staff member warned in April that there would be an "exodus" if case workers were obliged to act "illegally" under the new law's provisions.¹⁷ Then in September, a local mayor filed a legal challenge against another high-profile aspect of the government's policy: a plan to house hundreds of asylum seekers on a barge widely criticised over fire safety and public health concerns (see Normalising the extreme). The elected official said, "it's just terrible to think that our country would do something like this to vulnerable people" but acknowledged that it was "a huge and daunting task to take on the whole mechanism of the state, the home secretary and the Home Office".¹⁸

In June, the Supreme Court of **Estonia** recently ruled against a ban on immigration detainees using their mobile phones and stated that access to the internet is a human right that must be maintained by detention centre management.¹⁹ The Rae Detention Centre, where immigration detainees are held, had been enforcing severe restrictions on communication with the outside world. Mobile phones were confiscated upon arrival and detainees received a monthly calling card worth just €5—sometimes enough for barely 10 minutes, depending on the country being called. Detainees were also limited

6 Wallace, J. (2023) [DOJ says it will sue Texas over buoy wall barrier in Rio Grande](#). Houston Chronicle.

7 Associated Press (2023) [Court order allows Texas' floating barrier on US-Mexico border to remain in place for now](#).

8 Oliva, A. (2023) [Sanctuary Cities Can Be Better Prepared to Welcome Migrants](#). Time. Between April 2022 and July 2023 Texas sent some 22,000 migrants on such journeys. Chishti, M. & Gelatt, J. (2023) [Activism on Immigration by U.S. States Is Back, with New Tactics and Different Targets](#). Migration Policy Institute.

9 Los Angeles Times (2023) [Editorial: Sanctuary cities are working just fine, thank you](#).

10 Yoon-Ji Kang, E (2023) [Chicago agencies and local groups tell migrants, 'We're so glad you're here'](#). Webez Chicago.

11 Dearden, L. (2023) [Suella Braverman's plan to deport asylum seekers to Rwanda ruled unlawful by Court of Appeal](#). The Independent.

12 For details of the Rwanda plan, see: BBC (2023) [What is the UK's plan to send asylum seekers to Rwanda?](#)

13 Dubs, A. (2023) [The UK's illegal migration bill is a nasty piece of work. So is the cruelty inflicted on refugee children](#). The Guardian.

14 Ho, V. (2023) [Justin Welby proposes amendments to 'morally unacceptable' illegal migration bill](#). The Guardian.

15 UNHRC (2023) [UN experts urge UK to halt implementation of Illegal Immigration Bill](#).

16 Together With Refugees (2023) [Open letter to the prime minister from top children's charities: ditch plans to lock up refugee children](#).

17 Dearden, L. (2023) [Home Office faces 'exodus' of asylum caseworkers who fear being forced to break law](#). The Independent.

18 Mortimer, J. (2023) [Home Office Faces Legal Challenge Against 'Appalling' Use of Bibby Stockholm Barge to House Refugees](#). Byline Times.

19 Global Detention Project (2023) [Estonia's Detainee Mobile Phone Ban Ruled Unconstitutional](#).

in their internet access, as the centre's computers only connect to a few select websites.

In April, the prime minister of **Luxembourg**, Xavier Bettel, spoke out against the practice of building fences on the European Union's borders, calling such barriers “not only costly and politically questionable, [but] also not effective in stopping irregular migration.”²⁰ He also underscored the legal obligation and moral duty of member states to provide international protection to those seeking it and called for greater respect of fundamental rights enshrined in international humanitarian law.

In May, members of the European Parliament took an important step to ensuring that the bloc's proposed ground-breaking AI Act includes significant protections against the harmful use of artificial intelligence in the field of migration.²¹ This step took the form of a vote by the parliament's civil liberties and internal market committees to ban the use of: so-called emotion recognition technologies that have been tested by some member states at Europe's borders to assess the credibility of asylum claims; biometric categorisation systems that draw inferences about honesty from data about personal characteristics; and predictive policing systems that are used to make risk assessments about individuals. NGOs and advocacy groups welcomed the ban, saying such technologies “are based on unscientific and often biased, discriminatory assumptions, which then inform real-world decision-making that has a real and detrimental impact on people's lives.”

Civil society initiatives

A German sea-rescue organisation defied new **Italian** legislation that obliges civilian rescue ships to return to shore—and often to distant ports—immediately after each rescue operation, a requirement that runs counter to all vessels' duty under international law to respond to ships in distress and which has prompted warnings that the law would lead to more people drowning on the Mediterranean (see Normalising the extreme). After the Sea-Eye 4 opted to conduct two consecutive rescues during the same voyage in June, thereby saving 32 people from drowning, Italian authorities acting under the new law detained the ship for 20 days.²² This prompted the German NGO to file a lawsuit against the detention in an Italian civil court. Warning that the law “could bring civilian rescue to a complete standstill” the NGO pointed

out that if the Sea-Eye 4 was again detained for violating it, the NGO could be fined up to €50,000 and see its ship confiscated for six months. The new law and the distant-port policy was also the subject of a complaint submitted by five prominent NGOs to the European Commission that raised concerns about its compatibility with existing EU and international law.²³ Instead of disrupting the work of SAR NGO's, “EU member states should involve them in setting up a proper system for search and rescue activities,” said one of the signatory NGOs.

A court challenge was also the immediate—and successful—response to an announcement made by the government in **Belgium** that the state would no longer provide accommodation to single male asylum seekers.²⁴ A temporary suspension of sheltering single men was declared on 29 August by the country's secretary for asylum and migration, who said a shortage of accommodation meant that available places had to be reserved for families with children. Soon afterwards eight associations filed an appeal at the Council of State, the country's highest administrative court, in a bid to obtain a temporary stop on the suspension, which one lawyer described as “illegal in several respects.” The following week, the court overturned the suspension, deeming it in contravention of Belgium's migration laws.²⁵ The ruling came in the wake of sustained criticism against Belgian authorities for their failure to provide adequate shelter to asylum seekers, and after the European Court of Human Rights highlighted their “systemic failure... to enforce final judicial decisions concerning the reception of applicants for international protection.”²⁶

In neighbouring **France**, the state's failure to provide adequate accommodation for young migrants led hundreds of them to pitch tents in front of the Council of State, the supreme court for administrative justice.²⁷ Co-organised by the Utopia 56 advocacy group, the sit-in was a protest to the living conditions endured by 700 youths who had been seeking shelter for more than two months in an abandoned Parisian school. Police later arrested 32 people as they forcibly cleared the tents.

In September, an appeal court in **Greece's** Northern Aegean region awarded €16,000 in compensation to an Afghan man whom the same court had exonerated the previous December after he had served three years of a 50-year jail sentence imposed upon his conviction for people smuggling.²⁸ When he arrived in Greece from Türkiye in 2020, Akif Rasuli was immediately arrested

20 Schengen Visa (2023) [Fences Do Not Work Against Illegal Migration, Luxembourg PM Says](#).

21 PICUM (2023) [AI ACT: European Parliament Endorses protections against AI in Migration](#).

22 Sea-Eye (2023) [Sea-Eye sues Italy for unlawful detention of Sea-Eye 4](#).

23 ASGI (2023) [Non-Governmental Organisations urge European Commission to put under scrutiny Italian law restricting search and rescue activities at sea](#).

24 Gayet, A-S., & Chabot, N. (2023) [Associations appeal Belgium's decision denying aid to single male asylum seekers](#). Euractiv.

25 Associated Press (2023) [Belgian court overturns government decision to deny shelter to single men seeking asylum](#).

26 Erturk, N. (2023) [Belgium rapped for leaving asylum-seeker on streets despite European court order](#). AA.

27 France Info (2023) [Paris : des centaines de réfugiés et des associations installent leurs tentes devant le Conseil d'État](#).

28 Legal Centre Lesvos (2023) [Victory for LCL client – Mytilene court orders 16.000 in compensation after nearly three years of unjust imprisonment](#).

and charged with causing a shipwreck and, as the alleged driver of the stricken boat, with smuggling. He was found not guilty of causing the shipwreck but guilty of smuggling, even though, according to his lawyers, no evidence was presented against him. While welcoming the appeal court's latest decision, Rasuli's lawyers noted that it was a small and rare victory, given that people charged or convicted of smuggling offenses comprise the second largest category of prisoners in Greece and that few of them are acquitted, let alone compensated for wrongful imprisonment. Legal Centre Lesvos went on to call for Greek and European smuggling laws to be aligned with the UN Protocol against the Smuggling of Migrants, so as to stop migrants who are themselves victims of smugglers being prosecuted.

Regularisation and inclusion

In April, the UN special rapporteur on the human rights of migrants reiterated that granting a regular migration status to migrants in an irregular situation can effectively safeguard the human rights of vulnerable migrants.²⁹ This measure is particularly important for those who have faced human rights violations and abuses in their home countries or during their migration journey through transit and destination countries. The implementation of regularisation mechanisms can benefit both human development and national development. As the following examples illustrate, destination countries sometimes take steps to counter the exclusion of irregular migrants other than granting them full residency rights.

Authorities in several US states took significant steps towards integrating their migrant residents. Minnesota's Department of Public Safety announced in September that some 81,000 undocumented migrants living in the state would soon be allowed to apply for a driver's licence without presenting proof of legal presence in the country.³⁰ This is important not so much because it will allow migrants to drive, but because such licences facilitate access to employment and a range of public services such as healthcare. As he signed the bill that formalised the change, state governor Tim Walz said it "makes sure that our children and families can come out of the shadows and that all Minnesotans have opportunities to thrive, succeed, grow and live their fullest lives in our state." Earlier in 2023, the same state introduced a college tuition facility for low-income families, with no restrictions related to immigration status.³¹ Utah took a similar step, extending tuition support to various

immigration categories. Currently, at least 23 US states, along with the District of Columbia, offer in-state tuition regardless of immigration status. Also in 2023, Maryland opted to allow qualified but undocumented immigrants to work in the field of occupational health, while California is working on extending state-funded health insurance to all immigrants who do not qualify for federal public insurance.

In February, the government in **Australia** announced that almost 20,000 refugees would become eligible to apply for permanent residency, a move refugee advocates described as "a victory of unity and compassion over division and fear".³² The move applies to people currently holding temporary protection and safe haven enterprise visas and will mean beneficiaries enjoy the same rights as all other permanent residents, including with regard to social security, educational loans, and pathways to full citizenship.

Some states in northeast **India** have pushed back against central government pressure to stem the "illegal influx" of people fleeing neighbouring Myanmar since that country's 2021 coup d'état by restricting the refugees to specific locations and initiating deportation proceedings. Unlike more compliant leaders of other states in the region, the chief minister of Mizoram urged Prime Minister Narendra Modi to provide the refugees with asylum, saying that deporting them was "unacceptable".³³ Rather than adhering to Delhi's harsh entreaties, the government in Mizoram has instead assisted those fleeing Myanmar and allowed them to work. Estimates of the number of refugees living in India range from 20,000 to 50,000.

Five years after **Brazil** began voluntarily relocating Venezuelans who had taken refuge in the border state of Roraima to over 900 cities elsewhere in Brazil, the government announced that more than 100,000 people had benefitted from the policy.³⁴ The programme's beneficiaries, around 80 percent of whom are women and children, make up about a quarter of the total number of Venezuelans living in Brazil. The aim of the policy is to enhance protection and inclusion. To that end, those who willingly relocate receive work permits and other essential documentation. The first three months of this year saw almost 52,000 Venezuelans enter Brazil, a record for the first quarter of any year since 2020.³⁵ Under the Operação Acolhida (Operation Shelter), run by the federal government in partnership with a range of NGOs and UN agencies, people arriving from Venezuela are provided with humanitarian and integration services.

29 UNHRC (2023) [How to expand and diversify regularization mechanisms and programmes to enhance the protection of the human rights of migrants - Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales.](#)

30 Watson, M. (2023) [Undocumented immigrants in Minnesota can apply for driver's licenses in October.](#) CNN

31 Chishti, M. & Gelatt, J. (2023) [Activism on Immigration by U.S. States Is Back, with New Tactics and Different Targets.](#) Migration Policy Institute.

32 Remeikis, A. & Doherty, B. (2023) [Nearly 20,000 refugees to get same rights as other permanent residents after being kept 'in limbo'.](#) The Guardian.

33 Global Detention Project (2023) [The Threat of Detention for Myanmar Refugees in India.](#)

34 IOM (2023) [After 5 Years, Brazil Relocation Strategy Benefits Over 100,000 Venezuelans.](#)

35 Oliveira, N. (2023) [Brazil Experiences Record Wave of Venezuelan Migrants.](#) Dialogo Americas.

Prospects for regular migration between **Kenya** and **Germany** grew considerably in August when the two countries signed a strategic partnership that could see more than 400,000 jobseekers from the East African country find work opportunities abroad.³⁶ Developing such regular migration pathways to promote labour mobility is one of the 23 objectives of the Global Compact for Migration. The scheme, conceived by a leading Kenyan parliamentarian and Germany's ambassador to Kenya, will focus on improving the quality of dozens of Kenya's technical, vocational, educational and training centres as a step towards filling some 250,000 unfilled positions in Germany. The previous month, the government in Italy said it planned to issue 425,000 work permits to non-EU nationals by 2025 in order to plug gaps in the labour market and promote legal migration.³⁷ Opposition politicians were quick to accuse the ruling right-wing coalition of hypocrisy, saying its leading lights had "built their political careers by demonising immigration as a national security threat", with the use of terms such as "ethnic replacement" and "invasion." Also in 2023, new pathways for work-related regular migration were created for Indian nations in **Finland**, Germany, Italy, the UK and **Norway**, while **Malaysia** made it easier for nationals of 15 countries to immigrate so as to fill gaps in its labour market.³⁸

considerable time and resources to exposing extreme responses to irregular migration is Lighthouse Reports, in which several of the world's leading media houses collaborate on in-depth investigations. Subjects covered this year include alleged cover-ups over their role in shipwrecks by authorities in Greece and Italy; the use of ethnic profiling in **the Netherlands**; and the secret below deck detention of migrants on ferries travelling between Greece and Italy.³⁹ As evidenced by Normalising the extreme's footnotes, many mainstream non-specialist media houses also cover similar subjects and events, and the more relevant ones in Europe and beyond are helpfully collated into weekly digests published by the European Council on Refugees and Exiles.⁴⁰ InfoMigrants, a collaboration by media houses in France, Germany and Italy, provides a similar service, covering topics such as international law, asylum law, deaths at sea and sea rescue, and the refugee convention.⁴¹

Investigative journalism

According to the Washington Post's catch phrase, "democracy dies in darkness". When it comes to states' responses to mixed migration (and especially irregular migration), the upshot of this aphorism is that the extreme thrives on ignorance, on the lack of awareness by citizens about what is going at borders or on the high seas, or on a failure to grasp the importance of such events, both at the micro level of the individuals affected, and at the macro level: the implications of the fact that extreme actions and policies are being carried out in the name of those who voted the authors of such actions into office. Us, in other words. Resisting the extreme thus first entails shedding light and holding power to account—the very definition of good journalism. Effective journalism also needs to recognise the truth of another aphorism: the devil is in the details. Details such as timelines, witness statements, photographic and video imagery, geolocation, and so on. Details that persuasively clarify the classic four "W"s of journalism: Who did what, when and why? Without the work of journalists and media organisations, Normalising the extreme would be a much shorter document, as a lot of relevant material would not have come to light. One news organisation in particular that has dedicated

36 Oluwole, V. (2023) [Kenya teams up with Germany to create job opportunities abroad for Kenyan job seekers](#). Business Insider Africa.

37 Kamzin, A. (2023) [Italy's Giorgia Meloni opens door to more workers from outside the EU](#). Financial Times.

38 Mixed Migration Centre (2023) [Quarterly Mixed Migration Update: Asia and the Pacific](#). Q1 2023.

39 Lighthouse Reports (2023) [Investigations](#).

40 ECRE (n.d) [ECRE Weekly Bulletin](#).

41 InfoMigrants (n.d.) [About InfoMigrants](#).

Interview



The many arms of the law

With a precision honed over her long career as an international criminal lawyer, **Patricia Sellers** discusses the jurisdictional landscape governing a range of crimes that may befall people travelling in mixed migration movements and explains what avenues are open to those seeking judicial redress for human rights violations, such as those related to slavery and the slave trade.

Patricia Sellers is a visiting fellow at Kellogg College of the University of Oxford where she teaches international criminal law and human rights law. She has been a legal consultant to several UN entities and international tribunals. Ms Sellers is the recipient of the prestigious Prominent Women in International Law Award bestowed by the American Society of International Law. She was also awarded the National Bar Association's Ron Brown International Lawyer Prize.

You've been working as a special advisor to the prosecutor of the International Criminal Court. Please tell what this entails.

I was the special advisor for gender for five years. Now I'm the special advisor for slavery crimes. That role is even more pertinent to what we're discussing today. As the special advisor for slavery crimes, the prosecutor recently asked me to develop a slavery crimes policy for his office. That entails inserting the prosecutor's view on slavery crimes under the court's jurisdiction into our investigations and our legal submissions, from the trial stage through to the appellate stage, including submissions for the reparations phase to victims. By slavery crimes, I basically mean slavery, enslavement and the slave trade [as defined] under international criminal law, but in particular how they and sexual slavery should be interpreted under the Rome Statute. Under the Rome Statute, enslavement exists as a crime against humanity.

Being the special advisor entails a wide range of activities, from training investigators not only on the elements of the crime, but also on how to formulate questions to secure evidence about slavery and eventually slave trading. Analysts at the Office of the Prosecutor have to find patterns, such as when slavery-like conduct is occurring, or slave-trading conduct is occurring. It is very important that patterns are picked up from the survivor's point of view.

You teach international criminal law and human rights. Do you see migration and the violations that occur in migration as an example of where the issues of criminal and human rights law intersect?

Yes. I've spent some time reading the reports and interviews that you've done in MMC. In particular, the recent report on Ethiopia illustrates exactly that, the intersection of national criminal law, such as smuggling

or trafficking, and international criminal law.¹ As I'm reading the report, I'm making mental notes to myself. I say, "Oh, that's an element of slave trading" or, "Oh, that's an element of slavery" or "Oh, that looks like an aggravating circumstance". In terms of human rights law, trafficking is a human rights violation under international criminal law's characterisation of persecution. Slavery and the slave trade are international crimes, but they are also non-derogatory human rights violations under the International Covenant on Civil and Political Rights. So, I see all of these violations pertaining to migration coalescing under different international jurisdictions.

Do you feel the issue of what happens to migrants and asylum seekers en route has been something of a blind spot for national and international lawyers and jurists?

Yes. Firstly, these are two extremely different communities [of lawyers and jurists]. They have different community approaches to violations. So, when I read your publications and statements on the MMC website, there is little interaction with international criminal law per se. However, when looking at the Office of the Prosecutor's ongoing investigation of the case of migrants going through Libya, that has comparable scenarios to migration through Eritrea or Ethiopia. These are noted commonalities that should be offered similar redress. However, there is no international investigation of the eastward flow of migrants on the Ethiopian route through Yemen and up to Saudi Arabia. In other instances, what you call mixed migration might have acts that come under the jurisdiction of international criminal law. In the [former] Yugoslavia conflict, and maybe in Ukraine, some of the mixed migration might also be the result of forcible transfers or deportation, activities that come under international criminal law. However, I would not say that the two fields or communities have completely coalesced at this point in time.

“ In Ukraine there had been networks of trafficking, what I call slave trading, particularly for commercial sex work, that were active prior to the war. These networks might prey on the increased migration of Ukrainians. ”

Do you have any views on the legal distinction between smuggling and trafficking? Are the definitions and accompanying jurisprudence effective? Or is experience showing that these

distinctions break down in the face of real events or experiences?

I've been more involved in juxtaposing the elements of slave trading and slavery with the elements of trafficking, showing where they differ. It's interesting to see MMC's discussion of trafficking and smuggling in regard to conflation, sometimes with the same perpetrator. A very similar attitude can be taken between slavery, slave trading, and trafficking. Today, usually the term "trafficking" is said instead of the words "slavery" and "slave trade". The elements of trafficking are often considered in the general layman's terminology to be the equivalent of modern slavery, when actually trafficking is neither slavery nor slave trading, nor modern slavery. When analysing the elements of the slave trade next to trafficking, or placing slavery next to trafficking, it is obvious that we really have a long way to proceed in our conversation, even among people who are extremely knowledgeable in the trafficking and slavery communities, and I imagine in the smuggling community.

On certain migration routes, women are systematically abused and raped with complete impunity, and they're sold as sex slaves, for long periods as well. How should this be addressed?

I've been involved with issues of sexual violence under international law as it relates to girls and women, but also as it relates to boys and men. Sexual violence can be committed against all genders and at any age. Anyone can be sexually violated physically or psychologically. This is important. When I read through your [aforementioned] report on the Eastern route, I saw the multiple ways that the sexual violence against women is described. Sometime sexual violence happened when smugglers gathered people together to sell them to another recruiter. To me that is characteristic of sexual violence during a period of slave trading, meaning with an intent to reduce these migrants to a commodity that then can be sold to slavery.

So I understood that scenario as slave trading. I and a co-author, Professor Jocelyn Getgen Kestenbaum, have written about the gendered nature of the slave trade.² It was not unusual in historical slavery that sexual violence occurred exactly during that period of slave trading, or prior to the person [becoming] enslaved. Therefore, when I read that section of your report I apply a legal framework of the slave trade that can be extremely gendered and inflict gendered harms. Such violence often happens during the slave trade. Your examples were the female migrants that were raped. As a result, some of the females were unable to continue their journey, to physically climb hills once they were

1 Horwood, C. (2023) [Captive Commodities](#). Ravenstone Consult.

2 Sellers, P. & Getgen Kestenbaum, J. (2020) ['Sexualized Slavery' and Customary International Law](#). Book Chapters. Yeshiva University, Cardozo School of Law.

down at the riverbed, etcetera. To me that could be part evidence of an international crime of slave trading, illustrating its gendered nature. The slave trade could be charged cumulatively with other crimes such as rape.

“ Consent is legally irrelevant to slavery. What is relevant is the intent of the perpetrator of the enslavement to exercise any or all powers attaching to the rights of ownership. ”

Then, the report offers a different scenario wherein female migrants decided to marry their smuggler or trafficker as a way to mean to survive, as a way to not be relentlessly sexually abused other than by that one person. I could interpret this as a form of enslavement if the smuggler then exercised powers attaching to the right of ownership over her. Even though, legally, from trafficking’s point of view, or maybe smuggling’s point of view, it could be said, “Well, no, crime occurred because there’s been a consent of the victim to the perpetrator. The female migrant said, ‘This is what I want to do for protection’”. Whereas within slavery’s legal framework it doesn’t matter if the person who will be enslaved or continues to be enslaved agrees. Consent is legally irrelevant to slavery. What is relevant is the intent of the perpetrator of the enslavement to exercise any or all powers attaching to the rights of ownership.

Can cases be brought against states in situations where state officials are found to be colluding with traffickers and smugglers and to be directly involved in other crimes, sexual crimes, against migrants and asylum seekers?

To my knowledge, yes, they can. However, to my knowledge, no cases have been brought, up to this point. Clearly, there are questions about jurisdiction. The International Criminal Court, for example, does not have jurisdiction over Saudi Arabia, Oman, Ethiopia nor Yemen. It would be very important, from the survivors’ point of view, to determine where the jurisdictional avenues are. Among the jurisdictional avenues rarely invoked is the International Court of Justice, a court that looks at state treaty violations. Usually, during an ICJ case for state violation, one state moves or brings the case that another is violating a binding treaty. The slavery conventions of 1926 and 1956 are recognised as customary international law. A state does not have to have signed the conventions: these are binding jus

cogens values with erga omnes obligations.³ Therefore states have the obligation, if slavery occurs on their territory, to redress it or to send the perpetrator to a third country where judicial pursuit can be undertaken.

Slavery and the slave trade embody our highest international law values. Accordingly, a state could take another state, such as Saudi Arabia, to the ICJ. However, states are loath to judicially confront other states. Notwithstanding, the Gambia recently led a coalition of states that have taken Myanmar to the ICJ for the genocide committed against the Rohingya, alleging breach of the Genocide Convention. Bosnia also brought Serbia to the ICJ for the crime of genocide. Therefore, yes, avenues exist. Another jurisdictional avenue is (the Human Rights Committee) the treaty-monitoring body of the International Covenant on Civil and Political Rights.⁴ Slavery and the slave trade in all their forms are human rights violations under the provisions of the ICCPR. Survivors of slavery, or possibly a civil society group working with survivors, could bring a complaint before the committee. Furthermore, the committee could proceed to sanction states that are shown not to exercise due diligence in protecting persons on their territories from the human rights violations of slavery and the slave trade. Two states might be aiding and abetting each other, hence neither is exercising due diligence. Another jurisdictional form that exists is universal jurisdiction pursued in the national courts in third states.

On certain routes, like the one through Mexico into the States, or through Africa to Libya, and in Yemen, there’s a strong indication that women and girls are not only systematically facing sexual violence, but may also go missing and disappear, possibly into forced modern sexual slavery. What can be, should be, done about this?

Among what can be done for the harms committed against migrants by smugglers and traffickers is firstly to understand the different jurisdictions and secondly to know the international criminal law of slavery and slave trading that could govern such harms. What is occurring with enforced disappearances when these girls and women are missing? Enforced disappearance is governed by a specific treaty and in particular is derived from the experience of Latin America.⁵ How would the migrant scenarios fit under that treaty? Is there state involvement, whether as commission or omission in terms of the disappearances? If the international crimes were characterised as crimes against humanity—as a hypothetical, consider the migration route through

3 Jus cogens (the Latin for “compelling law”) refers to a concept in international law that establishes certain fundamental principles that are binding on all states and cannot be derogated from. Erga omnes (“towards all”) refers to obligations or rights that are owed or applicable to all individuals or parties universally.

4 For more information about this body, see UN (n.d.) [Fact Sheet No. 15 \(Rev. 1\): Civil and Political Rights: The Human Rights Committee](#)

5 Specifically, the [International Convention for the Protection of All Persons from Enforced Disappearance](#), adopted by the UN General Assembly in 2010.

Panama, going through the jungle going up towards Mexico via the Darién Gap—possibly one could almost interpret these harms against migrants as an attack on the civilian population, with the assumption that the migrants are civilians. This, the attack on this civilian population, appears widespread because of the geographical scope and the number of incidents that are illegal and criminal. It could be established under customary law, or under the Rome statute, that a jurisdictional basis for a crime against humanity exists. Under that crime against humanity framework it might be argued that migrants are enduring forms of enslavement or slave trading. If smugglers are selling migrants to other smugglers, that could be slave trading among slave traders or to enslavers. For slave trading, an “endpoint” of enslavement, the actual reduction into slavery, can be the case, but is not legally required; it suffices that the slave trader just intends that the person, eventually, be enslaved. This factual scenario that many migrants experience with smugglers and traffickers might be better characterised as the crimes against humanity of the slave trade or, eventually, of enslavement.

Do you mean the act of trafficking itself is enslavement?

No: slave trading is an international crime that is distinct from the transnational crime of trafficking. I want to read the definition of slave trading contained in the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery. Mostly, we conflate the slave trade with trafficking. What is slave trading? “The slave trade includes all the acts involved in the capture, acquisition or disposal of a person with an intent to reduce him (or her) to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him (or her)”.⁶

“ What is crucial to recognise in the definition of the slave trade is that after a person has been enslaved, if they are transferred or sold again, that is recognised as a subsequent act of slave trading. ”

What is crucial to recognise in the definition of the slave trade is that after a person has been enslaved, if they are transferred or sold again, that is recognised as a subsequent act of slave trading. So, a person is slave traded into slavery. Most slaves, then, are subsequently slave traded, and hence endure separate international crimes of the slave trade. The definition

of the slave trade from the 1926 Slavery Convention continues, to include “all acts of disposal by sale or exchange of a slave acquired with a view to being resold or exchanged and in general, every act of trade or transport of slaves.” Again, the convention extends concerted attention to the slave trading or disposal of persons who are already enslaved.

What occurred, historically, in North and South America, and certainly now in your description of the eastern African migration routes, is the enslavement of free people into situations of slavery and then they're further being moved into different situations of slavery. Each movement is a separate act of slave trading, maybe by a different smuggler. The definition of slavery is different. A slave, according to the 1926 Slavery Convention, is “a person over whom all or any of the powers attaching to the rights of ownership are exercised”. Ownership does not mean a legal document with title: exercising powers attaching to ownership can be de facto or de jure. Today, most de jure [ownership] has ended, [but] de facto or customary slavery practices still occur. What is happening right now in relation to migrants, in certain situations, is that they are in situations in which powers of ownership are exercised over them until their family pays a ransom. This might explain or better characterise the manner of acts occurring in Yemen while en route to Saudi Arabia.

Instead of prosecuting big fish, a lot of states, especially in Europe, have been active criminalising people who actually assist migrants and asylum-seekers. Often, they're householders or people giving lifts to people and people giving them food as they arrive off boats.

Yes. Those persons might not technically be involved in what has been criminalised as an illegal activity. However, the whole Palermo trafficking framework is geared to going after organised crime.⁷ Organised crime might encompass a huge community, but there are differences between a Don Corleone-type organiser of trafficking networks—the small fish who recruit migrants in some village in Africa—and persons who offer food and water to assist desperate migrants. When examining acts of smugglers, it might be

“ In relation to the smugglers of migrants, I'd like to know who has authority above them, and subsequently those above specially identified smugglers. These persons are just as dangerous as military warlords. ”

⁶ [1926 Slavery Convention](#), Art 1, Para 2.

⁷ The 2003 [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#), aka the Palermo Protocol, established the first common international definition of “trafficking in persons”.

appropriate to look through the framework of command responsibility. Under international humanitarian law and international criminal law, the doctrine of command or superior responsibility can apply to non-military personnel, too. That's very clearly provided for in Article 28 of the Rome Statute. Cases can be built by providing evidence that goes up the chain of command. In relation to the smugglers of migrants, I'd like to know who has authority above them, and subsequently those above specially identified smugglers. These persons are just as dangerous as military warlords. The question is: to what extent can command or superior responsibility be shown? Or: can a joint criminal liability framework that illustrates horizontal networks of actions, with shared purposes among perpetrators, be established under international criminal law?

Looking at these issues from a Global North and Global South perspective, can you see areas where one can learn from the other? Can you see some difference between how the Global North and the Global South play these issues out?

The Global South comes out looking better in terms of the receipt of migrants, officially or unofficially. Countries, whether it be Ghana, Lebanon, South Africa or Jordan, have high rates of cross-border migration. I don't believe that every migration scenario ends well in such countries, nor that there is not an underworld economy that also that treats migrants badly. However, the Global North's focus seems to be on criminalising migration and migrants. The Refugee Convention was born out of the mass movement of Europeans as a result of World War II. One could feel heartfelt that the refugee/migrant was a person for whom we have to do something, positively. The same sentiment [comes] up in Ukraine, with asylum-seekers who were fleeing war. Notwithstanding, in Ukraine there had been networks of trafficking, what I call slave trading, particularly for commercial sex work, that were active prior to the war. These networks might prey on the increased migration of Ukrainians.

“ The Global North's focus seems to be on criminalising migration and migrants. ”

I live in Brussels. I recall when the race of the commercial sex workers near the North Station notably changed from being black to white towards the end of the Yugoslav conflict. The reason is often attributed to many women coming in from Eastern Europe through a porous war zone. The Global North has substantial issues with mixed migration, smugglers, traffickers and slave traders. Mexico has a large number of migrants that traverse its territories, coming from Central or Meso-America or from the Caribbean. Some of the migrants might decide to stop in Mexico; others aim to go to the United States. I am unfamiliar with industrial

workers and industries in Saudi Arabia. However, industries in the United States are very subtly attracting migrants, often as the least paid workers, such as in meat factories in the Midwest. Those industries and corporations will be loud and boisterous about other political issues, but very quiet about how they are a migration magnet. The corporations fail to announce that migrants are not coming to take your job. They're coming to take the lowest paying jobs that we've created. So, in my view, that's not an honest discussion.

Prosecuting high-profile smuggler-traffickers

The Mixed Migration Centre has for years researched and reported on violations perpetrated by criminals inhabiting the extortionist and murderous space where smuggling and trafficking overlap. There has been a rising sense of urgency, calls to action and developments internationally to focus on the criminal networks and those directly benefiting from human trafficking.

Where brutality is associated with such networks, there is cause for celebration when the head of one faces justice. Such was the case in 2021 when an Eritrean national, Tewelde Goitom, known as Welid, was sentenced to 18 years behind bars after being convicted on human trafficking charges in Ethiopia. He has since been extradited to the Netherlands to face similar charges. Welid ran camps that brutalised refugees and migrants and killed many in Libya. The new case started to be heard in a Dutch court in early 2023.¹

Even more dramatically, in early 2023, news emerged of the re-capture in Sudan of another Eritrean national, a fugitive from Ethiopian justice and an alleged criminal associate of Welid's called Kidane Zekarias Habtemariam (aka "Kidane"). Having been convicted in absentia and sentenced to life in jail in Ethiopia, Kidane is now being prosecuted in the United Arab Emirates for alleged money laundering and faces possible extradition to the Netherlands, where prosecutors want to try him alongside Welid. Kidane's apprehension was the result of multinational and multi-agency cooperation.² Since 2019 he was the subject of two Interpol red notices, making him the highest priority for international police. His racketeering network, which stretched from Somalia to Libya, oversaw the passage of thousands of young Ethiopians, Eritreans and Somalis to Europe each year. He was another example of an Eritrean national perpetrating brutal treatment against fellow Eritreans (and others) possibly with links to the Eritrean regime, which some claim is benefiting financially from ransom payments and trafficking profits.³ Like Welid, Kidane detained his migrant victims in camps near his base

in Bani Walid, south of Misrata in Libya while he used the UAE as a finance and banking hub to deposit the exorbitant ransoms he extracted, typically using torture, sexual violence and murder, from migrants' families. The names Welid and Kidane are chillingly familiar to thousands of migrants and asylum seekers who went through Libya, as they are to researchers who have interviewed migrant survivors and Sally Hayden, the author of the award-winning 2022 book *My Fourth Time, We Drowned*.⁴

Whether Kidane's arrest will neutralise a major people smuggling route towards Europe as is claimed, remains to be seen but is unlikely. Given how lucrative these practices are, it is more probable that, unless the permissive context in which they operate changes, senior figure are replaced as soon as they are arrested. Hardened criminals are continually drawn to a sector that is highly lucrative and growing although international crime prevention efforts do have successes.⁵ Still, in a criminal sector characterised by impunity and frequent arrests of low-level "foot soldiers", it is at least positive to see some higher-level operators brought to justice. As such, according to a UAE interior ministry official, Kidane's arrest sent "a strong message to human traffickers: we're working together and coming for you, one by one".⁶

Unfortunately, the successful prosecution of violent smuggler-traffickers in the mixed migration sector is notoriously difficult, just as it is with human traffickers generally. While many countries have legislation and action plans to combat human trafficking, impunity remains widespread across the world. According to the organisers of a conference on trafficking prosecutions held in Vienna in 2020, there are approximately 25 million victims of human trafficking globally.⁷ In 2019, following a diminishing annual trend, barely 11,000 traffickers were prosecuted globally, "roughly one prosecution for every 2,154 victims."⁸ In 2021, just over 10,500 prosecutions of human trafficking were reported worldwide, although

1 Hochet-Bodin, N. (2023) [One of the world's cruellest migrant smugglers arrested in Sudan](#). Le Monde; Girma, K. & Hayden, S. (2021) [Infamous human smuggler sentenced to 18 years in Ethiopian prison](#). Aljazeera.

2 Schipani, A. & Kerr, S. (2023) [How the law finally caught up with notorious human trafficker Kidane](#). The Financial Times.

3 Van Reisen, M. et al (eds) (2023) [Enslaved: Trapped and Trafficked in Digital Black Holes: Human Trafficking Trajectories to Libya](#). Tilburg University.

4 Hayden, S. (2022) [My Fourth Time, We Drowned: Seeking Refuge on the World's Deadliest Migration Route](#). HarperCollins.

5 EUROPOL (2023) [13 criminals arrested for smuggling at least 212 people](#); National Crime Agency (2022) [Prolific small boats people smuggling network dismantled as part of international operation](#).

6 Schipani, A. & Kerr, S. (2023) op cit.

7 OSCE (2020) [Prosecute human traffickers and deliver justice to victims: OSCE Alliance Conference against Trafficking in Persons calls for an end to impunity](#).

8 Ibid.

these figures say nothing of the punishments which in some countries are known to be light, or settled with fines, belying the severity of the crime.⁹

Complicating issues, some jurisdictions appear to devalue the currency of criminal definitions by using anti-smuggling and anti-trafficking legislation to pursue domestic or regional migration policy objectives. As part of a wide range of policies to tackle irregular migration into Europe, some national police arrest - and courts try - individuals and agencies who try to assist migrants and asylum seekers through material (water, food, clothing, medical) or transportation support. In somewhat farcical and drawn-out cases, those accused normally have their cases eventually dismissed, raising the question whether the objective was, in fact, to intimidate, frustrate and disrupt humanitarians by accusing them of smuggling, trafficking, espionage or other crimes.¹⁰ In early 2023, 24 aid workers had their “espionage” case dropped in Greece but only after four years of criminal proceedings, which are still not over.¹¹

In other cases, migrants and asylum seekers have been accused of smuggling and even murder or manslaughter when they are found to have been at the helm of capsized or rescued migrant boats, as ordered by absent smugglers.¹² Nine Egyptian survivors of the deadly June sinking of a boat off the coast of Greece were prosecuted for smuggling offences that carry life sentences, although they insisted they had paid the real smugglers for their fateful voyage.¹³ Some have called such actions “fake wars on migrants”.¹⁴ In the US state of Arizona, a law entirely unrelated to human smuggling was invoked to convict people who had provided water and other assistance to migrants crossing the border from Mexico.¹⁵ Meanwhile, despite some recent successes and “messages sent” to traffickers, most of the big fish, multi-millionaire (if not billionaire) people traffickers continue to evade prosecution.

9 Statista (2023) [Number of prosecutions of human trafficking worldwide from 2007 to 2022](#).

10 Tondo, L. (2021) [Refugee rescuers charged in Italy with complicity in people smuggling](#). The Guardian.

11 Rafenberg, M. (2023) [Greek court drops espionage charges against 24 aid workers who helped migrants in Lesbos](#). Le Monde.

12 ANSA (2023) [Two NGOs denounce arrests of migrant skippers in Italy](#).

13 Bettiza, S. & Wright, G. (2023) [Greece boat disaster: Trafficking suspects plead not guilty](#). BBC.

14 Investigative Journalism for Europe (2021) [Europe's Fake War on Migrant Smuggling](#).

15 Jacobo, J. (2019) [Humanitarian volunteers convicted on charges related to leaving food, water for migrants at Arizona-Mexico border](#). ABC News.

Interview

High time for pragmatism

In many parts of the world climate change plays a major role in many people's decision to migrate but it is often hidden behind other inter-connected drivers such as war, hunger and environmental damage, explains **Gaia Vince**, who predicts the number of people on the move will soar in the years to come in the absence of climate action. To adapt, destination countries need to make some radical changes, including rethinking the very idea of citizenship.

*Gaia Vince is a freelance British environmental journalist, broadcaster and non-fiction author. Her book, *Adventures in the Anthropocene: A Journey to the Heart of the Planet We Made* won the 2015 Royal Society Winton Prize for Science Books. In 2022, she released her third book, *Nomad Century*, in which she argues that the coming decades will inevitably see billions of people migrate due to global heating. Vince argues that—with the right policies—this migration could benefit both migrants and the host countries that receive them.*

Current research suggests that climate change is only contributing to irregular migration, that it's merely a tangential driver at the moment. Why do you think this is? Is this the result of poor data collection? Are the real drivers disguised, or is it just that the serious impacts of climate change haven't yet fully hit?

It's all of these things. Climate change is a threat multiplier. It is also deeply entwined in all of the other drivers of displacement, whether it's conflict, food shortages, lifestyle and livelihood changes and other environmental changes, as well as ecosystem damage that might not be obviously attributable to climate change. For example, there are plenty of depopulated villages in the Andes where drought-hit rural populations have moved to, say, Lima or the other major cities. They've left farming or other rural livelihoods to work in a factory in the city or other sorts

of entrepreneurship. They would be classed as economic migrants or urban migrants. They wouldn't be classed as climate-change migrants or climate migrants. And that is not because climate change didn't drive that—of course it did. That's the reason they've left, almost entirely, for most of these people on the move.

“Climate change is a threat multiplier. It is also deeply entwined in all of the other drivers of displacement.”

The other reason is that there is no definition of climate refugee at the moment. That's not an official status. Climate change is a huge driver of migration already; I've seen it everywhere, from Bangladesh to the deserts of Ethiopia—I mean the now-deserts, they were not deserts before. Additionally, a lot of this displacement

is currently internal. So there is cross-border migration, but it's either hidden or it's not recognised as induced by climate change.

“ **There is no definition of ‘climate refugee’ at the moment. That’s not an official status.** ”

Do you think the kind of adaptation and resilience we currently see will change when the local capacity to support internal migration is exhausted?

Yes. At the moment, a lot of migration is driven by kind of discrete environmental events or climate events. So there might be an extreme disaster in one area, one small locality, but the rest of the country can cope with the migrants. But it's not just [about] the local populations and how they can support immigrants from other parts of the country; it's also a question of what's going to happen when these climate events are going to become much more regional. Instead of just being a discrete thing like a cyclone that affects a specific coastline, or a landslide that's caused by one flash flood, or a drought that affects one part of the country, this is going to spread not just across countries, but across regions. And we're seeing some of that, of course, in East Africa with the current drought at the moment. We recently saw India and Pakistan affected by a heatwave, and then by flooding. So we do see these cross-border events, but they're going to become much bigger and they're going to become more regular, back-to-back disasters.

Remember Pakistan last year: we had months of unbearable heat, which was then followed by this deluge, this flooding, which caused 33 million people to be displaced. And then, following that, there were mudslides. Then there was the effect on the crop harvest, as well as the infrastructure. So one thing after another. These multiple effects, they just wear down resilience. It's that these events themselves will affect whole countries and big parts of regions. That's why people will have to move across borders. And that's when it starts being counted as migration.

So why do you view mass migration as inevitable? Currently we've seen policy structures, security apparatus and technology being deployed and harnessed to limit irregular mobility. What if the future just means more of this, up to the point of a sort of structurally divided world?

Movement is inevitable. It's happening already. Climate change is kind of exacerbating that; as I said, it's a threat multiplier. So everything that already pushes people to move is massively exacerbated by climate change, meaning we are facing systemic crises. I think what people working in the humanitarian and disaster

management world don't understand about climate change and which is absolutely key, is the way it will progress. There are, say 50-odd conflicts currently around the world. There are migrants and refugees from those conflicts. But migration anyway will increase because population itself is increasing, so the sheer numbers of people doing anything and everything is increasing. From 8 billion, the global total population will go up to nine, potentially as much as 10 billion.

The idea for many people is that we will have what we have now, but maybe climate change will make things a bit worse. So, we'll have a few more of these people, maybe half as much again of these people. But that's not how the physical science of climate change works, however, and this is what climate scientists understand and know, but which doesn't seem to have been conveyed convincingly enough perhaps to the humanitarian and disaster sectors. Considering climate change, the models show that we are facing tipping points, large step changes in how these events unfold. It's not just that the number of events is going up, but that the severity is going up, and instead of having one-in-a-thousand-years events or even one-in-a-century events, we are having them every year now, and they are then followed by another one-in-a-hundred-years event. So we're having these back-to-back events and they are becoming much more severe, and our ability to recover from them [is reducing], and the populations that are being affected [are growing in size]. All of these things combine so that in the coming decades we are going to experience an absolute step change in all of this.

“ **We are going to experience an absolute step change in all of this.** ”

But the question remains, what if countries decide to just build taller walls?

The evidence shows that we're not very good at keeping people out with walls or boats or whatever else we try. People who have no choice will still keep trying to come. Building walls and turning people back, creating conflict and all of that, there aren't really any winners in that situation. These are all choices. I'm suggesting looking at what we face and developing some pragmatic solutions to the situation that we find ourselves in, that's what my book presents.

Yes, but if we go for your idea of creating “new cities” or the notion of leasing land or islands dedicated to accommodate climate migrants, isn't there a certain inevitability that it will become segregated and ghettoised?

It's not inevitable, but yes, of course, that is a worry. That's why when we talk about mass immigration, in

order for it to work for everybody, there must be some initial investment. And that needs to be financial in terms of ensuring there is enough housing, enough access to education and healthcare, and infrastructure. And considering many states are not providing that for their existing populations—let alone the expanded population—the challenges are considerable, but it still needs to happen. And the social investment is also going to be critical. States need to really create this narrative of a new kind of nation, a new kind of citizenship, a new idea of nationhood. And these incoming people need to be accepted as the “new” British or “new” Germans, or “new” Norwegians. They need to be thought of as part of the citizenship, not outside of it. We need to understand that these are our neighbours, our colleagues, our children's friends, school friends, and these are part of the changing face of our nation.

“**The evidence shows that we're not very good at keeping people out with walls or boats or whatever else we try.**”

That sounds like a fairly major social change, doesn't it? And at a time when the reality is that governments are responding to resistance to increased migration from their constituents?

Yes, but I would argue that, for example, what we're experiencing right now in Britain, we have this very xenophobic border policy by [Home Secretary Suella] Braverman and, before that, her predecessor, Priti Patel. We have this very strongly led, very toxic narrative against immigration. But if you look at polling, if you look at surveys, you'll find that public attitudes in the country are very much not aligned with this. And people are much more welcoming and much more open to the idea of even increased immigration. There has been a massive change in attitude over the past decades towards much more open and welcoming, and multi-cultural attitudes.

But after the so-called 2015 migrant crisis in Europe, we saw the rise of lots of right-leaning anti-migrant governments around Europe in response.

Yes we did, but I'm not sure it was in response to that. There were a lot of other things going on at the same time. Across the world we did have this huge surge in populist leaders, with the far right coming close to power. We've still got Viktor Orbán in Hungary, we've got Narendra Modi in India... these populist leaders that

are very, very divisive. And of course, it's the easiest trope for a populist leader to blame the ills of their own policies on the weakest group, whether they're asylum seekers or people of a different colour, faith, marginalised groups, whatever they are. It's entirely what we expect from populist and right-wing leaders, of course. However, I would say that there has been an abdication of responsibility from centrist and left-wing parties, a timidity to approach any of this and to challenge this toxic narrative, and to build a much more inclusive narrative, which can be built very successfully, as other countries have shown, an idea much more aligned to the reality of what we see. This is especially the case in cities, but people are just as mixed up genetically in rural locations, but there has been a failure to integrate and to share the wealth and opportunities in post-industrialised societies in those rural areas. And that's what we're seeing now. We're seeing fear, and places that have actually the fewest immigrants and the least exposure to them are the most racist. That's shown time and time again.

Is there a risk that your argument about preparing for mass climate-induced migration could be weaponised by anti-migrant politics and those with anti-migrant agendas?

“**Migration is inevitable now, but the sheer numbers are not inevitable, and we can turn this how we like.**”

Yes, there absolutely is. There are blogs and websites that alternate between sort of writing nasty things about me and also using what I say to support their xenophobic and fear-mongering ideas. It is a huge worry. And what I would say to that is we have choices: if you don't like the huge social upheaval that will come with mass migration, what is your solution then? Because there are alternatives. We could reduce a lot of it by mitigating climate change much more rapidly. We could reduce a lot of it by spending much more on adaptation. We're not doing any of these things at the moment. Migration is inevitable now, but the sheer numbers are not inevitable, and we can turn this how we like. Canada, for example, has a much more progressive attitude to it. They're planning on increasing the population of the country and doing it through immigration. It's a completely different attitude. It's the attitude that the majority of countries had after the Second World War, and before it, when we were trying to rebuild. That's what the Windrush generation were brought over for, and the “£10 Poms” were sent to

Australia for the same reason.¹ This little silo that we're in at the moment, this kind of temporal pit that we find ourselves in, this is not the only way that we can look at all of these things.

Do you see that some pro-migration groups are nervous that your message is too alarmist in terms of the potential numbers, and that this only fuels the anti-migrant argument?

Yes. And I have so much sympathy for that and where we're coming from. I am not a catastrophist in terms of trying to say everything is terrible, that it's inevitably going to be awful, because these numbers are movable if we take action. But at the same time, I do think we need honesty and I think shying away from these numbers is itself quite dangerous. It's dishonest and it subscribes to an idea that if we shelter the public who are [supposedly] too naive and too easily swayed and too stupid to understand, and then they'll just follow the march behind the populists and that'll be the end of that. That doesn't solve the problem at all. People will anyway find out, when devastating events produce mass migration. Far better to talk about it now.

We need to be totally honest about what we face, about the uncertainty as well, of course. And what we face really is serious, but it's not as bad as it could have been. We're not following the "business as usual" climate scenario any more, but it's bad enough. It's still really, really bad. And we need to be honest about that. And we need to actually have conversations about what the choices are, because we have so many choices at the moment. Each of them has trade-offs. We need to be honest about the choice and honest about the trade-off. We need to say, look, if we do this, if we pay for this, it will cost money. That's the trade-off. But at the same time we will have this benefit. We could spend money on a much, much faster mitigation roll-out, and that means global mitigation, so that energy transition occurs much faster, along the lines of how the world reacted to the COVID threat. When we got that, we really pulled out all the stops. It would be very expensive. It would be damaging to certain livelihoods and jobs would be lost, there would need to be compensation. But at the same time it would mean much less social upheaval, much less migration. Or we don't do that. We do it more slowly, which is what we're doing at the moment. Then we're going to have this big upheaval. What are we going to do about that? Are we going to start fighting people, or are we going to start negotiating? If you don't like that, then what's the alternative? All of this needs discussing, but we're not

discussing any of it right now.

What about AI automation and the fourth industrial revolution? I mean, we're already being told that jobs in the Global North are going to be threatened. Does this change the equation somewhat when you write about the win-win of endless climate migrants to the advanced economies?

I think we should be cautious of AI, for sure, as it has the potential to do all sort of things if it's not regulated, and I don't see signs that it is being regulated now. But I would also say that there are many, many opportunities for entirely new industries that don't even exist now, and many of these are labour-intensive. They require people. Just look at the ecological restoration project, which is huge. It's massive. We're living in the UK in the most nature-depleted country in Europe, pretty much. We've got to restore that, and we've got to do this globally. We've got to make all sorts of changes to our country, to our energy systems, produce a whole biotech industry, it's in its absolute infancy. From biotech we're going to be getting all the medicines, different foods, different materials. All of this is just at its very infancy. There are many new industries which will also require people, require migrants.

The Japanese who are so xenophobic that they absolutely did not want any immigration, tried to use AI, they tried to use robots as carers, as companions for the elderly. Robots got citizenship before aliens, before foreigners, but they've had to concede it doesn't work. There are plenty of caring roles where you need a human, you need the human touch, and they've actually loosened their immigration policies because of this.

“Climate is so interwoven in the fabric of everything we do that it really is a major, major disruptor.”

What do you feel about the interest that's been shown in your arguments and publications so far? Do you feel people are listening? Have any policymakers or planners made contact with you?

Yes, policymakers have. I have spoken to them, and some of them have got my book or have invited me to talk at various events. And I think it's interesting, because a lot of the people working in this field, in the field of migration see climate change as a sort of add-on, a little additional sort of problem that they

1 The Windrush generation refers to the people who were encouraged to migrate to the United Kingdom from Caribbean countries between 1948 and 1971. They were named after the ship HMT Empire Windrush, which carried the first group of migrants from Jamaica to the UK in 1948. The Windrush generation played a significant role in rebuilding post-war Britain and contributed to various sectors such as healthcare, transportation, and public services. In an effort to boost its post-war labour shortage, between 1945 and 1972 the Australian government offered British citizens the chance to migrate to Australia for a fee of £10. More than one million Britons, who are known as "Poms" in Australian slang, took up the offer.

Interview

Gaia Vince

have to worry about on top of conflict or oil prices or something like that. They don't really get how it is going to be the dominant driver of everything we do. Climate is so interwoven in the fabric of everything we do that it really is a major, major disruptor. And I think that message is not getting through, it's not really understood, and it's not understood by leadership.

Do you think the way in which countries of the Global South are currently acting in relation to climate mobility has something to teach the North?

Well, they've certainly accepted the much biggest burden of refugees, of migrants. But even there they need to be much more open. I think the European Union has a lot to offer, actually. This idea that anyone from anywhere can work anywhere and live anywhere across the bloc is extremely adaptive and creates resilience for economic or climate shocks, or any kind of shock. That's what saved so many people in Ukraine, because when they came as refugees to the EU they had the legitimate right to work throughout these places and live in these places. It meant their communities and their diaspora could help them, they could form their own networks. Local communities who were German or Dutch or whatever, could come together on social media, Facebook groups and provide a bed for a few weeks or clothes or whatever they needed. And so we didn't need this enormous amount of funding for the refugees, because they could help themselves. They had that agency, and this was a great example of how we can react in the face of other large population movements, including the climate migrants that are inevitably moving out of areas that are already becoming unliveable.



Interview

Beware alarmist discourse

Ingrid Boas takes issue with countries in the Global North using the prospect of large-scale intercontinental migration to raise awareness of climate change, arguing that such alarmism harmfully ignores the fact that most climate mobility is local. And quite often the direction of such movements is dictated by longstanding social networks, rather than by climate change.

*Dr. Ingrid Boas is an assistant professor at the Environmental Policy Group at Wageningen University in the Netherlands. Her research focuses on environmental change, mobilities, governance, and the digital age, with an emphasis on environmental/climate migration, climate security and social resilience. Her most recent book, *Climate Migration and Security: Securitisation as a Strategy in Climate Change Politics* was published in 2015.*

Please briefly summarise the findings of your book on climate migration.

It was about the securitisation of climate migration, how it was increasingly being framed and put through the lenses of security. The point was that the whole topic of climate migration was being discussed as if it could be a security threat. For instance, in UN Security Council debates linking climate change with questions of security, states would warn about massive flows of climate refugees, and that such flows could cause conflict. Making security-based statements about climate change and migration was, for example, also central to the climate diplomacy strategy of the UK government who used that argument in its efforts to raise awareness about climate mitigation and adaptation action. It was also the UK government who initiated the first-ever UN Security Council debate on climate change and security for that very reason, to raise awareness about urgent climate action.

I was interested in the discursive constructions and consequences of those arguments in climate diplomacy, especially given the uncertainties in science on the links between climate change, migration, and conflict. For instance, the assumption that there would be mass flows of people—but this was not something that was verified in science. As such, in the book I tried to show how the discursive construction of climate migration as a security threat by the UK government was not per se based in scientific findings but was used politically in arguments to raise awareness about climate change. The book furthermore demonstrates how this securitisation move led to more resistance to collaborate on climate change projects amongst countries such as India, who felt that the West was coming with another sort of trick to push them into certain actions such as emission reductions. That was basically what my book was about.

So if you had to write that same book today, do you think you would write it differently? Has the evidence changed?

What has changed compared to then is that there have been even many more UN Security Council meetings and many more countries who have adopted climate security focuses in their policy agendas. Especially the climate conflict, climate security, arguments, I think, have become much more mainstreamed, though it's still being resisted in countries like India. Perhaps climate migration has become less securitised in these UN Security Council debates, but I am not fully sure as it has not been my recent research focus. I think generally there's more attention [given] to the complex relations between climate change and migration. But the mechanisms (the discursive strategy) is still the same: a lot of countries politically draw on climate security or climate migration arguments for the sake of raising awareness about climate change and climate mitigation/adaptation action. Also, this is happening without realising the effects of their words for the communities in question. For instance Dutch or EU politicians make warnings like, "Oh there's going to be mass flows from Africa to Europe of new climate migrants and climate refugees" with the intention to raise awareness to climate change. But what's not realised is that this has an effect on the actual communities in Africa, for instance, who are already being impacted by climate change. And that these narratives are not in line with how the reality is for them, with how they respond to climate risk, which is often in the form of local displacement or through internal or regional migration. It doesn't help to warn about intercontinental mass migration, because they need support in tackling those issues close to home. What it means is that these stories of mass migration are sort of a myth that don't help their situation, a situation that is very much a reality.

“ It doesn't help to warn about intercontinental mass migration, because those most affected by climate change need support in tackling those issues close to home. ”

In your more recent research, you've been examining the interface between the use of digital technology and climate-induced mobility. How does this interface work in practice?

Most climate change-related migration—I would prefer to call it “climate mobility”—is relatively local. Because

migration indeed has this association of intercontinental movements, we've been arguing for a shift to use the term “mobility”, or “mobilities”, to show that there's much more variety of mobility responses people have in the context of climate change. In the case of the digital I think that's indeed relevant to mobility decisions generally. And also that's in part the point of my research: that climate change-related mobilities are not something new. Climate change is rather intersecting with already ongoing mobility patterns and decisions and may alter them, of course. We don't see completely new types of migration or mobility flows.

“ Climate change-related mobilities are not something new. Climate change is rather intersecting with already ongoing mobility patterns and decisions. We don't see completely new types of migration or mobility flows. ”

I also did a study with these digital exchanges in Kenya.¹ And there, I think it, there was a specific environmental element to the digital exchanges. Indeed, many environmental and climate change issues were discussed by pastoralists on social media, which informed their mobility decisions. They for instance exchange a lot of information about the level of vegetation, water points and other environmental information via WhatsApp groups, etcetera.

Looking at your research in India and Bangladesh, have you any sense how much of this is climate-induced, in particular Bangladeshi movements outside the country?

I think climate change is not a core factor driving their international migration. In India, where we are conducting research with a new project focused on the Bengal borderlands, specifically the area where West Bengal and Bangladesh used to be one region. There are a lot of cultural ties, economic ties connecting people on both sides of the border. They speak the same language. There have always been a lot of exchanges and interactions. These are becoming much more difficult, given the border has become increasingly strict. What I think is that you'd rather see that people living in Bangladesh—and here I speak of the most vulnerable groups who don't have a lot of money to move very far away—move to where they have their social networks and where they have their labour connections. So if they live, for instance, in the central South, in the delta, in Bhola, for instance, then they likely go to Dhaka because there's a good connection

1 Boas, I. (2022) [The diversification of pastoralist herding: navigating socio-climatic risk via mobile technologies](#). Journal of Ethnic and Migration Studies.

from there with the boat to go to Dhaka. So a lot of people go there. If people live in Khulna, which is close to the border of India, and given the existing language and family relations with India, they might likely also go to India where livelihoods are impacted by climate change. So where you move to depends on where your social networks are, and it's not per se so much climate change directing your migration journey.

“Where you move to depends on where your social networks are, and it's not so much climate change directing your migration journey.”

You and your colleagues have used the term “policy boomerang” when discussing the instrumentalisation of climate securitisation. What do you mean by “policy boomerang”?

Yes, that's from my colleague Jeroen Warner, but the idea is that by securitising a subject matter, it runs the risk of being counterproductive. So, when you put more emphasis on it to show the exceptional need for action and how serious it is, then sometimes you go too far or you overdramatise it, and the audience doesn't believe you, they think you're exaggerating. Or they switch off. A lot of research has shown that it's not always the most effective strategy.

Some authors and commentators assume global heating will rise well beyond the 1.5-degree scenario and that as parts of the world become unlivable, we will see mass movement and should prepare for that inevitable movement now. Your thoughts on this?

It's very hard to make any generalisations about the relations between climate change and migration because migration is such a multifaceted issue. The IPCC reports are finding this as well and wrote about this.² In particular, we see that a lot of people respond in quite different ways to climate risk depending on their aspirations to move. We don't all have capabilities to move. Not everybody for instance has the capacity to move very far away and adapt, or (even) move locally. In the worst cases, [people] stay stuck in dangerous situations. Most affected people look for more local ways to adapt and move. Bangladesh is a good example of this. And then, there are also many who don't aspire to move and [who] resist these uninhabitability narratives. A key example, that we're now working on, is in Tuvalu. We—Carol Farbotko and myself—are working on that with several scholars from Tuvalu. This small island state is often put forward as a key example of the first [island] to be lost to the sea. There's a lot of international discourses and narratives

around this case suggesting everybody needs to relocate, but the reality is that a lot of people from Tuvalu, including the government of Tuvalu, don't want to give in to those narratives. They want to have the space to explore other adaptation pathways such as expanding certain islands, or better protecting them, lifting them perhaps, combined with ways to retain their sovereignty by making, sea and their sea zones permanent, to have a digital state should territories eventually get lost and to also connect more to the diaspora. But the key is that they want to resist this idea that they will be completely lost.

Looking into these dynamics we see it's not so simple and not so easy to say, okay, yes, everybody is going to move. There's just a lot of diversity and a lot of different responses. At the same time I do agree that it would be good to think of options for people to move to, and to where communities could re-locate both within countries and inside other countries. But the decision to really move away from climate-affected areas can take years. People first move up, away from coastal erosion, for example, and then they move up a bit more, and then at some point maybe they just decide, “Okay, we need to do something else”. But then they're going to look into their networks, and ask themselves “Okay, where could we live?”. Where could we move to? So that shapes again their decisions of where they go, so it's a very long, long process. You feel very attached to your place, right? You feel it's home where you live, you don't easily want to give it up. So you see a lot of resistance to actually moving.

“It's very hard to make any generalisations about the relations between climate change and migration because migration is such a multifaceted issue.”

Do you think there's a risk that the message of mass climate-induced migration will be further weaponised by anti-migration groups and politicians? Especially, but not exclusively on the right?

I think it's a concern. For instance in India, the more the narrative stays in place, [the more] it can become an argument to further strengthen the border with Bangladesh. So that could happen, but I think my primary concern is that this alarmist discourse does not help the communities now who are already suffering from climate change. Alarmist narratives don't help the reality that we have now. People are already having to deal with climate change in terms of their mobilities and I think it's relevant to think with them how they can best adapt. There is an NGO called Displacement Solutions, which has already been experimenting specifically with relocation options for several communities, for instance,

² For an overview, see for example Randall, A. (2023) [Here's what the new IPCC report says about climate driven migration](#). LinkedIn post.

Interview

Ingrid Boas

a community in Panama who wanted to relocate. It should be about the communities themselves and about what they need. It could be that they want to relocate, but then it's also central that they also shape that process. Issues of self-determination and cultural ties are important here.

Do you think the way the countries of the Global South are currently acting in relation to climate mobility has something to teach the North, or vice versa?

Yes. I think for instance Bangladesh has a lot of expertise in dealing with environmental changes and disasters, early warning systems, shelters. And I think for instance in the Netherlands, we, as citizens, we are not so aware of our vulnerability or possible vulnerability. We're very much relying on the experts to take care of it all, whilst in Bangladesh, the communities themselves are much more trained through agencies like the Red Crescent societies. And they know very much what to do. So they're much more ready and experienced and have a lot of knowledge to share.

Furthermore, I think lot of indigenous communities also have a lot of knowledge to share about how to deal with and see the environment. It's very important also to listen to these other types of ideas and indigenous knowledges that have long been suppressed.

Damned if you do, damned if you don't: the issue of migration returns cuts both ways

Returns are a highly contentious issue in most destination countries, especially if the countries are democracies with an active civil society. They are often also very controversial in countries of origin. If there are policy “hot potatoes” in mixed migration, then the politics of returns must be one. “Return” is a term that normally refers to the act or process of going back or being taken back to the point of departure and/or the country of origin. “Return” is the event, whether the manner of the return is voluntary,

forced, assisted or spontaneous, and it normally refers to irregular migrants and failed asylum seekers. Forced return is expensive for destination countries as well as a social and geo-political minefield. In the EU, for example, those who do not meet the criteria to remain are generally ordered to leave, but only a minority does so voluntarily, as many prefer to remain irregularly in the destination country. Relatively few are deported.

Graphic 1. Non-EU citizens ordered to leave and returned following an order to leave (from Europe), 2016-2020

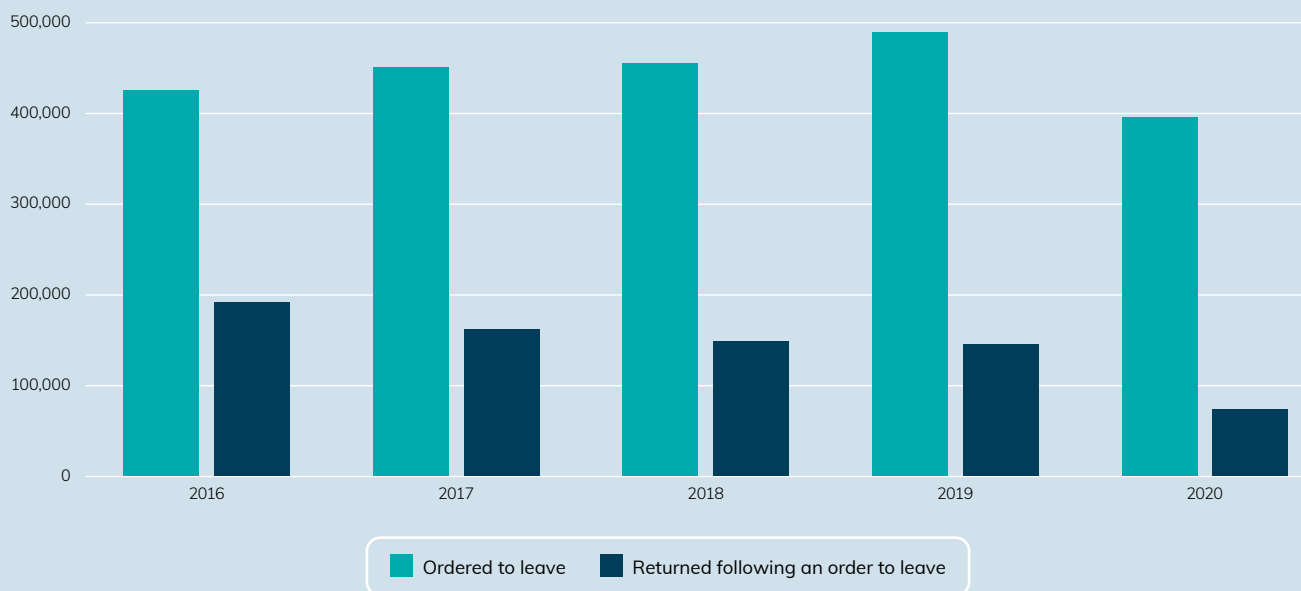


Chart data compiled from various sources by: [Migration Policy Institute](#)

Destination countries’ governments feel frustrated by their inability to implement returns effectively. Their obligations under international and domestic laws, high costs, the resistance of countries of origin, as well as the activism of human rights groups, churches and other NGOs all hinder problem-free returns. Governments’ failure to return unsuccessful asylum seekers and irregular migrants makes them look weak and ineffective and often runs embarrassingly counter to their election promises. Undocumented migrants or failed asylum seekers tend to reside under the official radar, and detention facilities are over-filled while governments look as if they cannot manage immigration. Furthermore, they fear their failure to implement returns offers hope—in other words, constitutes a pull factor—to would-be irregular migrants and asylum seekers as a tool of deterrence is removed.

Additionally, the refusal of countries of origin to accept the return of their nationals (once the nationality of individuals to be returned is proven) adds to these frustrations. Destination governments therefore feel hobbled by obstacles at home and abroad while leaving themselves open to opposition criticism that they are toothless and have lost control of their borders.

Meanwhile, in countries of origin, political opposition may also capitalise on the return issue to castigate those in power should they cooperate with destination countries by allowing the return of their nationals. In countries of origin, unlike in many destination countries, the popular dominant narrative around migration is that it is positive and necessary, providing a sizable chunk of GDP through remittances that are essential to the survival of millions of households and families. For some years in

many countries, total remittance values have exceeded foreign direct investment and overseas development aid and have helped to tip the political balance in favour of non-cooperation with returns.¹ Also, knowing that successful arrival in a desirable destination country is often hard won in terms of the personal physical risks and costs involved in migrating, people want their governments to make returns as difficult as possible. Just as politicians in the Global North neglect return issues at their peril, in some countries of origin politicians risk jeopardising their popularity and support if they are seen to allow returns too easily. West Africa, the Gambia, Nigeria, Niger and Senegal are examples of governments that have to tread wearily when cooperating with returns.² Morocco has long regarded the EU visa regime and returns as an insult or “affront to civic pride”, and, along with many other countries, is regarded by the EU as “uncooperative” or “recalcitrant”.³

In the case of the Gambia, whose per capita diaspora is one of the largest in the world, recent statistics suggest that a staggering 60 percent of GDP is derived from remittances.⁴ In 2019, anti-government agitation led to a temporary moratorium on the country accepting returns from Europe, which in turn has led to “punishment” from the EU. Despite the advantages and incentives that the EU offered the Gambian government after the return of democracy in 2017, the political risks of being seen to allow returns of just a few thousand Gambians, were, for a few months in 2019 at least, too great.⁵

Nevertheless, in 2023 suspicions continue to mount that Gambian President Adama Barrow has made backroom deals and clandestine re-admission agreements with the EU and with individual European countries.⁶ Closely related to the issue of returns is that of reintegrating returnees.⁷ Safe and dignified return and sustainable reintegration are considered by IOM, for example, to be an indispensable part of a comprehensive approach to migration management.⁸ The prospect of large numbers of disgruntled and unemployed recently returned young men worries governments in countries of origin, especially when they are stigmatised as criminals or failed migrants.⁹ Meanwhile, without much evidence of their efficacy, destination governments increasingly fund reintegration programmes, offering returnees training

or employment with the objective that they don't try to re-migrate. They also provide these funds as a quid pro quo with origin governments who are willing to take back their nationals.

Withdrawing or conditionalising trade preferences or development aid because a country fails to cooperate in accepting returned migrants is loudly criticised, but this is the reality in which countries of origin must often navigate: balancing trade-offs in a North-South tension of migration diplomacy that is probably far more emotive, on both sides, than the actual numbers involved should warrant.¹⁰

1 Broom, D. (2023) [Migrant workers sent home almost \\$800 billion in 2022. Which countries are the biggest recipients?](#) World Economic Forum.

2 Zanker, F., et al (2019) [Challenges in EU-African Migration Cooperation: West African Perspectives on Forced Return](#). MEDAM.

3 Paasche, E. (2022) [‘Recalcitrant’ and ‘Uncooperative’: Why Some Countries Refuse to Accept Return of Their Deportees](#). Migration Policy Institute.

4 Sowe, N. (2023) [Gambia: Diaspora Remittance in 2022 Stands At U.S.\\$712 Million](#). AllAfrica.

5 Altrogge, J. & Zanker, F. (2109) [The return of migrants from Europe is causing problems for The Gambia](#). Quartz.

6 Jaw, A. (2023) [Activist indicates why gov't won't disclose 'Good Practice Document'](#). The Point.

7 OECD (2020) [Sustainable Reintegration of Returning Migrants: A Better Homecoming](#).

8 See IOM's [Return and Reintegration Platform](#).

9 Paasche, E. (2022) op cit.

10 ECRE (2020) [Migration Control Conditionality: a flawed model](#); Gijs, C. (2023) [Pushback grows over Brussels' plan to link trade to migrant returns](#). Politico.



What future for sinking nations?

By Marc Tilley²

Introduction

In a February 2023 address to the United Nations Security Council, Secretary General António Guterres warned that, as a result of rising sea levels, “low-lying communities and entire countries could disappear for ever. We would witness a mass exodus of entire populations on a biblical scale.” Other speakers at the same event said that the Indo-Pacific islands nations of the Maldives, Tuvalu, the Marshall Islands, Nauru and Kiribati could become uninhabitable by 2100.³

The direct human cost is predicted to exceed 600,000 residents of these low-lying islands, who will face relocation and the complex range of political, social, cultural and economic challenges that entails. There have been several anticipatory relocation initiatives, notably from Kiribati, the Maldives, the Carteret Islands of Papua New Guinea, and Fiji, carried out to proactively address the material needs of affected populations. But little scholarship exists on the impact of sinking nations on the concept of statehood, and the legal scope for their continued representation and participation in the multilateral system.

This paper will explore critical shortcomings of the international rules-based order as it stands today and the United Nations’ role in safeguarding its most vulnerable members by advancing the climate and environmental security agenda. It will also identify possible frameworks to ensure continued multilateral representation of small-island nations lost to rising sea levels.

Three hurdles

At the 2015 edition of its flagship annual conference in London, the Royal Institute of International Affairs—better known as Chatham House—held a session on “Challenges to the Rules-Based International Order” that zeroed in on three interconnected problems that need to be resolved if that order is to survive.⁴ In my view, in the context of the climate emergency, all three problems have since grown in prominence and now

directly undermine our global collective security through the erosion of climate ambition, and ultimately the extent of global action to protect sinking nations.

Problem one: legitimacy

The legitimacy of international climate frameworks that are meant to protect people, places and their identity, like all international law and customs, is not drawn from the agreed texts themselves, but rather from states’ willingness to consistently uphold the spirit of cooperation, particularly when this may compete with their short-term interests, such as political or economic expediency. Unfortunately, the hegemony of the US dollar extends far beyond global fiscal control and can be considered a proxy for the United States’ unmatched political influence around the globe. As such, the decision in 2017 by then president Donald Trump (since overturned) to withdraw the US from the Paris Agreement was the single most harmful attack on the legitimacy of multilateral climate pledges. Not only did it subvert Washington’s leadership role, but the optics of such a move also suddenly revealed that the highest international conventions that we perceived as infallible were in fact hanging on the precipice of populism. The small-island-nations most at risk from rising sea levels then found themselves having to take on a vital global leadership role far beyond their available means and resources.

Problem two: equity

This is a far more structural issue, resulting from the international rules-based order having been originally established to serve the interests of its architects: highly developed, economic titans of the Global North with aspirations to dismantle the “competing” ideological pole of Communism. While the subsequent emergence of a multipolar order coincided with decolonial movements, the weight of massive development loans entrenched the historical Global North-South power dynamic we still see today, while those countries most impacted by the consequences of the climate crisis draw the fewest benefits from the industrial revolution that is responsible for creating carbon emissions.

1 This year’s Mixed Migration Review again includes five essays by academics, writers, and analysts under the age of 30 who are from and based in the Global South. These were deemed to be the most original and well-drafted of essays submitted to MMC in response to a competition to find Alternative perspectives on migration issues. As well as having their essays published in the MMR 2023, the five winners received prize money to assist them in their studies and potential careers as migration analysts and commentators.

2 Marc Tilley was born in Algeria, travelled irregularly to France and grew up stateless in the care system, before being adopted by British parents. This experience instilled an early awareness of the structural obstacles to human mobility, and of the importance of human-led, evidence-driven and inclusive migration policy. After several years in Mediterranean search & rescue operations, Tilley now works on the humanitarian consequences of human mobility policy and practice with the Africa Climate Mobility Initiative (ACMI) and the Refugee, Asylum & Migration Policy (RAMP) Project.

3 UN (2023) [Secretary-General’s remarks to the Security Council Debate on “Sea-level Rise: Implications for International Peace and Security”](#).

4 Chatham House (2015) [The London Conference](#).

Climate and the environment are widely cited among the most critical emerging security domains, yet the security institution mandated as guardian of the international rules-based order—the UN Security Council—entirely comprises major Global North powers among its veto-holding permanent five (P5) members. Despite the council's rotating presidency, this design relegates small, Global South nations to mere spectators, limiting the multilateral system's purported ambition of equitable and truly global security leadership. This is particularly important against the backdrop of some UN member states facing an existential risk of disappearing, in large part due to climate security concerns not being heeded by the P5, further eroding the equitable formulation of the UN.

Problem three: self-confidence

The establishment of a comprehensive multilateral system is a truly remarkable feat and is testament to an unparalleled global ambition for peaceful post-war cooperation, which is now alarmingly drying up. Yet, despite the slow dissolution of this will, and the emergence of non-traditional global sources of influence within power competitions—such as massive multinational corporations and regional non-state groups—there exists a legacy complacency which is preventing the multilateral system from evolving with the times and needs.

The rise of sceptical populism across traditionally leading countries in the Global North has markedly threatened multilateral fora, instilling a caution against bold messaging and international cooperation. The same traditionally influential countries are therefore hesitant to relinquish more of their dwindling global reach to smaller, “unproven” nations, which have historically needed to appeal to Western political and economic interests in order to leverage their influence, whether it be in the realm of trade concessions, recognition of indigenous communities, or a global appeal for their right to survive.

Looking ahead

Elevating the voices of affected populations is central to running an equitable multilateral system. As such, the international policymaking and agenda-setting fora need to explore future-oriented ways to retain these nations at the table in such a way that does not compromise or further dissolve their national identity. Discontinued membership of the United Nations is a complex topic in international law, particularly as the United Nations Charter provides no explicit provision for withdrawal, although suspensions and expulsions are possible on recommendation of the Security Council in the event that the respective member has “persistently violated

the Principles contained in the present Charter”.⁵ These tools are therefore inappropriate to invoke in discussions about the post-territorial statehood of sinking nations, so we must instead explore the closest precedent under international law: the formal dissolution of a UN member state, which typically results in the absorption or merger of multiple states.⁶ The possible extinction of a state due to climate change poses a unique challenge as it entails the destruction of a physical territory, rather than a mere political entity. Therefore I will now explore three options for how citizens from these sinking nations could participate in our multilateral world.

Sponsored representation by existing member states

Existing Indo-Pacific planned relocation efforts, including schemes between Fiji and Australia, provide a solution to material needs, such as habitat, but unless special legislation (for example, the Aboriginal and Torres Strait Islander Heritage Protection Act) is put into place to recognise and protect the sovereignty of relocated communities, they risk becoming assimilated, naturalised and, eventually, extinguished. Relocating the populations of entire countries will not only dilute cultural identity and limit collective organisation, but it will also essentially “demote” an entire nationality to diaspora status. Special provisions would need to exist within the destination—or sponsoring—state to guarantee both internal political representation (such as with aboriginal communities), and external representation (such as a statutory presence within the diplomatic apparatus). Similar efforts to foster an inclusive political environment for native, aboriginal and indigenous communities have faced many political challenges over the years, and appetite for a sponsoring nation to “share” its diplomatic platforms with smaller nations may prove unpopular and difficult to implement.

Continued UN membership

The continued presence of these nations at the General Assembly, in defiance of any physical territory, is the boldest imaginable reminder of our collective failure to safeguard security, uphold environmental justice, and achieve international consensus in the face of existential threats. It is not implausible that these sinking nations will continue to occupy their UN seats long after they have become functionally uninhabitable, as there is no clear mechanism to determine the point at which a gradually disappearing state entirely ceases to exist. Should this be measured by reduction in landmass or population, the core functions of government will inevitably be preserved in the last remaining institutions. At this stage, the impacts of the climate crisis will be exponentially more pronounced than they are today, particularly in the Global South, which will likely draw considerable support from across the UN membership to preserve the allied voices of these sinking nations in the General Assembly.

⁵ United Nations (1945) [United Nations Charter, Chapter II: Membership](#) Article 6.

⁶ Notable examples include the mergers (both in 1990) of East and West Germany, and of North and South Yemen into the Republic of Yemen.

Extraterritorial UN membership

Within the United Nations General Assembly, there are already examples of extraterritorial representation that I argue provide the best available framework for future participation of sinking nations at the highest level. Neither the Holy See (the ecclesiastical jurisdiction of the Catholic Church) nor the Sovereign Military Order of Malta are countries in the traditional sense but both are recognised as sovereign entities under international law and enjoy permanent observer status at the General Assembly as well as diplomatic relations with many other UN members, regional organisations, and international organisations around the world. Permanent observer status in the category of “Other entities having received a standing invitation to participate as Observers in the sessions and the work of the General Assembly and maintaining Permanent Offices at Headquarters” include both principal entities of the Red Cross and Red Crescent Movement, the International Olympic Committee, and the Inter-Parliamentary Union, all of whom wield considerable political influence, particularly in the advancing of social and humanitarian diplomacy.

Climate change and environmental degradation are no longer emerging threats, but a real and pressing emergency claiming its first victims, while the lethargy of the multilateral arena watches passively on. Our collective security relies on the integrity and coherence of a global system capable of adapting in real time to the needs of its members. When these very members prove systematically complicit in their own destruction, an equitable transfer of leadership to the most impacted communities is essential to safeguard the collective wellbeing of current and future generations. It's not too late to elevate tomorrow's voices from today's sinking nations.

Interview

Perennial migrants

It's high time we stopped viewing migration in terms of crises and problems to be solved, or even as something exceptional, and started to acknowledge that mobility is, and always has been, central to how humans—and many other species for that matter—live on the planet, argues **Sonia Shah**.



Sonia Shah is an American investigative journalist and author of articles and books on corporate power, global health and human rights. Her 2020 book, [The Next Great Migration: The Beauty and Terror of Life on the Move](#), describes both human migration and animal migration as a consistent pattern throughout the history of humanity and life on earth.

A few years ago you wrote a book that suggested untested and mistaken theoretical paradigms were a barrier to effectively facing threats from contagious diseases.¹ Do you think we've got untested and mistaken paradigms about migration and how to manage migration?

Yes, absolutely. So I think that work actually led almost directly to the ideas in my migration book. I was working on my book about pandemics. I went to Greece with a grant from a foundation that wanted me to report on the public health impact of the migration crisis, that there might be disease outbreaks. That was the idea. And that made sense to me. I thought, okay, people are moving. It's a crisis. Something bad's going to happen. People are moving from places where there wasn't good infrastructure, where vaccination campaigns are broken down, and they're coming into a new disease environment in a mass movement. They're bringing new pathogens, new microbes into this new area, and that could cause outbreaks, etcetera. But I found it was the exact opposite: that of course the migrants were

healthier than the host populations. All the problems they were having was because of the way they were being treated. It was a crisis of welcome as opposed to a crisis of migration. That insight sparked the journey that became this new book. What I came to understand is that migration is central to the human experience. That it's an adaptive solution to the problem of living on a dynamic planet. And it's not just our solution, it's the solution of many species across all of biology. The way we think about nature, and our ideas about where things belong in space, has created this perception that migration is a crisis, or anomalous or exceptional, that it is a problem to be solved as opposed to central to how we live on this planet.

But most people do not dream of moving, and for millions, the ideal home is seen exactly as an unchanging, reliable, specific geographical location. Home is solid, home is stable, isn't it?

I think there's a dynamic. And the dynamic is of dispersal, adaptation to new places and the

¹ Shah, S. (2017) [Pandemic: Tracking Contagions, from Cholera to Ebola and Beyond](#). Picador.

“ Migration is central to the human experience. It’s an adaptive solution to the problem of living on a dynamic planet. And it’s not just our solution, it’s the solution of many species across all of biology. ”

development of innovation, and then dispersal again, which is how that innovation gets injected into new places. There’s a tension between these different impulses that we need to balance in order to survive on the planet.

In your migration book, you convincingly write about the strength of the sedentary bias and the intellectual origins behind this general disapproval of anything moving from its natural place, whether it’s animal, plant, or human. You also write that that movement is reaction and response to change.

We’re already in a great migration. We have always been in a great migration. But yes, the whole idea of the migration ratio, which is the amount of time it takes to rear the next generation compared to how many years can you count on your environment being stable... If the numerator is a lot bigger than the denominator, then you’re going to see a lot of migration. And that holds true in a lot of species.

“ The conventional history of global migration is that we walked out of Africa and settled all the empty continents and then we stood still for thousands of years until we got airplanes and modern telecommunications. That’s not what happened. ”

The migration ratio could also apply to what’s happening to us. We are living in a dynamic time right now because of all the environmental disruptions that we’ve caused. This idea that our social, political and demographic structures should last forever stems, I think, from the anomalously stable climate of the last 100 years during which the global economy was built, powered by the bounty of fossil fuels. If we look at older cultures, the idea of change being central is much more entrenched. It’s really European Enlightenment-era ideas which have been incorporated into the global economy and which insist that stability is everything, that everything has a fixed place and that there’s balance in nature. All of those ideas are not really compatible with what we’re finding now. They’re also contrary to the insights of older cultures that have been intact from before the Enlightenment period. The conventional history of global migration is that we walked out of Africa and settled all the empty continents and then we stood still for thousands of years until we got airplanes and modern telecommunications.

That’s not what happened. What we now know from paleogenetics is people walked out of Africa, they walked into North America, into South America, back into Asia, back into Europe, back into Africa. The continents were not empty: they were populated by other, now extinct, hominids. And our ancient migrations didn’t stop, they continued, in complex ways just like today. So yes, migration is facilitated by modern technology for sure, and the pace is changing, the direction is changing, and those are very meaningful changes. But the point I’m making is that we’ve been migrants all along.

But isn’t it true that in the modern era, and I mean the last few thousands of years, different peoples have indeed remained in particular places, which accounts for distinct looks, languages, social arrangements, cultural practices and so on, and it’s these differences that affect how people react to migrants and migration? That’s what the political problem is around migration.

Yes, but historically, assimilation is the norm. If you look at the genetic structure of our species, we are completely mixed up. So yes, there are cultural barriers, but when human populations that are culturally different overlap geographically, they mix. Their genes mix, they make families together. That’s what explains our population structure. And that’s totally different from even our closest relatives, chimpanzees for example, where you’ll see [different groups of] chimpanzees that live in the same exact area and have for many generations, remain genetically distinct. Because even though they share the same geographical space, they keep to each other, they keep separate biologically. They don’t mix. They don’t make families together. Humans never do that. Wherever we overlap, we mix, and you can see that in our genetic structure. So I would argue that assimilation is actually the norm. And of course not everyone is a migrant all the time. There’s a fraction of us that keep moving all the time. And those people are entering into new societies, and they are assimilating. I think that the examples in which there’s a problem and there’s a conflict are actually the anomaly.

So if that’s the reality and if that’s the evidence, why are we seeing such a prominence of anti-migrant xenophobia?

I think we’re living in an era of heightened xenophobia right now for sure. But I don’t think it’s about migration per se. I think it’s about ethnocentrism and racism. In the US we’re seeing White nationalism. In India, we’re seeing Hindu nationalism. That’s a broader phenomenon that’s happening politically. I think migrants are the target for that because they are very easy to make conspicuous. And once you make any group of people conspicuous, it becomes more likely that an “us/them” thing happens. And I think there’s a lot of political leaders who have found that very useful, and we’re living in that moment.

Since you've written your book do you see borders tightening, becoming more restrictive or less restrictive?

I think in the US they're becoming more restrictive. We have completely dismantled our whole asylum system. It's terrible what's happening. I think we've completely sold out all of our commitments to migration, and I see something similar in Europe.

If you're saying there are these huge impulses to move, and at the same time we're seeing societies putting up barriers, what should we expect? A lot of stranded populations, humanitarian crises, mass invasions?

The thing that's so alarming about it is that it's a self-fulfilling prophecy. Because once you create those barriers and you create trapped populations, that then triggers very disruptive mass movements. It maximises the costs of migration and minimises the benefits. What changed my thinking a lot is looking at how other species are responding to the fact that their habitats are changing. They're moving too. But because we want to protect biodiversity in the future, we want species to move. Conservationists and others are building corridors to help them move into new places, not walls to block them.

“ Once you create barriers and you create trapped populations, that then triggers very disruptive mass movements. It maximises the costs of migration and minimises the benefits.”

If we want human diversity in the future, if we want innovation in the future, which comes from the diverse opinions, diverse cuisines, diverse ideas, all of those things that migrants bring into new societies, then we're going to need to build those corridors too.

You've said that within one generation or two generations, migrants very quickly assume the language, the habits, the value systems and reproductive systems of host populations. And at the same time, you're talking about how important diversity is. Presumably, therefore, the diversity benefit is reduced after the first generation?

That would be true if migration just stopped. But that's the whole point. There's this continuous dynamic of moving into new places and adapting to those new places, which is what home is. It's the creation of ways of living in a certain place that is adapted to that place. That's home. Because we keep migrating, we bring those adaptations into new places. That inserts innovation into that new place, which would otherwise risk, as you say, becoming increasingly homogenous.

Is this great migration underway right now? Are we talking about tens of millions of people? Are we talking about billions eventually? And how long do you think it will last?

I don't know that I feel confident about our assessment of the migration that's happening even now. There's a lot of migration happening underneath our notice that no one ever talks about and doesn't become politically significant at all. So it's hard to say. I think what we could say about the coming era is that the pace is going to change, and the directionality will probably change, compared to the past. Before, it was more east-west oriented, but it will probably shift to more south-north because of climate change.

Whether it's from an authoritative regime or a democratic one, isn't there going to be major resistance to fast-paced mass migration?

Yes, I think that pace is probably the biggest challenge. The pace is the factor that is scariest for people. We can work to change the pace, if that were the focus of policymaking. But none of that work is possible if we continue to think about migration as a crisis and a problem to be solved, as opposed to a reality to be managed.

You show us in the book that there's no real scientific grounds for an "us and them" view of migration, and yet it persists. No matter what people are told about migration facts, they continue to hold anti-migration and xenophobic views. But it seems you were not able to explore this phenomenon deeper.

The social science research on the origins of xenophobia is pretty inconclusive and mixed. I don't think there are any clear answers. I agree it is part of our social psychology. In the deep past the fact that we were able to create groups and know who was in our group and who wasn't in our group probably helped as an immune behaviour, because people in your group are going to share your germs and the people outside of your group are going to have different ones which are more threatening. I think that there are probably drivers like that which help explain why we have this social psychology, but it's only one part of our social psychology. We also are masterful assimilators. Our bodies are built for adaptation, for assimilation, for change. The whole field of epigenetics and gene expression, which shows how our genes turn off and on depending on where we are, is part of this amazing, sophisticated system we have, to respond to micro conditions in our immediate environment. That is something that is not useful if you're going to stay in one place all the time. Why did we evolve that way?

Our biological plasticity is what has allowed us to live in the highest reaches of the Tibetan Plateau, where there's not enough oxygen, and in the Amazonian

rainforest, and all the other places where the environments were completely different. And that, I think, is very telling. So yes, xenophobic impulses are part of our social psychology and probably evolved from some conditions in our deep past that we can speculate about. But there's this whole other side too. And I think that's what we're not talking about enough. The bigger picture is that we are assimilators. We are dispersers and assimilators. That is a much more central part of our experience.

“ The pace and speed and the ratio of residents to newcomers seems to trigger the xenophobic response. And then policymakers, of course, capitalise on that. ”

We overcome the xenophobia response all the time. We see assimilation happening everywhere. It's not a general problem, it's a specific problem, possibly having to do with pace. The pace and speed and the ratio of residents to newcomers seems to trigger the xenophobic response. And then policymakers, of course, capitalise on that.

So how would you compare the treatment of Ukrainian refugees with the treatment of other refugees? Do you feel this vindicates your characterisation that the hierarchy of humans deriving from race theory is still in play?

Yes, I think it does. I mean, from a broad perspective, I haven't followed all the things that are happening in Ukraine or what's happening to Ukrainian migrants, which is obviously going to be very varied. I don't have all of those details in front of me. But in a general sense, at least here in the US context, the response is quite different from what we see, say, on the southern border of the United States. To me that speaks volumes. And even more so when we see how, say, Haitians are treated. It proves my point absolutely.

There seems to be a lot more migration and refugee movement in the Global South than the Global North, and that the South is much less stressed about it all. Do you think that there are some lessons the Global North can learn from the Global South in terms of assimilation and integration?

I haven't really thought of it that way. When I think of the Global South I think of the example of India, and there are more negative lessons there in how they are treating migrants and asylum seekers or other minorities and vulnerable groups.

Are you thinking of continuing your concentration on migration in terms of your research and writing?

I'm definitely going to continue looking at climate change. I'm working on a new book now that grew out of the work I did on the migration book. I was very struck by the fact that people who study human migrants never say anything or even look at the literature on animal migrants. And people who study animal migration would never comment or even look at the literature on human migrants. And that struck me as so very odd. It started me thinking about, well, where does that barrier come from? And this whole idea of humans being exceptional on the planet and not part of nature at all, has become very fascinating to me. It's been deeply incorporated into our habits of mind, our science, the way we seek knowledge, the way we extract resources and think about geography. And so that's the subject of my new work.

Photo credit: Stadtrat / iStock

While the number of displaced people continues to increase across the world, more fences and barriers than ever are being erected at the territorial borders of countries around the world. There are now over 74, up from 8 in 1989. (See Thematic snapshot – Digging in: the global rise of border walls, [page 192](#); Interview with Filippo Grandi, [page 16](#) and Ugochi Daniels, [page 32](#)).





Photo credit: Aeypix / Shutterstock

Night falls in Osaka, Japan. Japan has high labour needs that cannot be fully met by its ageing and shrinking population. Despite long-standing resistance and apprehension about allowing (non-Asian) migrants into Japan, it seems inevitable that the country's labour needs will force policy change. With labour shortages rising globally, it appears that migrant labour is, and will continue to be, in high demand and the current rise in visas granted annually suggests a movement towards more open immigration policies. (See Thematic snapshot on Irresistible policy changes? How labour shortages are forcing migration policy changes in Japan and Australia, [page 219](#); Interview with Ugochi Daniels, [page 32](#)).

Section 2: Africa



Overview

Rising migration from North Africa to Europe during 2023, particularly along the Central Mediterranean route to Italy, has been driven in part by the increasingly inhospitable environment that refugees, migrants and asylum seekers face in Tunisia, Libya and elsewhere. The lack of protection they experience in these countries is only amplified during the journey itself as forced returns by Libyan coastguards, slow or inadequate rescue efforts by European countries and the reckless disregard of smugglers for the lives of their passengers has contributed to more deaths and disappearances at sea. At the same time, many thousands of people, predominantly Ethiopians, made the equally hazardous journey to Yemen en route to Saudi Arabia, a route dominated by criminal gangs and armed groups.

The uptick in movement from the Horn of Africa may be attributable to some extent to the protracted drought in Somalia, Ethiopia and Kenya that has uprooted an unprecedented number of people there. Conflict is also a significant driver: this includes (besides ongoing displacement in Ethiopia despite the formal end of the war in Tigray) the outbreak in April of civil war in Sudan. This nexus of armed conflict, environmental stress and forced migration is playing out in other parts of Africa, too, in particular the Sahel and Lake Chad, where insecurity and humanitarian catastrophe are still escalating.

Irregular migration to Europe

The dangers of the journey from **North Africa** to Europe have only increased in recent years, partly as a result of the growing role played by **Libya** and other countries (with financial and technical assistance from the European Union) in patrolling the waters, forcing boats to pursue more hazardous routes to evade detection. At the same time, the rollback of EU-led search and rescue operations such as Operation Sophia, a naval patrol active between 2015 and 2020 that saved thousands of lives while in operation, has removed a vital safety net for boats in distress.¹ This protection gap has been exacerbated by various hostile policies enacted in **Italy**,

including the impounding of several ships operated by NGOs for rescue operations during the year.²

The Central Mediterranean route to Italy

The Central Mediterranean route continues to be the most popular way to reach Europe. According to UNHCR, the number of people detected travelling to Italy from 1 January to 28 August (108,094) far exceeds the total recorded during the same period in 2022.³ During this period there has been a significant uptick in migration from **Tunisia**, contributing to 73,827 arrivals in Italy, making Tunisia the most popular country of departure. Between the beginning of the year and the end of July, the most represented countries of origin among arrivals in Italy were Guinea (13.2%) and Côte d'Ivoire (13.0%), followed by Egypt (8.8%), Tunisia (8.0%), Bangladesh (7.8%) and Pakistan (6.9%).⁴ Compared to the same period the previous year, this represents a significant increase in the proportion of refugees, migrants and asylum seekers from countries in sub-Saharan Africa.⁵

The Central Mediterranean remains one of the deadliest routes in the world. According to IOM, 1,417 deaths or disappearances (a figure that also includes fatalities related to boats travelling from Türkiye) occurred along the Central Mediterranean route in 2022, mostly off the coast of Libya, followed by Tunisia. This was a slight dip in the total during 2021 (1,553) but significantly higher than 2020 (1,001).⁶ However, the number of dead and missing in the first eight months of 2023 (2,066) had already exceeded the total for the entirety of 2022, due in part to the sinking of a trawler off the coast of Messenia, Greece on 14 June which left an estimated 596 people dead or missing.⁷

Western Mediterranean and Atlantic routes to Spain

Though the numbers involved are only a fraction of those travelling to Italy, **Spain** continues to receive significant numbers of refugees, migrants and asylum seekers. Of these, some travel along the Western Mediterranean route (from Morocco and Algeria across the Mediterranean to mainland Spain or from Morocco

1 MMC (2022) [Mixed Migration Review 2022](#).

2 Balmer, C. (2023) [Italy impounds three rescue ships as migrant numbers soar](#). Reuters.

3 UNHCR (2023) [Italy weekly snapshot – 28 August 2023](#); UNHCR (2022) [Italy weekly snapshot – 29 August 2022](#).

4 UNHCR (2023) [Mediterranean situation: Italy](#).

5 UNHCR (2023) [Italy weekly snapshot – 28 August 2023](#).

6 IOM (2023) [Deaths on migration routes in MENA highest since 2017: IOM 2022 data reveals](#).

7 IOM Missing Migrants Project (2023) [Migration within the Mediterranean: Central Mediterranean route](#).

into the Spanish enclaves of Ceuta and Melilla), though in the last few years the Atlantic route (from Morocco, Western Sahara, Mauritania, Senegal and The Gambia towards the Canary Islands) has dominated. According to UNHCR, there were 22,165 arrivals in Spain between 1 January and 3 September, the majority entering at the Canary Islands (11,690), with others entering at Andalucía (6,513), Ceuta (722), the Balearic Islands (917) and Melilla (344). The large majority (21,777) reached Spanish territory by sea.⁸

According to IOM, the number of dead and missing travelling the Western Mediterranean route was 611 in 2022, significantly higher than the total for 2021 (384). The number of dead and missing between January and the end of August 2023 was 205, lower than the number recorded during the same period in 2022 (314).⁹ Along the Atlantic Route to the Canary Islands, meanwhile, though the number of fatalities for 2022 was high (559), it was roughly half the total in 2021 (1,126). In the first eight months of 2023, 396 people died or went missing on this route.¹⁰ When set against number of registered arrivals, these figures show that this route is one of the world's deadliest, with around one in 30 of those attempting the crossing dying or disappearing. Other sources of data suggest an even higher risk of death. For instance, while the IOM figures indicate a combined death toll of 226 people along the Western Mediterranean and Atlantic routes in the first half of 2023, the NGO Caminando Fronteras estimated that at least 951 refugees, migrants and asylum seekers died in the first six months of the year trying to reach Spain, the majority (778) en route to the Canary Islands.¹¹

There have been a number of deadly incidents along the Western Mediterranean and Atlantic in 2023 that highlight the particular dangers of the route. On 21 June, for instance, a boat with more than 60 passengers on board sank off the coast of **Morocco**, en route to Spain, with dozens feared dead or missing. According to one NGO, the vessel had to wait 12 hours after sending out a distress call before rescue services arrived.¹² With both the Moroccan and Spanish coastguard having failed to respond in a timely fashion, the Spanish Public Prosecutor's Office launched a criminal investigation.¹³ A number of other deadly incidents along the route occurred during the summer months of 2023, demonstrating that the 21 June tragedy was not an isolated event. On

3 July, another sinking off the North African coast of a boat travelling to the Canary Islands led to the deaths of at least 51 people.¹⁴ On 16 August, a boat that had left Senegal on 10 July was found drifting near Cabo Verde, with at least 63 fatalities on board after the vessel had been adrift for weeks. At least 63 of the passengers on board were dead or missing.¹⁵

Mixed migration in North Africa

Many of those attempting to reach Europe travel through North Africa where they face a variety of threats, including summary deportations, xenophobia and exploitation. Though Libya has a well-documented record of human rights abuses against refugees, migrants and asylum seekers, other countries such as Algeria and Tunisia have also been implicated in illegal pushbacks and expulsions.

Mixed migration from Tunisia on the rise as attacks on migrants continue

Though Tunisia's economic crisis and political uncertainty are believed to have played a role in the decision of some Tunisian nationals to migrate, it is also the case that the increasingly inhospitable environment for sub-Saharan African refugees, migrants and asylum seekers—reflected in a series of xenophobic and racist attacks in recent months—has also encouraged many foreigners living in Tunisia to leave.¹⁶ Against a backdrop of escalating violence and anti-migrant rhetoric from the country's leadership, abusive practices by authorities against migrants have also taken place, including mass expulsions and deportations from the city of Sfax after an altercation between locals and migrants led to the death of a Tunisian man on 3 July.¹⁷ In the following days, around 1,200 migrants were subsequently abandoned in the desert near Algeria and Libya without food or water.¹⁸ Dozens may have died as a result of these actions: by mid-August, some estimates suggested that at least 27 people had died and another 73 were missing.¹⁹

Most of those leaving Tunisia for Italy are refugees and migrants who were already in Tunisia for some time: the overall proportion of Tunisian nationals among those travelling the Central Mediterranean route to Italy (including from Libya, Türkiye and Algeria) has in

8 UNHCR (2023) [Mediterranean situation: Spain](#).

9 IOM Missing Migrants (2023) [Migration within the Mediterranean: Western Mediterranean](#).

10 IOM (2023) [West and Central Africa — Irregular Migration Routes to Europe — Western African Atlantic Route \(January – June 2023\)](#).

11 ANSA and InfoMigrants (2023) [Nearly 1,000 migrants died on Africa-Spain routes in six months, NGO reports](#).

12 Jones, S. & Smith, H. (2023) [At least 35 people feared dead after dinghy sinks en route to Canary Islands](#). The Guardian.

13 Mellersh, N. (2023) [Spanish prosecutor opens criminal investigation into deaths of 39 migrants](#). InfoMigrants.

14 InfoMigrants (2023) [More than 50 dead in latest crossing attempt to Canary Islands](#).

15 Tondo, L. (2023) [At least 63 people feared dead after boat found off Cape Verde](#). The Guardian.

16 Santos, A. (2023) [Boat wrecks off Tunisia reveal worsening situation in the country](#). InfoMigrants.

17 Al Jazeera (2023) [Why is Tunisia expelling Black refugees?](#)

18 The Telegraph (2023) [Migrants forcibly moved to desert without food and water in 40C heat](#); Amara, T. (2023) [Tunisia removes hundreds of migrants to desert border region, rights group and lawmaker say](#). Reuters.

19 Africanews (2023) [Tunisia, Libya to share responsibility for migrants stranded on border](#).

fact reduced significantly, from 20 percent in January–July 2022 to eight percent in January–July 2023.²⁰ The representation of other nationalities, by contrast, has increased both in relative and absolute terms: the most commonly identified country of origin during this period was Guinea (13%, up from 3% last year), Côte d'Ivoire (13%, up from 4% in January–July 2022), followed by Egypt (down to 9% from 21% in the same period the previous year) and then Tunisia.²¹

The increasing use of sea routes departing from Tunisia may lead to new hazards for those attempting to reach Europe. Smuggling networks operating from Tunisia are reported to be less well resourced than elsewhere, using old wooden or cheap metal boats for the Mediterranean crossing. It is believed there may be an elevated number of “invisible” shipwrecks whose deaths are never officially accounted for by organisations such as IOM because there are no survivors of such incidents.²² In addition, a particular phenomenon of irregular migration evident in Tunisia is the significant numbers of “self-smugglers” who purchase cheap, homemade metal boats to undertake the journey themselves without the services of a smuggler.²³ In the meantime, in an effort to curb the numbers reaching Italy from Tunisia, in July 2023 the EU brokered a deal with the Tunisian government that includes a significant package of financial and technical assistance for authorities to bolster search and rescue operations, strengthen border management and accept returns of Tunisian nationals based in Europe irregularly. How quickly these provisions will be implemented, however, remains to be seen. The agreement, discussed in more detail in the Keeping track in Europe section in this volume, has been criticised by activists for legitimising the Tunisian government without adequate safeguards to ensure the protection of human rights.²⁴

Tens of thousands en route to Spain intercepted by Moroccan authorities

After a diplomatic rift in April 2021 between Morocco and Spain, approximately 9,000 refugees, migrants and asylum seekers attempted to cross into the Spanish enclave of Ceuta the following month—apparently enabled by the inaction of Moroccan border guards in what was widely seen as a reprisal. However, since relations were restored in March 2022, Moroccan

authorities undertook mass round-ups of refugees, migrants and asylum seekers in the country, with many relocated away from areas bordering Ceuta and Melilla as well as the coastal city of Laayoune in Western Sahara, a popular embarkation point for those attempting the crossing to the Canary Islands.²⁵ This trend has continued in 2023, with Morocco claiming to have intercepted 25,519 crossing attempts and rescued 3,150 people at sea between January and the end of May.²⁶ It has also continued to repel overland attempts to reach Spanish territory at the border with Ceuta and Melilla.²⁷ In addition to new agreements brokered with the EU, Morocco also signed a bilateral memorandum of understanding in February 2023 with Spain to improve cooperation around migration management.²⁸

Abuses against migrants in Libya continue

Libya currently hosts more than 706,000 migrants, the majority from Niger (24%), Egypt (23%), Sudan (19%), Chad (12%) and Nigeria (4%).²⁹ They continue to be targeted with arbitrary detention, violence, sexual assault and extortion. The final report of the UN Fact-Finding Mission on Libya, published in March 2023, highlighted how migrants had been “systematically tortured” and subjected to trafficking, forced labour, sexual slavery and imprisonment. The report also highlighted how the EU “directly or indirectly, provided monetary and technical support and equipment, such as boats, to the Libyan Coast Guard and the Directorate for Combating Illegal Migration that was used in the context of interception and detention of migrants”.³⁰ Almost all of those intercepted and forcibly returned to Libya by its coastguard (more than 5,000 in the first months of 2023 alone)³¹ end up in detention centres or covert holding facilities managed by militias where they are often subjected to protracted human rights abuses. Other human rights violations reported during the year included the deportation of more than 4,000 migrants by authorities in Eastern Libya across the border into Egypt. Despite being found in brutal conditions in warehouses, they were reportedly subjected to mistreatment and left in the desert without food or water.³² Militias aligned with General Khalifa Haftar, the rival to the UN-recognised government based in Tripoli who controls the eastern part of the country, have also been engaged in frequent illegal “pullbacks” of boats en route to Europe from departure points on the

20 UNHCR (2023) [Italy weekly snapshot – 28 August 2023](#); UNHCR (2022) [Italy weekly snapshot – 29 August 2022](#).

21 UNHCR (2023) [Italy weekly snapshot – 3 July](#).

22 Santos, A. (2023) [Boat wrecks off Tunisia reveal worsening situation in the country](#). InfoMigrants.

23 Pisa, N. (2023) [Revealed: Desperate migrants trying to reach Britain head to sea from Tunisia's beaches in death trap home-made metal boats with car tyre tubes as life jackets](#). MailOnline; Schaer, C. & Guizani, T. (2021) [Tunisian migrants turn to 'self-smuggling'](#). DW.

24 Holleis, J. & Guizani, T. (2023) [EU–Tunisia migration proposal ignores human rights concerns](#). DW; Wintour, P. (2023) [EU accused of whitewashing Tunisian regime in bid to stem migration](#). The Guardian.

25 MMC (2022) [Mixed Migration Review 2022](#).

26 Middle East Monitor (2023) [Morocco intercepts over 25,000 migration attempts in 2023](#).

27 Al Arabiya (2023) [Morocco stops around 150 Sub-Saharan African migrants from crossing into Spain](#).

28 Kingdom of Morocco (2023) [12 HLM Morocco–Spain: Signing of several cooperation agreements](#).

29 IOM (2023) [IOM Libya Migrant Report Key Findings 46 \(January – February 2023\)](#).

30 UN (2023) [Libya: Urgent action needed to remedy deteriorating human rights situation, UN Fact-Finding Mission warns in final report](#).

31 UNHCR (2023) [UNHCR Update Libya \(23 May 2023\)](#).

32 Hearst, K. (2023) [Libya forces thousands of Egyptians to leave the country on foot](#). Middle East Eye; MMC (2023) [Mixed migration quarterly review – North Africa: Quarter 2 2023](#).

eastern coast such as Tobruk. Many such vessels have been intercepted in Maltese waters. The same militia have also forced large numbers of refugees, migrants and asylum seekers in the southwest of Libya across the border into Niger.³³ More recently, in the wake of the outbreak of renewed fighting in Sudan, many displaced Sudanese crossing the border into Libya have reportedly been pushed back by Libyan and Sudanese militias.³⁴

Mass expulsions from Algeria to Niger

While **Algeria** has deported tens of thousands of undocumented Nigeriens across the border since 2014 under the auspices of a bilateral agreement between the two countries, in recent years it has also illegally expelled increasing numbers of refugees, migrants and asylum seekers of other nationalities. The latter are typically abandoned in the desert at the Algeria-Niger border, an area known as “Point Zero” that is 14 kilometres away from the nearest settlement, Assamaka. Between the beginning of the year and the end of July, according to figures from *Alarme Phone Sahara*, at least 20,000 people were violently pushed back by Algerian authorities towards Niger, continuing even after the country’s military coup on 26 July. Thousands remained stranded in Assamaka as of August, outnumbering the local population and facing a range of urgent humanitarian needs.³⁵ Even before the coup, the situation was complicated by the slow pace of evacuation of those trapped there, including nationals from other countries such as Guinea and Côte d’Ivoire.³⁶ The challenges have only exacerbated since the military’s seizure of power, creating further access issues for humanitarian actors there. On 1 September, IOM called for the establishment of a humanitarian corridor to support assistance for the 4,800 foreign nationals (predominantly from Mali, Guinea, Senegal and Nigeria) in reception centres across the country and aid their voluntary return.³⁷

Immigration and emigration in Egypt on the rise

In recent years, particularly since 2019, **Egypt** has attracted a growing migrant population. According to IOM, around 9 million international migrants are based in Egypt, the majority Sudanese (4 million), Syrian (1.5 million), Yemenis (1 million) and Libyans (1 million), though a wide range of other nationalities are also represented in smaller numbers as well.³⁸ These numbers have also been swelled by instability in neighbouring countries, including the civil conflict in Sudan, with over 317,000

refugees newly displaced into Egypt by September 2023 and others stranded at the Sudanese border.³⁹

At the same time, there has been an uptick in the number of Egyptians attempting to migrate to Europe, the result in part of high inflation and economic stagnation in Egypt. Strikingly, in 2022, Egypt became the most represented nationality among the refugees, migrants and asylum seekers who reached Europe, with a total of 21,753 arrivals—more than from normally dominant sending countries such as Afghanistan and Syria.⁴⁰ Though in the first nine months of 2023 Egyptians were overtaken by a number of other nationalities (Guinea, Côte d’Ivoire, Syria and Tunisia) another 8,208 Egyptian arrivals were recorded during this period.⁴¹ In this context, the EU has sought to increase its engagement with Egypt around migration, including an €80 million agreement around border management brokered in October 2022,⁴² with further plans in the pipeline to collaborate on reducing irregular migration and trafficking.⁴³

East and the Horn of Africa

New outbreaks of violence have emerged across parts of the region, notably in Sudan and the Somaliland region. Elsewhere, countries such as Ethiopia and South Sudan continue to struggle with the aftereffects of conflicts that have yet to resolve into lasting peace, notwithstanding the agreements in place. Meanwhile, mixed migration towards Yemen and Saudi Arabia has returned to the levels evident before the Covid-19 pandemic, despite the dangers involved, against a backdrop of acute and deepening drought that is responsible for the displacement of more than 2 million people in the region so far.

A further development that could have significant implications for the region as a whole is the passage of anti-LGBTQI+ legislation in **Uganda** in May 2023. While homosexual acts were already illegal, those convicted under the new law could face a life sentence and even the death penalty if they are HIV positive. Besides creating the need for safe asylum pathways for LGBTQI+ persons in the country to seek refuge elsewhere, the new law could enhance vulnerabilities for these groups elsewhere in neighbouring countries. In Kenya, too, the environment for LGBTQI+ persons is becoming increasingly inhospitable, despite it being

33 Marsi, F., Shankar, P. & Sanad Verification Unit (2023) [The Libyan militia illegally towing back vulnerable refugees](#). Al Jazeera.

34 Bonfiglio, A., Frouws, B. & Forin, R. (2023) [Mixed migration consequences of Sudan's conflict](#). MMC.

35 *Alarme Phone Sahara* (2023) [August 2023: Deported persons stranded in Assamaka and elsewhere in Niger in conditions that remain precarious. Deportations continued by Algeria](#).

36 *Alarme Phone Sahara* (2023) [Alarme Phone Sahara report on situation at Assamaka, May 2023](#).

37 UN News (2023) [Niger: IOM calls for humanitarian corridor to help stranded migrants](#).

38 IOM (2022) [IOM Egypt estimates the current number of international migrants living in Egypt to 9 million people originating from 133 countries](#).

39 UNHCR (2023) [Sudan situation](#).

40 IOM (2023) [Migration flow to Europe: Arrivals](#); Batrway, A. (2023) [Egypt's vanishing village men: Risking it all to get to Europe](#). NPR.

41 IOM (2023) [Migration flow to Europe: Arrivals](#).

42 Lewis, A. (2022) [EU funds border control deal in Egypt with migration via Libya on rise](#). Reuters.

43 O’Carroll, L. (2023) [EU looks to Egypt partnership to tackle people-smuggling networks](#). The Guardian.

the only country in East Africa to recognise refugees and asylum seekers escaping persecution on the basis of their sexual orientation. The Family Protection Bill currently under review in parliament criminalises the “promotion, recruitment and funding of homosexuality”, encompassing same-sex marriage and “homosexual behaviours”. The implications of these developments for LGBTQI+ refugees, who are already especially vulnerable to violence and discrimination, could be disastrous.⁴⁴

New conflicts emerge in Sudan and the Somaliland region

The outbreak of conflict in **Sudan** on 15 April 2023 between the Sudanese Armed Forces and the Rapid Support Forces (RSF) has had a devastating impact on the lives of millions of Sudanese civilians, refugees and migrants. Thousands have been killed, many others injured and by early September around 5.1 million people had been uprooted from their homes. This includes 4.1 million internally displaced persons (IDPs) and over 1 million others (of whom around 68 percent are Sudanese and 32 percent foreign nationals and returnees to Sudan) who moved into neighbouring countries. The largest receiving countries since the crisis began are Chad (426,700), Egypt (287,000) South Sudan (251,100), Ethiopia (76,300) and Central African Republic (CAR) (19,000).⁴⁵ Beyond these impacts, the conflict is likely to have considerable ramifications across the region, from threats by the RSF to close down South Sudan’s oil

pipeline infrastructure in Sudan to fears that the conflict could spread to neighbouring countries.⁴⁶

The widespread destruction of housing and infrastructure that has already occurred, including in the capital Khartoum, could complicate eventual returns. In addition, following the repeated collapse of various ceasefires and no peace deal in sight, there is a real possibility of the fighting escalating further, prolonging displacement (as well as involuntary immobility for those trapped in conflict zones) indefinitely. By the end of August, at least 4,000 people had been killed and many others subjected to systematic sexual violence. The rape of women and girls by RSF paramilitaries has been widely reported since the beginning of the conflict as a tool to terrorise communities and force them from their homes.⁴⁷

Of particular concern is the western region of Darfur, where conflict and displacement were already ongoing before the current crisis began. Evidence suggests that the RSF are already carrying out targeted, identity-based killings in villages and towns in the region, and may soon target larger settlements such as El Fasher, where by July there were an estimated 600,000 displaced people living in camps.⁴⁸ There are also concerns about the long-term implications of the crisis in a region already struggling with the effects of conflict and mass displacement, and its likely impact on mixed migration within the continent and beyond.⁴⁹

Graphic 1. Displacement numbers in and from Sudan since April 2023, as of mid-July 2023

Refugees already living in Sudan prior to the April conflict

(Mainly from South Sudan, Eritrea, Ethiopia and Syria)
1.1 million

Fled to neighbouring countries

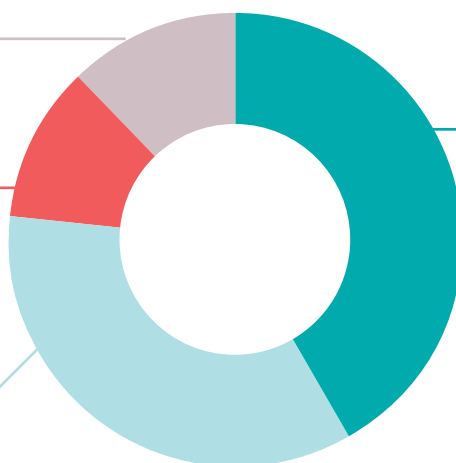
(Mainly Chad, Egypt, South Sudan)
1 million

IDPs in protracted displacement, pre-April 2023

3.2 million

Newly displaced by the recent conflict, since April 2023

3.8 million



Source: IOM and UN News.

44 MMC (2023) [Quarterly mixed migration update: Eastern and Southern Africa | Egypt and Yemen – Q2 2023](#).

45 IOM (2023) [Sudan humanitarian update, 7 September 2023](#).

46 Sudan’s Post (2023) [South Sudan alarmed by continued RSF threats to shut down oil transport](#); NPR (2023) [Fears that deadly Sudan conflict could spill into other regions](#).

47 Harter, F. (2023) [Women in Sudan facing a “tragedy” of sexual violence as rape cases rise](#). The Guardian.

48 Ferguson, K. (2023) [The RSF are out to finish the genocide in Darfur they began as the Janjaweed. We cannot stand by](#). The Guardian.

49 Van Moorsel, J. & Bonfiglio, A. (2023) [Mixed migration consequences of Sudan’s conflict – Round 2 \(June 2023\)](#). MMC.

Meanwhile the apparent stability of the **Somaliland region**, an autonomous area of Somalia that self-declared independence in 1991, was disrupted in February 2023 with the outbreak of fighting in the city of Las Anod between local authorities and a Dhulbahante clan militia. The latter, having seized control of the areas of Sool, Sanaag and Buuhoodle, announced the creation of the breakaway SSC-Khaatumo state, with Las Anod as its capital. By the end of May, around 300 people had been killed, almost 2,000 wounded and 200,000 displaced by the violence,⁵⁰ including around 100,000 people who had crossed into remote areas of Ethiopia's Somali region.⁵¹ Somaliland authorities have been criticised for launching attacks in civilian areas and infrastructure, including the shelling of health facilities, places of worship and schools.⁵²

Peace remains elusive in Ethiopia and South Sudan

South Sudan, meanwhile, continues to struggle with the impacts of the civil conflict that ran between 2013 and 2020. Despite ending with a peace agreement, outbreaks of communal violence have persisted, often at the behest of rival ethno-political powerbrokers who continue to be responsible for orchestrating attacks against civilians.⁵³ Over 2.2 million people are still internally displaced in the country while another 2.2 million refugees—the single largest refugee population in Africa—are based in neighbouring countries, including Uganda (882,800), Sudan (808,300 as of March 2023, though the number is likely to have reduced since the outbreak of conflict there), Ethiopia (417,000) and Kenya (157,400).⁵⁴ These refugees, around two-thirds of whom are children, remain extremely vulnerable and struggle with the challenges of food shortages, climate change and the aftereffects of the Covid-19 pandemic.⁵⁵ Despite calls in February 2023 by President Salva Kiir for those displaced to return home, with promises that the government would facilitate safe passage and where necessary resettlement in another part of the country,⁵⁶ most are currently reluctant to do so given the ongoing insecurity. The exception is those living in Sudan, with more than 100,000 forced to return to South Sudan after the outbreak of conflict. Many were subsequently trapped in dire conditions in remote border areas.⁵⁷

The two-year-long civil conflict in **Tigray, Ethiopia** between the Ethiopian government (backed by Eritrea) and the Tigray People's Liberation Front officially ended in November 2022 with the signature of a peace accord. By then, as many as 600,000 people may have died as a result of the war, which would make it the deadliest of the 21st century. Throughout, the conflict was characterised by widespread human rights abuses by all sides and the lethal effects of a manmade humanitarian crisis. Indeed, it is estimated that the majority of the civilian deaths that occurred were due to starvation (60%) or lack of access to healthcare (30%), both conditions created largely by the blockading of food and medical supplies from the region.⁵⁸ While supplies into the region have now resumed, the collapse of the economy, continued political uncertainty and the presence of troops in areas of the region have meant that those able to do so are choosing to leave.⁵⁹ Many people also remain displaced: estimates in the early months of 2023 suggested that around 1.8 million IDPs were still present in Tigray alone,⁶⁰ with others also displaced in the neighbouring conflict-affected states of Afar and Amhara. Troublingly, according to Human Rights Watch, local authorities and security forces have reportedly continued to expel Tigrayans from western Tigray as part of an ongoing campaign of ethnic cleansing.⁶¹

In the meantime, conflicts in other parts of the country—in particular, Oromia, Afar and Benishangul-Gumuz regions—continue, driving fresh displacements there. Of particular concern is the emerging crisis in Amhara, where fighting has broken out between federalist forces and the Fano, an Amhara militia, following the announcement by Prime Minister Abiy Ahmed in April that all regional forces would be demobilised and absorbed into the national army. Since a state of emergency was declared on 4 August, hundreds have been killed and others displaced, prompting fears of a new civil war.⁶² The situation has also impeded the provision of humanitarian assistance to the numerous displaced Sudanese who have crossed into Ethiopia at Metema in recent months to escape fighting in their home country, leading to supply bottlenecks and added protection risks.⁶³

50 Haji, M. (2023) [Conflict in disputed Las Anod dims Somaliland's diplomatic dreams](#). Al Jazeera.

51 UNHCR (2023) [UNHCR teams and partners rush assistance to some 100,000 newly arrived Somali refugees in hard-to-reach area of Ethiopia](#).

52 Amnesty International (2023) [Somaliland: Urgent investigation needed as fighting takes heavy toll on civilians in Las Anod](#).

53 Chagutah, T. (2023) [South Sudan's conflicts are not just between communities](#). Amnesty International.

54 UNHCR (2023) [Operational data portal: South Sudan](#).

55 UNHCR (2023) [South Sudan situation](#).

56 Sudan Tribune (2023) [South Sudan's Kiir urges IDPs, refugees to return home](#).

57 UNHCR (2023) [Sudan violence forces South Sudanese refugees to return to country they fled](#); Wilkins, H. (2023) [1,000 South Sudanese per day returning home due to Sudan conflict](#). VOA.

58 Naranjo, J. (2023) [Ethiopia's forgotten war is the deadliest of the 21st century, with around 600,000 civilian deaths](#). El País.

59 The New Humanitarian (2023) [Tigray's long road to recovery](#).

60 UNIEF (2023) [Ethiopia humanitarian situation report no. 2](#).

61 HRW (2023) [Ethiopia: Ethnic cleansing persists under Tigray truce](#).

62 Gedamu, Y. (2023) [Ethiopia's Amhara crisis: Abiy's political failures threaten a return to war](#). The Conversation; K. (2023) [Ethiopian troops accused of mass killings of civilians in Amhara region](#). The Guardian; BBC (2023) [Why Ethiopia's Amhara militiamen are battling the army](#).

63 OCHA (2023) [Situation update #27: The impact of the situation in Sudan on Ethiopia - as of 08 September 2023](#).

Environmental stress triggers displacement and immobility in the Horn of Africa

Since 2019, the Horn of Africa has been in a prolonged state of drought. This unprecedented disaster (one that manmade climate change has made “about 100 times more likely”, according to the World Weather Attribution initiative⁶⁴) has had a devastating impact on the region, with more than 2.3 million people internally displaced in Ethiopia and Somalia due to drought as of the end of July. Another 251,000 refugees and asylum seekers had crossed to and from drought-affected areas in Ethiopia, Kenya and Somalia.⁶⁵ In **Somalia**, in the space of just 130 days between 1 January and 10 May 2023, an unprecedented 1 million people were uprooted by the combined effects of drought, flooding and conflict, bringing the total number of IDPs in the country to a record high of over 3.8 million.⁶⁶ By August, the total number of people internally displaced during the year was close to 1.5 million.⁶⁷ In the midst of acute food and water shortages, more than 8 million people—close to half of the entire population—are in need of humanitarian assistance.⁶⁸ Many of those displaced are now settling in camps and informal settlements on the periphery of already overstretched urban centres, where they are exposed to the risk of eviction, gender-based violence and other dangers. Faced with the degradation of their land, many of those displaced may never be able to return to their places of origin and therefore could be forced to remain in informal settlements for the foreseeable future. IOM and other agencies are now focusing on inclusive planning and long-term integration of IDPs into host communities.⁶⁹

Somalia topped the International Rescue Committee’s Emergency Watchlist of countries most at risk of humanitarian emergency during 2023, followed by **Ethiopia** in second place due to its volatile mix of extreme weather, climate change, food insecurity and conflict.⁷⁰ With the national economy struggling and insufficient humanitarian funding in place, as many as 28 million people may need urgent assistance during the year.⁷¹ The worst impacts are being felt in the eastern and southern parts of the country in the wake of repeated crop failures and the deaths of millions of head of livestock, creating widespread famine and

malnutrition. Though the majority of those displaced by drought in both Somalia and Ethiopia have remained in their respective countries, significant numbers have also moved across the border to **Kenya**, with the Dadaab camp alone receiving more than 110,000 Somali arrivals in the space of two years as a result of drought and insecurity.⁷² In addition to hosting more than half a million refugees in drought-affected areas,⁷³ Kenya has close to another half million IDPs who have been displaced by drought, concentrated in the counties of Garissa, Isiolo, Marsabit, Samburu and Turkana.⁷⁴

Securitisation and self-reliance: two competing narratives around refugees in Kenya

Kenya has for decades hosted a sizeable refugee population, with close to 590,000 currently registered in the country, predominantly from Somalia (55%), South Sudan (30.8%), Democratic Republic of the Congo (DRC) (6.6%) and Ethiopia (4.3%).⁷⁵ Its two major camps—Dadaab and Kakuma, both established more than 30 years ago—have repeatedly been threatened with closure and the return of residents to their countries of origin in recent years. Nevertheless, the last deadline for their closure, scheduled for June 2022, passed without incident.⁷⁶ Since then, Dadaab in particular has continued to expand with new arrivals displaced by drought and conflict in Somalia. In January 2022, in response to this population growth, the Kenyan government approved plans to enlarge the camp and reopen areas that had previously been shut down.⁷⁷

Encouragingly, the securitisation rhetoric that frequently characterised discussions of the camps is now being challenged by an increased emphasis on self-reliance and partnerships at the national level. Following the passage of the 2021 Refugee Act, which among other provisions expands the rights of refugees to seek employment, the Kenyan government is developing the multi-year “Shirika Plan” to guide the transition of its refugee camps into

64 World Weather Attribution (2023) [Human-induced climate change increased drought severity in Horn of Africa](#).

65 UNHCR (2023) [UNHCR drought situation response update #12 - July 2023](#).

66 NRC (2023) [Somalia: Over 1 million people internally displaced in Somalia in record time](#).

67 ECGO (2023) [Somalia - Compounding shocks and forced internal displacement \(DG ECHO\) \(ECHO Daily Flash of 22 August 2023\)](#).

68 OCHA Humanitarian Action (2023) [Somalia](#).

69 IOM (2023) [Displacement in Somalia reaches record high 3.8 million; IOM Deputy Director General calls for sustainable solutions](#).

70 IRC (2022) [Emergency Watchlist 2023](#).

71 IRC (2023) [Crisis in Ethiopia: Drought and conflict put 28 million in need](#).

72 UNHCR (2023) [Kenya's Dadaab camp swells with Somalis fleeing drought, conflict](#).

73 UNHCR (2023) [UNHCR'S drought response in Ethiopia, Kenya and Somalia as of 31 May 2023](#).

74 Humanitarian Data Exchange (2023) [Kenya – Internally displaced people due to drought](#).

75 UNHCR (2023) [Operational data portal: Kenya](#).

76 More details are available in MMC (2023) [Quarterly Mixed Migration Update: Eastern and Southern Africa – Quarter 1 2023](#), pp.13-14 and MMC (2022) [Mixed Migration Review 2022](#), p.29.

77 Majanga, J. (2023) [Africa's biggest refugee camp to expand as Kenya approves more land for Dadaab](#). VOA; Garowe Online (2023) [Kenya changes tune on refugees, as two camps in Dadaab are re-opened](#).

integrated settlements.⁷⁸ Though in its early stages, its principles are already being realised in Kakuma, aided by a partnership between UN agencies, the Department of Refugee Services and the Turkana County government. With the aim of delivering a more sustainable solution for Kakuma that also benefits host communities, the pioneering Kalobeyei settlement has been designed with the support of UN-Habitat to transform the camp into a fully functioning urban settlement. Through extensive participatory processes with refugees and locals, the final plan envisions a socially inclusive, spatially integrated settlement that will offer a durable solution for all.⁷⁹ Turkana authorities also took the step of conferring municipality status on Kalobeyei in 2022, cementing its innovative planning with formal recognition. This ground-breaking programme is unique not only for Kenya, but also worldwide, and demonstrates one of the most progressive visions of refugee inclusion globally.

Migration and returns between the Horn of Africa and Yemen

Despite it being one of the most dangerous migration routes in the world, movement along the Eastern route from the Horn of Africa to Yemen has now resumed to pre-pandemic levels, with thousands attempting the journey across the Gulf of Aden every month with the aim of ultimately reaching Saudi Arabia. The number of recorded arrivals in Yemen in the first seven months of 2023 was 86,630, far in excess of the estimated 34,437 arrivals during the same period of 2022 (28,092).⁸⁰ The large majority of migrants are Ethiopian, with smaller numbers from Somalia, driven by a range of factors that include conflict, climate change and unemployment, and typically traveling through Djibouti or Puntland before making the crossing with the services of smugglers. An added challenge for those travelling this route is Djibouti's announcement in May 2023 of a crackdown against migrants, with thousands reportedly rounded up. The government justified this move as a response to the increasingly unmanageable numbers moving irregularly through the country: at least 220,000 passed through

in 2022, amounting to around a quarter of the national population of around 1 million.⁸¹

Many of the migrants plying the Eastern route to Yemen intend to travel on to Saudi Arabia. The extreme risks this journey now entails were highlighted in an MMC-backed report by Ravenstone Consult and an investigation by Human Rights Watch, both of which detailed the systematic killing of numerous migrants (predominantly from Ethiopia) seeking to cross the Saudi border. Human Rights Watch estimated that “at least hundreds” of people, including women and children, had been summarily killed by Saudi border guards.⁸²

Hundreds of migrants are now returning every month to Djibouti from Yemen, with more than 2,400 making the journey in the first five months of 2023.⁸³ Alongside these returns, IOM has been assisting stranded migrants through Voluntary Humanitarian Returns, with 5,631 people—of whom the vast majority (5,572) are Ethiopian nationals—returned to their country of origin in the first half of 2023.⁸⁴ Far larger numbers, however, have been forcibly repatriated from Saudi Arabia as part of a longstanding programme of detention and expulsion that has seen hundreds of thousands of Ethiopians rounded up before being sent back to Ethiopia. Well over half a million Ethiopians have been deported since 2017,⁸⁵ including more than 39,200 in the first five months of 2023.⁸⁶ As a large proportion of Ethiopian migrants originate from Tigray, Oromia and Afar, many of those repatriated may end up having to return to uncertain post-conflict settings there: of the more than 93,500 Ethiopians forcibly returned during 2022 by Saudi authorities, around 42 percent intended to return to Amhara, 20 percent to Tigray and 2 percent to Afar.⁸⁷ In addition to widespread financial insecurity, many returnees report experiencing feeling shame due to their perceived “failure”, particularly those who were forcibly repatriated rather than having chosen to do so voluntarily.⁸⁸

Notwithstanding this history of mistreatment, the Ethiopian government launched an agreement with Saudi authorities in early 2023 to permit the regular migration of 500,000 Ethiopian women to work as domestic workers in Saudi Arabia.⁸⁹ A bilateral agreement on labour

78 UNHCR (2023) [Joint statement by the Government of Kenya and the UN High Commissioner for Refugees: High Level Dialogue on the Shirika Plan](#).

79 UN-Habitat (2018) [Kalobeyei Settlement Advisory Development Plan \(2016-2026\)](#).

80 IOM (2023) [Migration along the Eastern Corridor: Report 41 as of 31 July 2023](#); IOM (2023) [Migration along the Eastern Corridor: Report 29 as of 31 July 2022](#).

81 France24 (2023) [Government of Djibouti launches crackdown on “irregular” migrants](#).

82 HRW (2023) [Saudi Arabia: Mass killings of migrants at Yemen border](#).

83 IOM (2023) [Yemen – Flow monitoring registry: Non-Yemeni migrant arrivals and Yemeni migrant returnees in June 2023](#); IOM (2023) [Migration along the Eastern Corridor: Report 39 as of 31 May 2023](#).

84 IOM (2023) [Soaring number of migrants in distress in Yemen demands greater relief efforts](#).

85 Aduana, G. (2022) [Half a million Ethiopian migrants have been deported from Saudi Arabia in 5 years – what they go through](#). The Conversation.

86 IOM (2023) [Migration along the Eastern Corridor: Report 39 as of 31 May 2023](#).

87 IOM (2023) [Regional Migrant Response Plan for the Horn of Africa and Yemen, 2023](#).

88 MMC (2023) [Reintegration experiences and future aspirations of Ethiopian returnees \(April 2023\)](#).

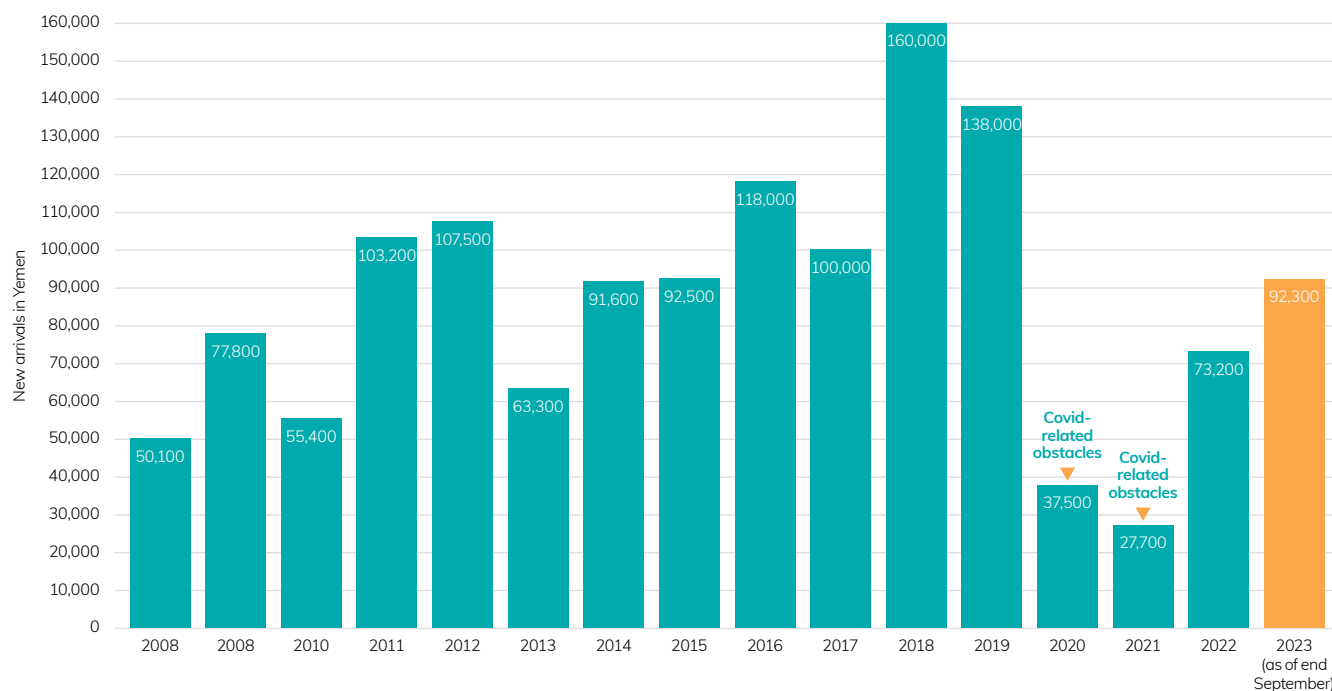
89 Zelalem, Z. (2023) [Ethiopia recruits 500,000 women for domestic work in Saudi Arabia](#). Al Jazeera.

migration was also discretely brokered with Lebanon in April, with few protections or provisions on issues such as minimum wages despite the poor track record

of abuse and exploitation of Ethiopian workers there.⁹⁰ Ethiopia also reached a bilateral agreement in June with Kuwait to regulate labour migration there.⁹¹

Graphic 2. 15-year summary of movement of migrants and refugees to Yemen from mainland Africa – illustrating the consistently high level of movement except in exceptional years (i.e. Covid-19)

New arrivals in Yemen (majority Ethiopian (85-90%), minority Somali (10-15%) – rounded to closest hundred



Sources: UNHCR in [MMC](#), [IOM](#) (a), [IOM](#) (b), [IOM](#) (c), [MPI](#) and [IOM](#) (d).

Returns to Burundi

More than 400,000 Burundians were displaced from their country in 2015 amid political violence, with the majority resettling in neighbouring Tanzania, Rwanda, DRC and Uganda. Though the security situation in **Burundi** has greatly improved since general elections in 2020 and more than 200,000 have returned since 2017, according to official figures,⁹² there are still more than 260,000 Burundians living as refugees in these four countries.⁹³ The government has announced a target of repatriating 70,000 of its citizens from abroad during 2023 and in February called on refugees to return,⁹⁴ though in the first seven months of 2023 only around 6,800 had returned from various countries.⁹⁵ This included Tanzania, where the majority of refugees are currently hosted, though

the government has become steadily less welcoming to refugees in recent years.⁹⁶ In July, Tanzanian authorities explicitly ruled out the possibility of Burundians being granted citizenship, instead calling on them to return to their country.⁹⁷

Despite this pressure to return, the situation in Burundi remains challenging, with UNHCR emphasising the need for adequate service provision, livelihood opportunities and targeted reintegration efforts for those choosing to return.⁹⁸ Many returnees, whether lured back by the apparent improvements in Burundi or the deteriorating conditions in the camps where they lived as refugees, faced numerous challenges in accessing livelihoods, education and land, with little in the way of assistance for

90 Zelalem, Z. (2023) [Ethiopia-Lebanon labour agreement contains little protection for domestic workers](#). Middle East Eye.

91 Gulf News (2023) [Kuwait to import domestic workers from Ethiopia amid tensions with the Philippines](#).

92 The East African (2023) [Burundi in campaign to woo back refugees in Tanzania](#).

93 UNHCR (2023) [Operational data portal: Burundi situation](#).

94 Anadolu Agency (2023) [Le Burundi compte rapatrier 70 000 réfugiés en 2023](#); The East African (2023) [Burundi in campaign to woo back refugees in Tanzania](#).

95 UNHCR (2023) [Burundi situation: Population of concern to UNHCR as of 31 May 2023](#).

96 Ruzibiza, Y. & Turner, S. (2023) [Tanzania's open door to refugees narrows](#). MPI.

97 Xinhua (2023) [Tanzanian official rules out granting citizenship to Burundian refugees](#).

98 UNHCR (2023) [UNHCR's Grandi lauds progress in Burundian refugee returns, urges more support](#).

reintegration. Some have reportedly even had to flee the country a second time in the wake of political intimidation because they are seen by some as “traitors”.⁹⁹

West and Central Africa

West and Central Africa comprises a vast geographic area characterised by significant mixed migration, some of it voluntary, enabled by the open framework of free movement in the Economic Community of West African States (ECOWAS) and the region’s “culture of mobility”.¹⁰⁰ However, climate change, food insecurity, intercommunal violence and armed conflict have also contributed to some of the worst displacement crises in the world. The worsening situations in the central Sahel and Lake Chad Basin, in particular, continue to drive widespread internal displacement and refugee movements that have steadily expanded beyond the primary conflict zones. More generally, mixed migration within and through the region and the important transit area of the central Sahel have continued despite this insecurity, but smuggling routes have evolved and diversified to evade detection by officials—a development that has greatly increased the risks involved for those making these journeys.¹⁰¹ There has also been an uptick in the proportion of West African nationals seeking to escape insecurity in their countries by attempting to reach North Africa or even Europe.¹⁰²

Crisis in the Sahel

The Sahel comprises nine countries with a combined population of 109 million. Of these, an estimated 34.5 million are in need of humanitarian assistance and protection, predominantly in Burkina Faso, Chad, Mali, Niger, northeast Nigeria and northern Cameroon. The situation across the region has become progressively more deadly with every year: an estimated 4,555 civilians died in conflicts in 2022 alone, an increase of 42 percent from the previous year, with around 1,500 killed in the first five months of 2023. The insecurity now threatens to spread to neighbouring countries such as Benin and Togo, where a growing number of attacks have been carried out against civilians.¹⁰³

In the central Sahel, much of the crisis is centred around the Liptako-Gourma area that straddles the borders of Burkina Faso, Mali and Niger, driven by an explosive

mix of insurgent violence, environmental stress and food insecurity. Unrest there has continued to intensify, with a sixfold rise in the number of security incidents and an eightfold increase in the number of fatalities between 2017 and 2022.¹⁰⁴ **Burkina Faso**, now with more than 2 million IDPs, was named as the world’s most neglected displacement crisis by the Norwegian Refugee Council in its annual ranking in 2023.¹⁰⁵ Forty percent of the country’s territory, along with around 800,000 civilians without access to basic services, is now under the control of militias who continue to launch attacks against essential infrastructure and besiege towns.¹⁰⁶ Repeated attacks by armed groups have perpetuated a cycle of death and displacement. For example, a series of attacks carried out between 15 and 21 May in Koulpélogo, near the border with Togo, left more than 70 people dead and uprooted at least 7,000 others from their homes.¹⁰⁷ During 2023, there has also been a sharp increase in the number of refugees and asylum seekers travelling south from Burkina Faso in search of protection, with tens of thousands entering Benin, Côte d’Ivoire, Ghana and Togo.¹⁰⁸ There are concerns that as the situation deteriorates, other countries may become less welcoming. In July, following reports of mass expulsions of hundreds of Burkinabé civilians earlier that month,¹⁰⁹ UNHCR issued an urgent call on governments not to forcibly return refugees who had fled the violence there.¹¹⁰

Mali, meanwhile, has witnessed an escalation in fighting between government forces and Islamist armed groups, accompanied by widespread human rights abuses by both sides—a situation exacerbated by the government’s decision to recruit the Wagner Group to fight as mercenaries.¹¹¹ In the northeast regions of Ménaka and Gao, since 2022, the Sahel branch of Islamic State has escalated its attacks against civilians, targeting Daoussahak communities in particular. Militant violence by other jihadist groups has also affected central Mali and spread further south, including to areas close to the capital of Bamako.¹¹²

There are more than 358,000 IDPs in **Niger**, of whom around 40 percent are situated in the western province of Tillabéri, where the fighting is most intense. The impacts of displacement have been devastating for children and young people who have seen the gradual improvements in educational access in previous years reversed: 42

99 The New Humanitarian (2023) [In Burundi, returning refugees face mixed fortunes](#).

100 Zanker, F., Bisong, A. & Jegen, L. (2022) [Free movement in West Africa: the culture of mobility still matters despite challenges](#). The Conversation.

101 UNODC (2022) [Smuggling of migrants in the Sahel](#).

102 UNHCR (2023) [Sahel situation](#).

103 OCHA (2023) [Sahel Crisis Humanitarian Needs and Requirements Overview 2023](#).

104 UNHCR (2023) [Sahel situation](#).

105 NRC (2023) [Burkina Faso is the world’s most neglected crisis](#).

106 Ahmed, K. (2023) [Burkina Faso is the world’s ‘most neglected crisis’ as focus remains on Ukraine](#). The Guardian.

107 ECHO (2023) [ECHO daily flash as of 25 May 2023](#).

108 UNHCR (2023) [Rising violence drives refugees from Burkina Faso to neighbouring countries](#).

109 Kokutse, F. & Irwin, Z. (2023) [Ghana forcibly deports hundreds of people who had fled extremist violence in Burkina Faso, says UN](#). AP.

110 UNHCR (2023) [UNHCR calls for ban on forced returns to Burkina Faso amid escalating humanitarian crisis](#).

111 Human Rights Watch (2023) [Mali: Events of 2022](#).

112 Tapily, M. (2023) [In northern Mali, Islamic State attacks cause ‘tragedies beyond comprehension’](#). The New Humanitarian.

percent of children are now out of school, compared to 34 percent five years ago before the crisis began.¹¹³ Alongside conflict, regular incidents of flooding and drought have contributed to food insecurity and displacement.¹¹⁴ Niger also hosts 302,000 refugees, primarily from **Nigeria** (199,800) and Mali (66,800).¹¹⁵ The situation in Niger has been further aggravated by a military coup in July that ousted the democratically elected president, creating further turmoil within the country and beyond. Remarkably, the coup was the seventh to take place in West and Central Africa since 2020, including in neighbouring Burkina Faso and Mali.¹¹⁶ Interestingly, it has been speculated that one factor in the president's removal was his previous support of EU policies to curb irregular migration towards North Africa: these measures had been opposed by senior figures in the Nigerien military who had profited financially from bribes received from people smugglers.¹¹⁷

Continued conflict in the Lake Chad region

In the Lake Chad basin, a similar picture has emerged, with a complex humanitarian emergency encompassing Chad, northern Cameroon, southeast Niger and northeast Nigeria, driven by environmental change, deepening poverty and armed groups including Boko Haram. The situation is especially acute in **Chad**, with more than 1.3 million refugees, IDPs and vulnerable returnees.¹¹⁸ The large majority of Chad's refugee population originate from Sudan, including more than 260,000 who have crossed the border since the outbreak of Sudan's conflict in April.¹¹⁹ Years of fighting in northeast Nigeria involving Boko Haram insurgents has created a situation of protracted displacement, with almost 2.4 million IDPs in the region,¹²⁰ and driven thousands of Nigerian nationals into Chad, Cameroon and Niger, creating further humanitarian pressures and insecurity there. Despite these pressures, Niger remains a major crossroads for migration both within the region and on to North Africa.¹²¹

During 2023, violence in the border area between Nigeria and **Cameroon** forced thousands to seek sanctuary in Cameroon.¹²² In Cameroon's Far North, flooding and intercommunal clashes over scarce local resources have

both prompted further internal displacement: the IDP population in the Far North has risen to 427,833 as of the end of August 2023, a rise of 11 percent compared to the numbers in August 2022.¹²³ In total, there are almost 2.2 million displaced people in Cameroon, including around 1.1 million IDPs, around 646,000 returnees and 480,000 refugees, primarily from Central African Republic (CAR) and Nigeria.¹²⁴ Much of this displacement is concentrated in the Anglophone North-West and South-West regions, where ongoing conflict between the government and armed Ambazonian separatists has left thousands dead and displaced hundreds of thousands. According to a multisectoral assessment conducted in February 2023, there were around 375,000 IDPs and 443,000 returnees in the two provinces.¹²⁵ In May, there was a resurgence of political violence in both the Far North and in the Anglophone regions, where further attacks by separatists occurred.¹²⁶

Little change in the Central African Republic

More than a decade since the outbreak of civil conflict in CAR, 474,800 were still displaced internally and another 778,200 outside the country. With a population of just over 6 million, this means that one in five Central Africans are either IDPs or refugees. Looking beyond these groups, the scale of the crisis and its continued impact is evident in the fact that more than 3.8 million Central Africans are affected in some way, including 2.06 million returnees (former IDPs) and 503,000 returnees from abroad in addition to its refugee and IDP populations.¹²⁷ The situation has been exacerbated by the outbreak of conflict in Sudan in April 2023, triggering the arrival over the subsequent four months of more than 13,000 Sudanese refugees and over 4,700 Central African returnees crossing the border in the northeast of the country, an area largely outside the government's control.¹²⁸

The humanitarian and protection needs of the country were already severe, with 56 percent of the population projected to require assistance during 2023.¹²⁹ In a context of widespread deprivation and lack of development—for instance, three out of five citizens lack access to clean water—living conditions have continued to deteriorate.¹³⁰

113 UNHCR (2023) [Sudan situation](#).

114 USAID (2023) [Niger assistance overview, May 2023](#).

115 UNHCR (2023) [Operational data portal: Niger](#).

116 Frouws, B. (2023) [Niger coup: increasing instability, forced displacement and irregular migration across the Sahel](#). MMC.

117 Salih, Z.M. (2023) [Niger observers link coup to president's support for EU migration policies](#). The Guardian.

118 UNHCR (2023) [Operational data portal: Chad](#).

119 UNHCR (2023) [Sudan situation](#); NRC (2023) [Niger: Violence details youth's future in the world's youngest country](#).

120 IOM (2023) [IDP and returnee atlas – April 2023: Mobility tracking – Round 44 – Northeast Nigeria](#).

121 MMC (2023) [Human rights in the context of smuggling: Perceptions and experiences of migrants in Mali and Niger](#).

122 Kindzeka, M.E. (2023) [Fresh fighting with Boko Haram displaces thousands on Cameroon-Nigeria border](#). VOA.

123 UNHCR (2023) [Operational data portal: Cameroon](#); OCHA (2023) [Cameroon: Humanitarian dashboard \(January to March 2023\)](#).

124 OCHA (2023) [Cameroon: Humanitarian dashboard \(January to June 2023\)](#).

125 OCHA (2023) [Cameroon: Humanitarian dashboard \(January to June 2023\)](#).

126 ACLED (2023) [Regional overview: Africa – May 2023](#).

127 IOM DTM (2023) [West and Central Africa – Central African Republic Situation Monthly Dashboard 10 \(July 2023\)](#).

128 UN (2023) [Critical humanitarian situation in Central African Republic](#); OCHA (2023) [West and Central Africa: Weekly Regional Humanitarian Snapshot \(16 - 22 August 2023\)](#).

129 OCHA (2023) [Central African Republic: Situation report, 2 May 2023](#).

130 UN (2023) [Critical humanitarian situation in Central African Republic](#).

While some civilians are continuing to return home when they can, as security improves in some places, services and infrastructure in return areas are in a woeful state of dilapidation and require urgent investment to help communities rebuild their lives.¹³¹

Renewed violence in eastern Democratic Republic of the Congo (DRC)

Following decades of conflict and insecurity, the DRC has the largest internally displaced population in Africa, largely concentrated in its troubled eastern provinces. Against a backdrop of intercommunal violence, natural disasters and epidemic disease, the outbreak of conflict in 2022 has resulted in numerous new displacements. As of April 2023, 6.14 million IDPs were located in Ituri, North Kivu, South Kivu and Tanganyika provinces.¹³² In particular, renewed fighting in North Kivu and Ituri by armed groups including the Cooperative for the Development of the Congo (CODECO) and the March 23 Movement (M23) have triggered a series of large-scale displacements. These have included several deadly attacks on IDP camps and local communities that have brought mass displacement in their wake. In North Kivu, as of June 2023, almost 839,000 people have been displaced since 2022.¹³³ In Ituri, where more than 1.7 million people are now displaced, roughly a quarter of the province's entire population,¹³⁴ tens of thousands of civilians have also been uprooted in the wake of deadly attacks targeting settlements.¹³⁵

Frontex in West Africa

Frontex, the European Border and Coast Guard Agency, has long been at the vanguard of the EU's border externalisation policy by working with non-EU countries of origin and transit, particularly in West Africa, to curb irregular migration to the EU. So far, such arrangements have not entailed the permanent stationing of Frontex guards outside the EU. But in mid-2022 the EU Commission began negotiating with Senegal and Mauritania with a view to allowing Frontex personnel to patrol land and sea borders in both countries to support the surveillance and interception of attempted crossings to the Canary Islands.¹³⁶ "Increased bilateral cooperation" between Frontex and both Senegal and Mauritania is also explicitly referenced in the EU Action Plan for the Western Mediterranean and Atlantic routes, published in June 2023.¹³⁷

However, following pressure from Senegalese civil society as well as international human rights groups, the Senegalese government seems to have put the plan on hold. At the same time, while negotiations with Mauritania around a status agreement are currently underway—following its signature of a bilateral agreement with Spain around migration management in November 2022¹³⁸—a draft report by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs has highlighted serious concerns about the human rights implications and accountability issues the partnership could pose.¹³⁹

These discussions are likely to take on renewed urgency in the wake of the violent protests and heavy-handed repression that broke out in Senegal in June 2023. Around 500 people were arrested in the wake of the demonstrations, including significant numbers of non-Senegalese who were deported while foreigners were blamed in some quarters for the unrest.¹⁴⁰

Though the number of arrivals to the Canary Islands during the first half of 2023 was lower than that in the same period in 2022, Frontex, anticipating the possibility of an increase in migration in the months to come, was reportedly considering expanding its presence to areas of islands where it currently has no personnel in place, such as Tenerife. The agency's assessment of the situation, included in an internal document, anticipated that the situation in Senegal, together with the growing presence of refugees and migrants in Mauritania, would lead to increased demand for smuggling services on the Atlantic route.¹⁴¹

Southern Africa

The Southern route runs from East and the Horn of Africa as well as the Great Lakes Region (notably DRC and Burundi) all the way to South Africa, passing through Tanzania, Malawi, Mozambique and Zambia. Though estimates vary, it is likely that well over 10,000 refugees, migrants and asylum seekers travel this route every year, mostly with the intention of reaching South Africa. MMC field research indicates that a

131 UNHCR (2023) [After conflict, the displaced of Central African Republic dream of going home.](#)

132 IOM DTM (2023) [Displacement Atlas – Eastern Democratic Republic of the Congo \(May 2023\).](#)

133 IOM DTM (2023) [Nord Kivu: Évaluation Rapide de Crise M23 \(Juin 2023\).](#)

134 IOM DTM (2023) [RDC — Ituri: Suivi des mobilités 9 \(Mars 2023\).](#)

135 UNHCR (2023) [Escalating violence leaves hundreds dead and hundreds of thousands on the move in eastern DRC.](#)

136 Popoviciu, A (2023) [How Europe Outsourced Border Enforcement to Africa.](#) In These Times.

137 European Commission (2023) [EU Action Plan for the Western Mediterranean and Atlantic routes.](#)

138 VOA (2022) [Accord entre la Mauritanie et l'Espagne sur l'immigration clandestine.](#)

139 Statewatch (2023) ["Push back Frontex": campaign in Senegal targets deployment of EU border agency.](#)

140 MMC (2023) [Mixed migration quarterly report: West Africa – Quarter 2 2023.](#)

141 Martín, M. & Narango, J. (2023) [Political crisis in Senegal triggers influx of migrants to Spain's Canary Islands.](#) El País.

significant proportion of those leaving the East and the Horn of Africa or the Great Lakes do so because of conflict and insecurity as well as economic concerns, and that those originating from countries further south are more likely to be driven primarily by the search for economic opportunities.¹⁴² The risks of the journey are considerable, including robbery and extortion but also bribery and detention, and are particularly concentrated in certain hotspots such as Maputo in Mozambique, Gauteng region in South Africa, Beitbridge in Zimbabwe and Dar Es Salaam in Tanzania. The hazards of the route were highlighted by the discovery of dozens of Ethiopian casualties in mass graves in Malawi and Zambia in the last months of 2022.¹⁴³

Cyclone Freddy triggers further displacement in conflict-affected Mozambique

Since 2017, civilians in the northernmost provinces of Mozambique have been terrorised by jihadist militants, with thousands killed since the conflict began and hundreds of thousands of others displaced from their homes. As of April 2023, in addition to 420,200 returnees, IOM estimated that there were 834,304 IDPs in the northernmost provinces, a reduction of 19 percent from its previous estimate in November 2022.¹⁴⁴ This is mainly due to the large numbers of displaced who have returned to their place of origin in the interim, despite the high levels of insecurity in many areas and continued human rights abuses by insurgents and government forces alike. Elsewhere in the country, the arrival of Cyclone Freddy in February 2023 and its subsequent return in March brought death and destruction to the central province of Zambezia, in the process displacing 184,000 people as well as another 650,000 in neighbouring Malawi.¹⁴⁵ At the same time, mixed migration through the country continues, en route to South Africa.¹⁴⁶

Tensions rise between Comoros and Mayotte amidst crackdown on undocumented migrants

Political tensions between Comoros and Mayotte extend back to 1974, when the three islands of Anjouan, Mohéli and Grande Comore voted in a referendum for independence from colonial France. But a majority of residents in Mayotte, which is part of the same Indian Ocean archipelago, voted to remain French, and Mayotte

(despite being claimed by Comoros as part of its territory) has remained a part of France ever since. However, it remains the poorest of France's 101 departments, with over 80 percent of its residents living below the poverty line—a situation that French authorities have long blamed on irregular migration from Comoros, where economic conditions are even worse.¹⁴⁷ Though the exact numbers are unknown, over the years thousands of people have died making the journey, and continue to do so to this day: for instance, in March 2023, a boat en route to Mayotte capsized off the coast of Madagascar, with at least 34 fatalities.¹⁴⁸

On 23 April 2023, French authorities in Mayotte launched a crackdown on migrants, the so-called Operation Wuagbushu (meaning “Take back”). Involving an estimated 1,800 security personnel, with the aim of destroying around 1,000 shanties over two months and deporting between 250 and 280 irregular migrants a day, the campaign was supposed to combine slum clearance with the detention and expulsion of the many residents of these informal settlements who lacked documentation.¹⁴⁹ The violence of the evictions quickly attracted international condemnation, and brought greater visibility to the abusive practices that had been carried out by authorities in Mayotte for years, including the deportation of undocumented Mayotte-born residents who are then deported to Comoros, leaving them effectively stateless.¹⁵⁰ The latest crackdown prompted a diplomatic rift between Comoros and France, with the former refusing to accept undocumented returns into its territory. Subsequently, a French court called a halt to the expulsions, and Comoros announced that it would begin to accept the return of Comorian nationals—but only those who were doing so voluntarily.¹⁵¹

A reprieve, for now, on South Africa's Zimbabwean Exemption Permits

While hate speech against refugees, migrants and asylum seekers in South Africa has been on the rise,¹⁵² accompanied by vigilante attacks and harassment, the legal environment for foreign nationals has also become increasingly inhospitable. A case in point is the 178,000 holders of Zimbabwean Exemption Permits (ZEPs), whose future remains uncertain. The ZEP programme was originally established to regularise the residency of Zimbabweans who had entered South Africa before

142 MMC (2023) [Southbound: Mixed migration routes, experiences and risks along the journey to South Africa](#).

143 Princewill, N. (2022) [Survivor found 'gasping for life' among bodies of 27 men dumped on Zambian roadside](#). CNN.

144 IOM (2023) [Northern Mozambique crisis: Mobility tracking assessment – Round 18: April 2023](#).

145 UNHCR (2023) [Picking up the pieces in Mozambique and Malawi after Tropical Cyclone Freddy](#).

146 MMC (2022) [Quarterly Mixed Migration Update: Eastern and Southern Africa – Quarter 4 2022](#).

147 ECRE (2023) [France: Violent military operation to deport irregular migrants in Mayotte raises concerns amid diplomatic crisis with Comoros and puts French rights violations in the spotlight](#).

148 Ibid; InfoMigrants (2023) [Shipwreck off the coast of Madagascar: the death toll rises to 34](#).

149 ECRE (2023) France: [Violent military operation to deport irregular migrants in Mayotte raises concerns amid diplomatic crisis with Comoros and puts French rights violations in the spotlight](#); InfoMigrants (2023) [Shipwreck off the coast of Madagascar: the death toll rises to 34](#).

150 Fabricius, P. (2023) [Comoros-Mayotte saga a microcosm of Africa-Europe migration crisis](#). ISS.

151 France24 (2023) [Comoros refuses migrants expelled from French island of Mayotte](#); Al Jazeera (2023) [French court halts expulsions from Indian Ocean island to Comoros](#); AfricaNews (2023) [Comoros to accept migrants voluntarily returning from Mayotte](#).

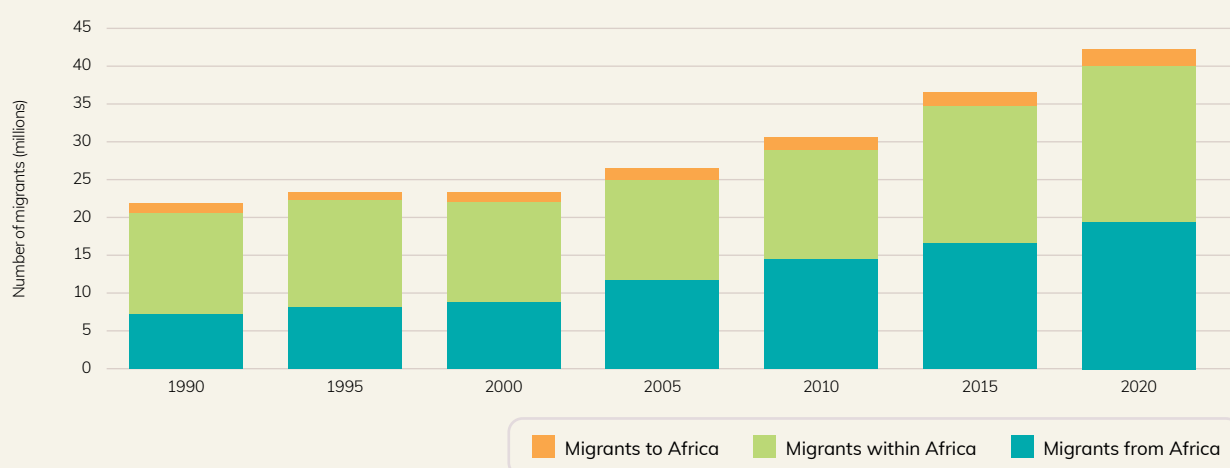
152 Global Witness (2023) [“We need to kill them”: Xenophobic hate speech approved by Facebook, TikTok and YouTube](#).

2009 in the midst of Zimbabwe’s prolonged crisis. Against a backdrop of rising xenophobia in South Africa, however, in December 2021 the government announced that the programme would be suspended, with permits at one point set to expire at the end of 2022, though in September 2022 the government extended this to June 2023 and again to December 2023.

ZEP holders, most of whom have been based in the country for many years, would in principle be able to apply for work visas, but in the event that they were

denied them they would be left with the choice of returning to Zimbabwe or remaining in South Africa without documentation. Significant public resistance to the proposal has led to delays and legal challenges, with Pretoria High Court ruling in June 2023 that cancelling the permits would be unlawful and prohibiting authorities from deporting ZEP holders.¹⁵³ Though the judgement has not settled the matter permanently and much will depend on the government’s next steps, the ruling has nevertheless given ZEP holders another 12 months’ moratorium in the interim.

Graphic 3. Rising migration levels within and from Africa



Source: [Africa Centre for Strategic Studies](#)

African migration dynamics

Most African migration occurs within the continent as migrants seek employment opportunities in neighbouring regional economic hubs. According to some studies, 80 percent of African migrants do not have an interest in leaving the continent. However, African migration has been on a steady upward trajectory for the past two decades within as well as outside the continent. The record level of over 40 million African migrants (2020) represents a 30-percent increase from 2010. Outmigration from Africa is increasing at a higher rate than the overall population growth and higher than the rate of increase in migration within Africa - a trend that looks set to continue.

Botswana opens up its borders to passport-free travel

In contrast to South Africa’s efforts to reduce immigration, Botswana has recently taken steps to permit more open migration across its borders from other countries.¹⁵⁴ In February 2023, the governments of Botswana and Namibia announced that each others’ citizens would no longer require passports to travel from one country to the other, making them the first countries in Southern Africa to implement passport-free movement.¹⁵⁵

The following month it was announced that Botswana was also in discussion with Zimbabwe about the possibility of implementing a similar programme between them. These moves, in line with the African Union’s Agenda 2063 and its objective to remove all barriers to movement within Africa by 2063 and the Africa Union’s Protocol on Free Movement of Persons, have been praised as forward-looking policies that will enhance trade and economic growth.¹⁵⁶

153 Ndlovu, R. (2023) [South Africa to appeal ruling barring Zimbabwean deportations](#). Bloomberg.

154 Nangara, A. (2023) [Namibia and Botswana remove a barrier to freedom of movement, abolish the use of passports](#). The Exchange.

155 Dube, M. (2023) [Botswana, Namibia agree to abolish passports for citizens crossing border](#). VOA.

156 Dube, M. (2023) [Botswana, Zimbabwe to discuss eliminating use of passports](#). VOA.

Slow train coming: the ‘natural destiny’ of a borderless Africa?

The idea that citizens of any African country should be free to travel to and even settle in any other state on the continent without restriction has been doing the rounds since the 1980s. But is this existential aspiration anything more than a pipe dream?

By Samuel Okunade¹

Introduction

According to the United Nations Economic Commission for Africa (UNECA), “Free movement of people across Africa represents a powerful boost to economic growth and skills development when people can travel with ease for business, tourism or education. Everyone benefits from a country that opens up their borders as well as the country whose nation is on the move, as seen in the growth in remittances in recent years.”²

In 2018, when the African Union Assembly adopted both the Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment (AU Free Movement Protocol) and the African Continental Free Trade Agreement (AfCFTA), UNECA’s director of regional integration declared that “continental integration is an existential necessity, and therefore a natural destiny for Africa”.³

African leaders have been talking about continent-wide free movement for decades. The concept featured prominently in the Lagos Plan of Action for Economic Development of Africa 1980-2000 and was codified in the 1991 treaty that established the African Economic Community (AEC) and again in the 2018 protocol, and is a key pillar of the AU Agenda 2063. But although (as this essay will detail) progress has been made at the individual state and regional level, it is a destiny that still seems to lie some way over the horizon.⁴ More than five years after the AU Free Movement Protocol was signed by 33 African states, only four—Rwanda, Niger, Mali and

São Tomé and Príncipe—have ratified the instrument, well short of the 15 required for it to enter into force.⁵

There is wide consensus that intra-African trade is being stifled by entry rules that prevent citizens moving from one country to another and that “freer movement would lower transaction costs, increase trade and make production more efficient”.⁶ According to UNECA, “Trade experts, business executives and advocates of the AfCFTA from across the continent have repeatedly expressed concerns about the slow progress on the ratification” of the AU Free Movement Protocol.

Broader implementation of the AU Free Movement Protocol would enable African countries to tap into a wider labour market to bridge skills gaps while trading across borders, mirroring the EU Schengen Agreement (originally signed in 1985), which eventually created a single external border and abolished the internal borders between 27 EU member states. But in Africa, the widely recognised benefits of free movement appear to be outweighed by a range of concerns that have deterred—or at least de-prioritised—wider ratification of the AU Free Movement Protocol. These include civil and international conflicts and insurgency; rising criminal activity; unequal economic growth; border porosity; rapid urbanisation; a youth-heavy demographic rise; and the overarching and urgent implications of climate change.

This is not to say free movement is at a complete standstill in Africa: progress is being made, but at a regional rather than continental level. The African Union recognises and has formal relations with eight regional economic communities (RECs), overlapping groupings

1 Dr Samuel Okunade is a Senior Postdoctoral Fellow at the University of Pretoria. Dr. Okunade holds a doctorate degree in Conflict Transformation and Peace Studies.

2 UNECA (n.d.) [Free movement of persons](#).

3 African Union (2018) [Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment](#); UNECA (2018) [Momentum builds for free movement under AfCFTA](#).

4 African Union (1991) [Treaty Establishing The African Economic Community](#). States that have taken unilateral steps include Benin and Seychelles, which offer visa-free access to citizens of all other African countries, while Senegal and Rwanda offer a combination of visa-free access and visa on arrival. Hirsch, A. (2021) [The African Union’s Free Movement of Persons Protocol: Why has it faltered and how can its objectives be achieved?](#) South African Journal of International Affairs.

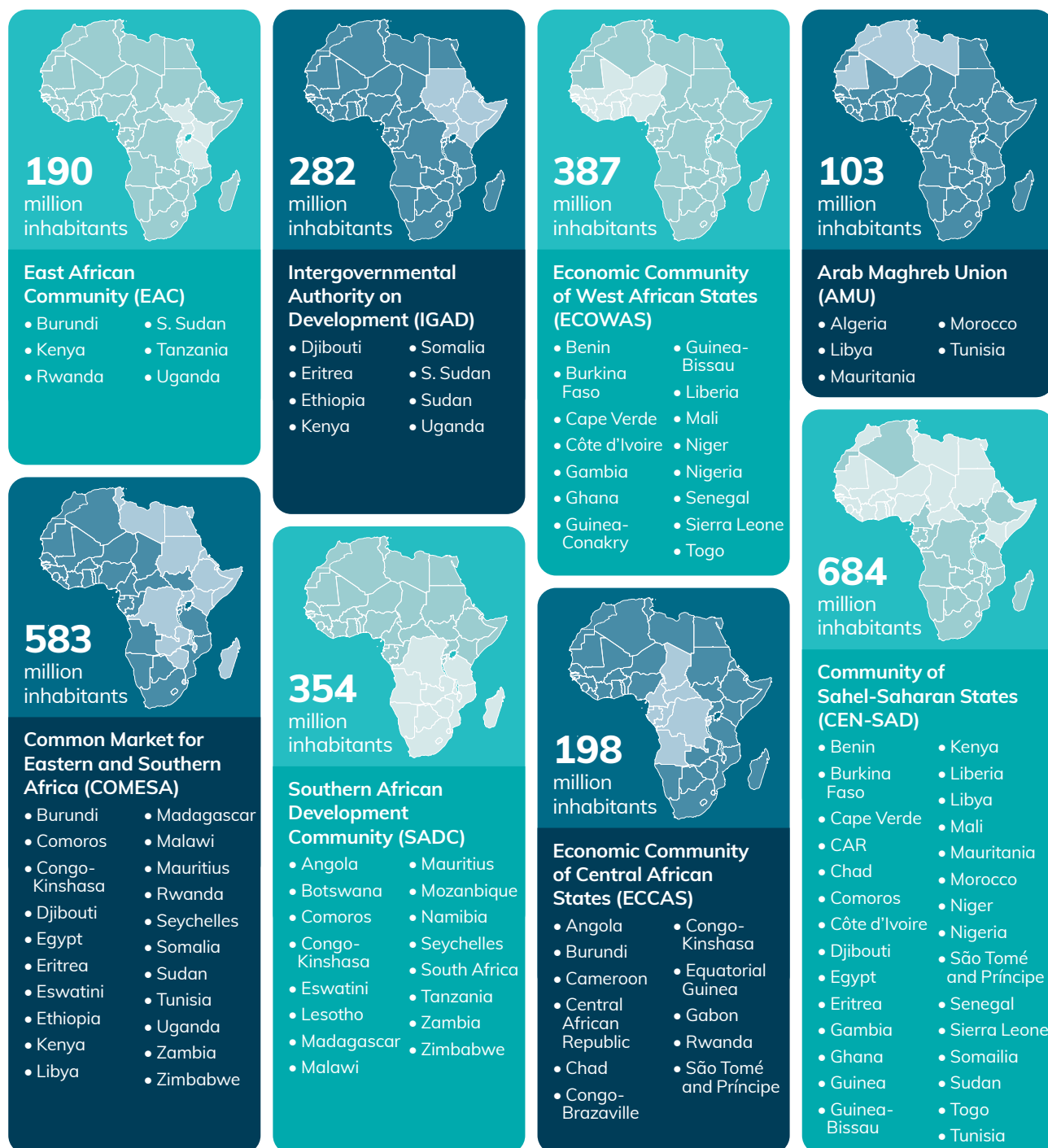
5 African Union (2023) [Draft continental strategy on free movement developed](#).

6 Africa Regional Integration Index (n.d.) [Free Movement of People](#).

of African states that developed independently to boost economic integration between their respective member states.⁷ All RECs have already introduced their own free movement protocols, and although these have not all been formally implemented in full, several of their key

provisions are already in effect. This essay will chart some of the dynamics and processes that characterise a selection of regional and continental agreements related to integration and assess how close Africa is to its “natural destiny” of free movement.

Graphic 1. Africa’s eight RECs – the AU recognises eight Regional Economic Communities (RECs), each with different roles and structures



Source: [The Nordic Africa Institute](https://www.nordic.africainstitute.org/) / World Bank 2019 for all countries except Eritrea where the latest data is from 2011

7 African Union (n.d.) [Regional Economic Communities](https://www.africanunion.org/).

Free movement models in Africa

At the sub-continental level, several agreements are already in place that facilitate free movement to varying degrees. While all eight RECs have adopted free movement protocols, an overview of three is sufficient to explore progress to date as well as the challenges facing this key aspect of continental integration.

Economic Community of West African States (ECOWAS) Protocol on free movement

ECOWAS was established in 1975 with a core mandate to remove obstacles to the free movement of persons, goods and capital so as to enhance economic development in West Africa. In 1979 ECOWAS adopted the pioneering ECOWAS Protocol on free movement of persons, goods and capital, which aims to deliver a borderless West Africa.⁸

The ECOWAS protocol stipulates the rights of entry, residence and establishment of businesses that were supposed to have been rolled out in three phases over 15 years. Although the third phase (relating to the right of establishment) has yet to be implemented, the protocol has already enhanced free mobility and delivered economic and trading benefits across the ECOWAS region, not least through the introduction by member states of a 90-day visa-free window.⁹ However, this freedom is not absolute: anecdotal evidence suggests that when they lack correct documentation (and even sometimes when they have it) border corruption, harassment and red tape lead some ECOWAS citizens to cross borders irregularly and sometimes to use smugglers.¹⁰

The ECOWAS protocol is a landmark agreement whose full implementation has been impeded by political and security concerns, economic factors, and a weak legal base.¹¹

East African Community (EAC) Protocol for a common market and the free movement of persons

In 2009, the heads of state of the East African Community (EAC) signed a protocol to establish a common market and free movement of people, which went into full force in July 2010.¹² This protocol aims to accelerate economic growth and development by enabling the free movement of goods, capital, services, persons and labour, and to put in place the right of establishment and residence.¹³

The EAC protocol has led to the introduction of an East African passport and temporary passes to facilitate free movement of EAC citizens between member states. Special immigration lanes have been created for easy passage of EAC citizens through the various airports in the sub-region. But like its ECOWAS counterpart, full implementation of this protocol has been stymied by various factors, such as political barriers, trade tariffs, high transportation costs and discrepancies in standards, among others.¹⁴ Similarly, corruption, harassment and human trafficking act as barriers to comprehensive free movement, not least that of migrants and refugees.¹⁵

The Southern African Development Community's (SADC) Protocol on the facilitation of the movement of persons

The 2005 SADC protocol on the facilitation of the movement of persons aims to progressively remove all barriers to the movement of persons, goods, capital, and services amongst the bloc's 16 member states in line with the objectives of the SADC Treaty.¹⁶ After some member states—notably Botswana, Namibia and South Africa—rejected an initial draft prepared in 1997, the protocol text was revised to reduce the extent of, or remove some, rights.¹⁷ Consequently, unlike the ECOWAS and EAC agreements, the SADC protocol does not give SADC citizens the right to reside and establish businesses in other member states.¹⁸ But even this revised text faces opposition, with South Africa, for example, resisting the adoption of Phase 1 of the protocol—relating to the right of entry and the abolition of visas for nationals of other SADC states—until certain conditions are met.¹⁹

8 Adepoju, A. (2005) [Review of research and data on human trafficking in sub-Saharan Africa](#). International Migration.

9 Ibid; Garba, F. & Yeboah, T. (2022) [Free Movement and Regional Integration in the ECOWAS Sub-Region](#). In Migration in West Africa. Springer International Publishing; Castillejo, C. (2019). [The influence of EU migration policy on regional free movement in the IGAD and ECOWAS regions](#). Deutsches Institut für Entwicklungspolitik.

10 UNODC (2021) [West Africa, North Africa and the Central Mediterranean: Key Findings on the Characteristics of Migrant Smuggling in West Africa, North Africa and the Central Mediterranean](#); Observatory on Smuggling of Migrants; Mixed Migration Centre (2021) [MMC West Africa & North Africa 4Mi Snapshot – November 2021](#) Corruption and the role of state officials in human smuggling; Mixed Migration Centre (2023) [Human rights in the context of smuggling: Perceptions and experiences of migrants in Mali and Niger](#).

11 Okunade, S. K., & Ogunnubi, O. (2021). [A "Schengen" agreement in Africa? African agency and the ECOWAS protocol on free movement](#). Journal of Borderlands Studies; Zanker, F. (2022) [Free Movement in West Africa: Necessity and Challenges](#). African Liberty.

12 Kago, C. & Masinde, W. (2017) [Free Movement of Workers in the EAC](#). East African Community Law.

13 See [Article 2\(4\) of Common Market Protocol](#).

14 Chilandazi, E., & Magosi, C. (2023) [Emerging challenges in implementing the common market protocol for free movement of goods in the East African community](#). International Journal of Research in Business and Social Science.

15 The Reporter (2023) op cit.

16 See [SADC Protocol on Facilitation of Movement of Persons \(2005\)](#).

17 Solomon, H. (1997) [Towards the Free Movement of People in Southern Africa?](#) ISS.

18 Check, N. A. (2022) [Free Movement of Persons, Right of Residence and Right of Establishment and Agenda 2063: What Policy Options for South Africa](#). African Journal of Public Affairs.

19 Hirsch, A. (2022) op cit.

However, although the protocol has yet to come into force for lack of sufficient ratifications,²⁰ some member states have struck bilateral and multilateral agreements to facilitate a degree of mutual free movement of their citizens, including by (in line with the protocol) permitting visa-free entry for up to 90 days.²¹ Around 80 percent of SADC citizens can now travel visa-free or are granted a 90-day visa on arrival in another SADC country. But when it comes to longer-term migration in the region, more conditions apply that require documentary evidence. Coupled with administrative delays and costs, this leads some migrants to travel irregularly, particularly from the low-income member states to wealthier ones, such as South Africa.²²

Continental drift

Pan-Africanism is the overarching agenda of the African Union, which aims to increase cooperation and integration of African states to drive the continent's growth and economic development. While Pan-Africanism may have been a powerful unifying sociocultural and political ideology for African states prior to and during the anti-colonialist and anti-apartheid era, it has struggled to deliver economic and structural integration.²³

AU established the AfCFTA with the aim of facilitating free trade through the creation of a single African market.²⁴ All but one (Eritrea) of the AU's 55 member states signed the agreement in 2020²⁵ and, by January 2023, 44 had ratified it.²⁶ Although such a high consensus around this trade agreement might suggest a renewed appetite for a borderless Africa, very few countries on the continent have committed themselves to free movement at a continental scale. Moreover, trading activities to date under the AfCFTA have been minimal as only eight countries—Cameroon, Egypt, Ghana, Kenya, Mauritius, Rwanda, Tanzania and Tunisia—are participating in the agreement's Guided Trade Initiative.²⁷

Measuring free movement

As meticulously detailed by the Africa Regional Integration Index (a project led by the AU Commission, UNECA and the African Development Bank that ranks African states by various aspects of integration), freedom of movement varies enormously across the continent.²⁸ This component of the integration index scores countries (on a scale of zero to one) according to the number of other countries whose nationals require a visa or who can obtain one on arrival, and on whether they have ratified the AU Protocol. A dozen countries, including Libya, Eritrea, Ethiopia, Burundi, and Algeria (which all require visas from most other African citizens and none of which have signed the AU Protocol) have scores of around 0.1 or less, well below the continental average of 0.441.

The prevalence of low free movement scores on the index highlights the bureaucratic challenges faced by individuals travelling within Africa. These hamper their ability to engage in business activities and tourism and to contribute to the broader integration of the continent.

Three countries scored a perfect one on free movement: Comoros, Djibouti, and Somalia, which citizens of no other African countries require visas to visit, and which adhere to the AU Protocol.

The wide disparity between African countries' free movement scores on the integration index clearly demonstrates that there is a long way to go before the dream of a borderless continent becomes a reality.

20 Maunganidze, O. & Formica, J. (2018) [Freedom of movement in Southern Africa: a SADC \(pipe\) dream?](#) ISS.

21 Ibid. In February 2023, the governments of Botswana and Namibia announced that each others' citizens would no longer require passports to travel from one country to the other, making them the first countries in Southern Africa to implement passport-free movement. Dube, M. (2023) [Botswana, Namibia agree to abolish passports for citizens crossing border](#). VOA.

22 Maunganidze, O. & Formica, J. (2018) [Freedom of movement in Southern Africa: a SADC \(pipe\) dream?](#) ISS.

23 Taye, T. (2019) [A Critical Reappraisal of Pan-Africanism: A Quest for SupraState Formation and Authentic Development in Africa](#). International Journal of Innovative Research in Electronics and Communications.

24 Uzomah, N. & Abdullahi, M. (2023) [African Continental Free Trade Area \(AfCFTA\) Agreement and Challenges of Borderlands in the ECOWAS Region](#). In Okunade, S. & Ogunnubi, O. (eds) (2023) [ECOWAS Protocol on Free Movement and the AfCFTA in West Africa: Costs, Benefits and Challenges](#). Palgrave Macmillan.

25 World Bank (2020a) [The African continental free trade area: Economic and distributional effects](#).

26 UNECA (2023) [Momentum builds for free movement under AfCFTA](#). United Nations Africa Renewal.

27 Okwatch, D. (2023) [Africa's free trade on track, more efforts needed](#). Africa Renewal.

28 Africa Regional Integration Index (n.d.) [Free Movement of People](#).

Challenges to implementation

There are various endogenous and exogenous factors responsible for the non-implementation and full operation of the AU Free Movement Protocol. These include the state-centric mindset and lack of political will by many African leaders; political and security concerns; overlapping interests vis-à-vis the RECs; scapegoating of migrants for political and electoral gains; and the externalisation of European borders into Africa.

State-centric mindsets and lack of political will on the part of African leaders

Many African leaders and governments hold state-centric views which may be reflected in their approach to migration issues.²⁹ Thus, migration is viewed as a threat and not as an opportunity. Sensitive to their electorate's concerns about large numbers of immigrants competing in what are already regarded as scarce job and opportunity markets, politicians are often wary of open borders. Equally, they fear the political implications of any dampening of already low wages with increased supply of cheap(er) workers. These concerns are especially prevalent in Africa's upper middle-income countries.³⁰ Despite ample evidence that increased migration results in economic growth, the considerable economic disparity across the continent gives pause, particularly among the more successful economic magnets such as Nigeria, South Africa, Ghana and Kenya. All African states belong to one or more of the continent's RECs, which have their own structures to facilitate free movement between member states, but the fact that they are not fully implemented points not only to technical obstacles but also to reluctance at the political level.

Far from opening them up, many African countries have been securitising their borders to prevent entry by undocumented or unauthorised migrants from neighbouring countries and beyond. This also impedes free movement of their own citizens in the process. Such border management may include the establishment of multiple checkpoints with heavily armed security personnel, as found in ECOWAS member states, especially Nigeria.³¹ Similarly, in the SADC sub-region,

member states have made movement along their borders difficult.³² South Africa, for example, has fortified its border with fences, walls and mobile patrols.³³ However, it should be noted that border porosity is also widespread, and for those that wish to, crossing most African borders irregularly is not difficult, especially when assisted by smugglers.

Political and security concerns

Such porosity allows non-state actors such as rebel groups and insurgents to move across borders and indeed entire regions with ease, at a time when there are more than 35 armed conflicts taking place in Africa.³⁴ Non-state actors with a multi-country presence include terrorist groups such as Boko Haram in the west and centre of the continent and al-Shabaab in the Horn and the east. Governments thus remain wary of any move aimed at removing or opening up their borders, while analysts warn of the security risks of a "borderless Africa".³⁵

The proliferation and movement of rebel groups in countries such as Chad, the Central African Republic, Sudan and Uganda across porous borders have facilitated the proliferation of small arms and light weapons across the continent.³⁶ And the movement of combatants and weapons from Libya into Mali and the Lake Chad region strengthened the Tuaregs and Boko Haram respectively, escalating the conflict in the region colossally.³⁷ Porous borders and governments' inability to secure them have aggravated the spread of insurgency, violent extremism and terrorism in sub-regions and the continent at large.³⁸

Arguably, porous borders and poor border management have also facilitated the proliferation of other cross-border criminalities such as human trafficking, as well as arms and narcotics smuggling. Since 2019, Africa—especially West and Central Africa—has become a significantly more important transit zone for Europe-bound cocaine.³⁹ Meanwhile, Southern Africa ranks high in relation to the trafficking of women and children.⁴⁰ These examples touch on reasons why African governments are less inclined to open their borders than to securitise them in order to prevent incursion and/or movement.

29 Maunganidze, O. & Formica, J. (2018) op cit.

30 IOM (2018) [Free Movement of Persons in Africa: What are the benefits and challenges?](#)

31 Okunade, S. (2023) [Border Closure in Nigeria: Implications for the AfCFTA and Communities on the Benin–Nigeria Corridor](#). In Okunade, S. & Ogunnubi O. (Eds) (2023) *ECOWAS Protocol on Free Movement and the AfCFTA in West Africa: Costs, Benefits and Challenges*. Palgrave Macmillan Singapore.

32 Maunganidze, O. A. & Formica, J. (2018) op cit.

33 Moyo, I. (2020) [On borders and the liminality of undocumented Zimbabwean migrants in South Africa](#). *Journal of Immigrant & Refugee Studies*.

34 Geneva Academy (n.d.) [Today's Armed Conflicts](#).

35 Ikuteyijo, L. & Olayiwola, P. (2020) [The Security Challenges of a Borderless Africa: Issues and Perspectives](#). In Nshinbi, C. & Moyo, I. (2020) *Borders, Mobility, Regional Integration and Development: Issues, Dynamics and Perspectives in West, Eastern and Southern Africa*. Springer Cham.

36 Debos, M. (2008) [Fluid loyalties in a regional crisis: Chadian "ex-liberators" in the Central African Republic](#). *African Affairs*.

37 Akinola, A. & Ramontja, N. (2023) [Violent Conflict in the Sahel: Causes, Dynamics, and Actors](#). In Akinola, A. (2023) *Contemporary Issues on Governance, Conflict and Security in Africa*. Palgrave MacMillan.

38 Ikuteyijo, L. & Olayiwola, P. (2020) op. cit.

39 See [Global Report on Cocaine 2023. Local dynamics, global challenges](#). UNODC.

40 The National Prosecution Authority of South Africa (2010) [Tsireleddzani: Understanding the dimensions of human trafficking in Southern Africa](#).

The AU Free Movement Protocol has been held back primarily by the security concerns and socio-economic imbalances that exist on the continent.⁴¹ Another, related, factor is the absence in many African countries of efficient systems of registration and identity document production. Some member states such as those in SADC and others have stated various concerns must be addressed before the protocol can be fully implemented.⁴²

In the sub-regions where free movement arrangements are already in place, such as in the ECOWAS and EAC zones, such movement has been facilitated by new forms of common documentation. For example, the ECOWAS Travel Certificate or the ECOWAS Biometric Passport is used across the ECOWAS zone for entry stamps at the start of the permitted 90-day stay. In a move to further simplify and automate movement across borders, ECOWAS has introduced the ECOWAS National Biometric Identity Card, which Nigeria and Senegal took the lead in introducing in 2016.⁴³ These cards carry travellers' biodata (which are also stored in a central database) and can be used at automated gates at various points of entry within the sub-region. To date, however, only six ECOWAS member states currently support these cards.⁴⁴ In addition, extensive harassment, intimidation, and extortion have been reported at roadblocks and checkpoints (both official and illegal) along borders in West and East Africa.⁴⁵ This impedes

not only the free movement of individual travellers, but also, by extension, the implementation of regional free movement agreements.⁴⁶

The RECs 'spaghetti bowl'

As noted above, Africa's RECs have a broadly shared ambition of facilitating regional economic integration between their respective member states and are seen as the building blocks of continental unity. However, their proliferation and overlapping memberships have spawned a "spaghetti bowl" of agreements (see Graphic 2 below) characterised by varying degrees of policy confusion, misalignment, duplication and fragmentation on a range of issues, including free movement.⁴⁷ Some see the RECs spaghetti bowl as a recipe for rivalry and wasted resources. Belonging to multiple RECs with different policies inevitably offers states the chance not to implement some agreements or to defend their activities by citing alternative commitments. By definition, RECs deal more directly than continental initiatives with regional issues that affect their member states. RECs also entail a degree of regional accountability, while continent-wide agreements are harder to police or enforce. Still, given that some RECs have already advanced their own free movement arrangements, one might have expected more members of such blocs to embrace the AU Protocol. But, as previously mentioned, only four African countries have ratified this crucial instrument.

41 Mlilo, S.L. (2023) [Opening up Africa for Africans: A Proposal in Support of The Protocol for The Free Movement of Persons](#). EUI: School of Transnational Governance.

42 These include a reduction of economic, imbalances; peace, security, and stability on the continent; efficient civil registration systems; dependable movement control systems; an interface between these systems and Interpol's red notice system; individual member states' lists of prohibited or undesirable persons; and UN warning lists. Government of South Africa (2017) [Department of Home Affairs. South African Position on the Implementation of the African Union \(AU\) Agenda 2063 as it Relates to the Migration, Regional Integration and Africa Passport](#)

43 Mascellino, A. (2023) [ECOWAS Commission urges remaining 9 member states to issue biometric regional ID card](#). Biometric Update.

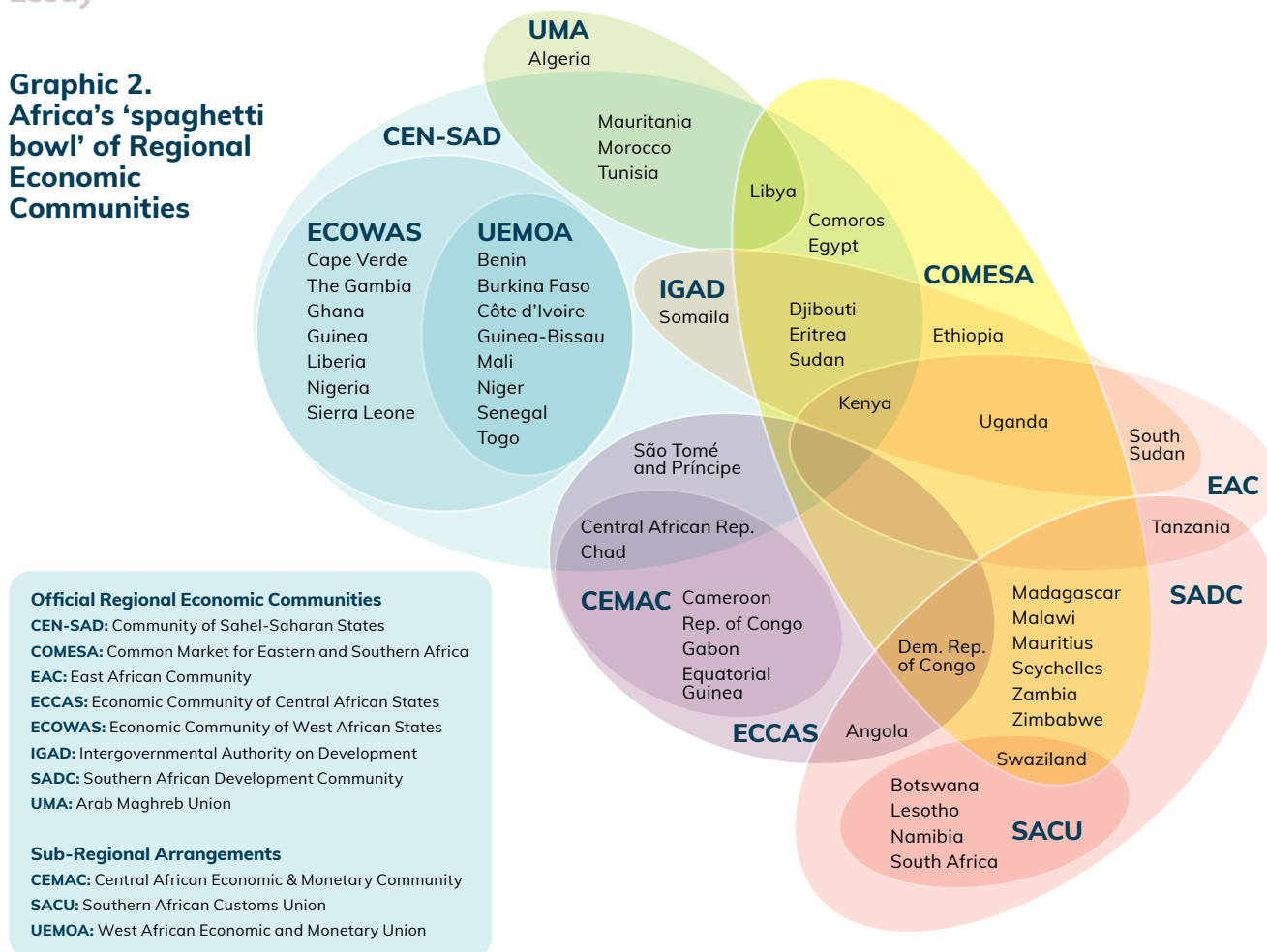
44 Ibid

45 Nugent, P. (2022) When is a corridor just a road? Understanding thwarted ambitions along the Abidjan–Lagos corridor. In Lamarque H. & Nugent, P. (2022) [Transport Corridors in Africa](#). Boydell and Brewer.

46 Mbachii, C. & Ikeanyibe, O. (2017) [An Assessment of ECOWAS Protocol on Free Movement, Residence and Establishment of West African Citizens](#).

47 Byiers, B. et al (2019) [The political economy of Africa's regional 'spaghetti bowl'](#). ECDPM; Ng, J. & Mumfordon, D (2017) [The TFTA and intra-regional trade in Africa](#).

Graphic 2.
Africa's 'spaghetti bowl' of Regional Economic Communities



Source: Ng, J. & Mumfordon, D. (2017) [The TFTA and intra-regional trade in Africa](#).

Scapegoating migrants and instrumentalising xenophobia

Migration remains a highly polemical subject with incendiary political implications in most countries globally. Regardless of the strength of their evidence base, several factors, including security concerns, economic fears and underlying xenophobia, appear to influence most societies' perception of immigration and thus contribute to a widespread resistance to open borders. And despite some positive examples of multinational integration elsewhere in the world—such as the EU or the Southern Common Market (Mercosur)—such resistance is profound in Africa, where it seems to be exacerbated by the continent's diverse cultures, beliefs and languages.

At difficult times, such as in economic recession or flagging political support, African leaders tend to blame their countries' woes on other African migrants and mobilise anti-foreigner sentiment. Similarly, citizens can be quick to accept this as tenable reason and, as such, take to the streets to rally against migrants and refugees.

This often culminates in the expulsion of migrants, and in extreme instances, in xenophobic or "Afrophobic" violence which has been manifest in various African states, particularly South Africa.⁴⁸

For example, in 1969, Ghana expelled many African migrants. Nigeria did the same between 1983 and mid-1985 while Côte d'Ivoire followed suit in 1999. In the SADC sub-region, especially in South Africa, African migrants have been blamed for the economic downturn, limited access to health care, criminalities and job losses for locals.⁴⁹ In 2015, a nationwide spike in xenophobic attacks against immigrants in South Africa prompted a number of foreign governments to begin repatriating their citizens.⁵⁰ One analysis suggested at least 350 foreigners were killed between 2008 and 2015.⁵¹ Inter alia, attacks are typically against migrants from Zimbabwe, Mozambique, DRC and Somalia. Often truck drivers, shop owners and other entrepreneurs are targeted and incidents occur every year up to the present.⁵²

48 Oni, E. O. & Okunade, S. K. (2018) [The context of xenophobia in Africa: Nigeria and South Africa in comparison](#). The political economy of xenophobia in Africa.

49 Mpofu, M., & Okunade, S. K. (2022). [Interrogating the Perceptions of Some South Africans towards African Migrants](#). African Renaissance.

50 Dixon, R. (2015) ["Attacks on foreigners spread in South Africa: weekend violence feared"](#). Los Angeles Times.

51 Baker, A (2015) [Brutal Murder Is Sparked by Anti-Immigrant Rage in South Africa](#). Time.

52 Felix, J (2021) [Zuma Unrest: SSA looking at possibilities of xenophobic violence and right-wing extremism](#). News24.

Some 62 percent of respondents to a survey conducted in South Africa in 2018 said they viewed immigrants as a burden on society by taking jobs and social benefits, while 61 percent thought that immigrants were more responsible for crime than other groups.⁵³ Some South African political parties have also made anti-migrant plans and programmes the core of their manifestoes, while government officials have been known to make inciting statements against migrants.⁵⁴ In June 2021, a xenophobic vigilante group called Operation Dudula was set up with the aim of forcing out undocumented migrants. The group has been seen visiting schools and hospitals calling for the exclusion of foreigners. In September 2023 the group registered to become a political party ahead of next year's general elections, with a plan to campaign on a platform for expelling foreigners.⁵⁵ There have also been public debates featuring complaints about foreigners holding key positions in government.⁵⁶

In February 2023, widely publicised racist and xenophobic comments by the president of Tunisia led to a wave of violence against Black Africans across the country involving both civilian mobs running amok and police officers who detained and deported dozens of people.⁵⁷ Meanwhile, Kenya for some years has threatened to repatriate hundreds of thousands of Somali refugees, many of whom have lived their entire lives in Kenya, after declaring them, with little evidence, to be a security threat. People of Somali origin in Kenya are regularly subjected to discrimination and harassment.⁵⁸

Externalisation of European borders into Africa

African countries are variously points of departure and transit for mixed migration to Europe, and in some cases both. The European Union has positioned itself as a partner with Africa on border and migration issues.⁵⁹ Previously, the EU actively supported the free

movement agenda in Africa although this changed after the European “migration crisis” of 2015/16. The EU began negotiating and conditionalising its development aid on Africa's cooperation in the field of migration control and consequently free movement regimes were increasingly sidelined within the EU's migration policy framework and programming.⁶⁰ Despite this, there are also parallel examples of European support for African free movement.⁶¹ The EU has recently been focused on tackling the “root causes” of irregular migration and enhancing economic development in Africa as a way to curb migration—especially irregular migration—towards Europe. Its Emergency Trust Fund for Africa (EUTF) is a key manifestation of this focus.⁶² As one analyst put it, the EU's “irregular migration agenda is crowding out funding for longer-term, regionally owned, migration priorities.”⁶³ Nevertheless, the EU continues to support free movement initiatives in certain regions, such as ECOWAS and the Intergovernmental Authority on Development (made of eight member states in the Horn of Africa), albeit with an understanding that this should not translate to wider free movement towards Europe.⁶⁴

To control inward migration, the EU has also deployed various measures such as fortifying its borders through the establishment of the European Border and Coast Guard Agency (better known as Frontex), and through various funding channels and financing mechanisms (such as the aforementioned EUTF).⁶⁵

The EU increased its influence on Africa's migration agenda through its dealings with North African countries such as Algeria, Morocco, Tunisia, and Libya as well as states in West Africa.⁶⁶ It has deployed militarised defensive strategies, such as naval and air assets, dispatched technical and security experts to West African states and erected a digital border control infrastructure at the Rosso border crossing, which

53 Tamir, C & Budiman, A. (2019). ["In South Africa, racial divisions and pessimism about democracy loom over elections"](#). Pew Research Center.

54 Pongo, B. (2022) [Zimbabweans are abusing SA hospitals; Limpopo health MEC blasts patient](#). Report Focus News.

55 Allison, S. (2023) [South African anti-migrant 'vigilantes' register as party for next year's polls](#). The Guardian.

56 ENCA (2023) [ActionSA takes on Basic Education over top jobs for immigrants](#).

57 Amnesty International (2023) [Tunisia: President's racist speech incites a wave of violence against Black Africans](#); Human Rights Watch (2023) [Tunisia: No Safe Haven for Black African Migrants, Refugees](#).

58 Mwangi, O.G. (2021). [Why Kenya is on thin ice in its justification for sending Somali refugees back home](#). The Conversation.

59 Castillejo, C. et al (2019) [Supporting Or Thwarting? The Influence of EU Migration Policies on African Free Movement Regimes in West And North-Eastern Africa](#). IDOS.

60 Castillejo, C. (2019) [The influence of EU migration policy on regional free movement in the IGAD and ECOWAS regions](#). Deutsches Institut für Entwicklungspolitik.

61 ECOSOC (2023) [ECOSOC wraps up national dialogue series on the African Union's Free Movement Protocol](#)

62 Its full title is the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa. EU (n.d.) [Emergency Trust Fund for Africa](#). See also: TNI (2018) [Expanding the fortress: The policies, the profiteers and the people shaped by EU's border externalisation programme](#).

63 Castillejo, C. (2019) [The influence of EU migration policy on regional free movement in the IGAD and ECOWAS regions](#). Deutsches Institut für Entwicklungspolitik.

64 European Union (2021) [EUTF supports the Protocol on the Free movement of Persons in the IGAD region](#). EUTF. See also: ICMPD (2021) [FMM West Africa \(Support to Free Movement of Persons and Migration in West Africa\)](#).

65 Vermeulen, M., Zandonini, G. & Amzat, A. (2019) [Europe Spends Billions Stopping Migration. Good Luck Figuring out Where the Money Actually Goes](#). The Correspondent. See also: Buehler, M., Fabbe, K. E. & Kyrkopoulou, E. (2022) [Thy Neighbor's Gendarme? How Citizens of Buffer States in North Africa View EU Border Security Externalization](#). Journal of Immigrant & Refugee Studies.

66 Ibid. See also: Pacciardi, A. & Berndtsson, J. (2022) [EU border externalisation and security outsourcing: exploring the migration industry in Libya](#). Journal of Ethnic and Migration Studies.

has impeded free movement between Mali, Senegal and Mauritania.⁶⁷ It has also turned Niger, previously a major transit country, into its “immigration officer” thus impeding free movement along certain routes across the ECOWAS region.⁶⁸ The case is somewhat different in the IGAD region as the EU, through its trust fund, has supported the bloc’s free movement protocol while at the same time striving to reduce migration towards Europe.⁶⁹

Any attempt by Black African migrants to cross into the Maghreb region is met with resistance as they are perceived to be on their way to Europe. Furthermore, this movement provides a lucrative illicit economy of smuggling and modern slavery for criminals and militias in the region, with much-documented egregious human rights violations against migrants and refugees.⁷⁰ Arguably, the EU has successfully incentivised poorer neighbours to do the “dirty work” of preventing migration into Europe and turning a blind eye to the accompanying rights violations.⁷¹

In short, the EU's efforts to shore up and externalise its borders to prevent irregular migration have helped delay the roll-out of free movement of people in Africa at both the regional and continental levels. But despite their purported focus on “root causes”, such efforts risk being counterproductive: if lack of free movement stifles development on the continent, those who are determined to find better opportunities outside their own country will now be more, not less, likely to seek them out in Europe rather than other African states. Various EU efforts to secure their own bloc from irregular migrants, therefore, has threatened the implementation process of free movement arrangements existing across various sub-regions in Africa. Let alone across the entire continent from south to north as this would technically mean African migrants and refugees could travel across multiple borders uninterrupted until they reach Africa’s Mediterranean coast as the last stop towards Europe’s external borders. The EU could be said to have taken a gamble on externalising its borders and using migration diplomacy and ‘conditionality’ of development assistance by privileging the restriction of movement above more open borders on the continent.

Concluding reflections

According to the IOM, migration cannot be disentangled from development and the “free movement-development nexus” should not be overlooked.⁷² Migration facilitates the supply of labour (both skilled and unskilled) and in the process boosts development and strengthens economic relations between countries.⁷³ This is the reason for the establishment of common markets, as well as the facilitation of free movement of persons, capital and services. Europe set a good example with the EU, and that is why Africa is trying to mirror what Europe did through its RECs and, more recently on a continental basis, through the AU Free Movement Protocol and the AfCFTA.

There are some concerns about a potential influx of people from low-income countries to middle-income countries in Africa, which could strain their resources and infrastructure – there are, and were, similar concerns within Europe. However, others argue that states would benefit greatly if free movement continued on the continent. Not only could this reduce unemployment, but it could also increase efficiency in the job market and decrease the need to import skilled workers from outside of Africa.⁷⁴ Furthermore, with broader freedom of movement, African investors will have more opportunities to explore new markets, establish businesses, and create employment in the region, which will lead to an increase in intra-African investment.⁷⁵ Implementing the AU Free Movement Protocol alongside AfCFTA is key to fulfilling the goals of the AU Agenda 2063. Ultimately, with free movement and trade expected to contribute to longer-term sustainable economic development, this could even reduce irregular migration from Africa to Europe in the long run.

Despite the arguments in support of free movement, African governments are currently dealing with urgent issues that prevent the swift implementation of this approach. The continent is already facing both sudden and gradual environmental challenges such as climate change that lead to resource stresses and population mobility. These factors add to the main obstacles outlined in this essay. If large numbers of people were forced to

67 Moctar, H. (2022) [The constitutive outside: EU border externalisation, regional histories, and social dynamics in the Senegal River Valley](#). Geoforum.

68 Idrissa, R. (2019) [Dialogue in Divergence - The Impact of EU Migration Policy on West African Integration: The Cases of Nigeria, Mali, and Niger](#). Friedrich Ebert Stiftung; Also; Diallo, B. (2023) [AfCFTA–ECOWAS Regional Integration Initiatives and EUTFA Migration Governance: The Undoing and Doing of Borders in West Africa](#). In Okunade, S. & Ogunnubi, O. (eds) (2023) [ECOWAS Protocol on Free Movement and the AfCFTA in West Africa: Costs, Benefits and Challenges](#). Palgrave Macmillan.

69 European Union (2021) [EUTF supports the Protocol on the Free movement of Persons in the IGAD region](#).

70 Horsely, R & Gerken, J. (2022) [Libya Stability Fuels Rebound In Human Smuggling](#). Global Initiative; Also; Keygnaert, I., et al (2014) [Sexual violence and sub-Saharan migrants in Morocco: A community-based participatory assessment using respondent driven sampling](#). Globalization and Health.

71 Bautista, J. & Rojas, A. (2021) [Frontex turning ‘blind eye’ to human rights violations, says former deputy](#). The Guardian; Chase, E (2021) [When Europe turns a blind eye: Life and death in the Mediterranean](#). France 24.

72 IOM (2018) op cit.

73 Crush, J. & Williams, V. (2003) [Regionalizing International Migration: Lessons for SADC](#). Southern African Migration Project.

74 Miiilo, S.L. (2023) op cit.

75 Ibid

move because of climate change in the coming decades, the question of open borders may become irrelevant as people will simply vote with their feet regardless of regulations and official immigration policies. Although a borderless Africa may seem like an appealing and logical future for a more unified continent, it is an unfeasible objective unless some pressing issues are addressed.

Leaving Eritrea is hard and illegal

“Sometimes I thought we are going to be kidnapped.”

Leaving Eritrea is hard and illegal—you can end up in prison. I was a teacher there for eight years and wanted to stay to contribute to my community, but the situation became impossible. Like many people, I left Eritrea to escape forced civil service conscription. Now I am a refugee in Uganda.

I had to use an agent (smuggler) to get out. The first one kept changing the travel dates and in the end things didn't work out so I had to make arrangements with a second agent before finally setting off for the Sudanese border in a group of 25 people. Food and water were scarce and sometimes ran out. The agents mistreated us, but this was only because they were also in a bad situation where if they get caught, they risk getting imprisoned for life. Food and water at this point is the least of their worries.

It took twelve days to walk to the border town of Teseney. It is very dangerous for newcomers there because officials can ask you questions any time and report you to the police, who will then arrest you and you will be taken to Adi Abeto prison. Crossing the border can only be successful when done at 2 a.m. in complete silence. Some guards there are lenient as they are aware of the situation of their people. Once in Sudan we went by truck to Khartoum where I went to stay with some cousins. But Khartoum was not a safe place at the time, so I decided to move on to Addis Ababa. Travelling from Khartoum to Addis Ababa is very expensive: agents were charging \$2,000 to arrange for a car and it takes five days. The border is not very bad, all we had to do is stay quiet in the back of a truck.

I then reached Ethiopia and I can now speak fluent Amharic. I looked for a job and I was about to start in a boutique. The people in Addis are nice and are hospitable because we Eritreans have a similar culture and religion. I love Addis, but my sister, who lives in Sweden, urged me to move to Kampala because she feared I might be imprisoned or even killed because of the war in Ethiopia. She also found me an agent.

Although I paid an agent for the journey from Addis to Kampala in a private car, he made me go alone using public transportation. On the way to Moyale, on the border with Kenya, nobody stopped me and the journey was smooth. I had to pay some money to enter Kenya even though I explained I was a refugee and had no money. Once I got into Kenya, I met up with 20 other people that the agent had gathered. We spent five days in one room with no food. We were also instructed to stay quiet or else we would be arrested. After five days, they set up a tent at the back of a pickup truck; at the time we were 30 people and we could not breathe. The driver was intoxicated and irresponsible. It was a bad journey. We were moved to a van which was better as only 14 people were in it. The journey from Kenya to Uganda was long. Sometimes I thought we were lost or that the agents were going to kidnap us. Two weeks after leaving Addis we finally reached Kampala. It cost \$3,000 from Asmara to Addis and then \$2,000 from Addis to Kampala.

Life in Kampala is very difficult and not very safe. The other day, one of our neighbours was heading to work at 7 a.m. and he was kidnapped. May God help him. We don't know where he is now. Robbery is also very prominent. I once asked for a job as a receptionist, but the pay was not enough even for transport, let alone rent. Rent is very expensive. You can't find rent below \$100 per month. Despite their hospitality, Ugandans blame high rent on the Eritreans, assuming that we can afford it. Little do they know, we have no option but to pay the demanded rent as this is not our homeland. And market traders charge Eritrean refugees five times the going rate for groceries. In police stations, officers demand 100,000 Ugandan shillings (about \$30) from refugees even though they don't have the right to do so. They also harass us and threaten to imprison us.



Between a rock and a hard place: the EU's transactional approach to migration

Migration has become a more salient and securitised issue in the European Union over recent years, creating new cleavages between member states and within domestic arenas. The bloc's relationship with North Africa, for example, is evolving, as the political, security and economic outlook in the region worries European decision-makers. But consequent temporary agreements are not without risk.

By Teresa Nogueira Pinto¹

Introduction

Since 2016, the combination of two trends—the increasing political importance of migration within the EU, and the volatile political and security outlook in Africa—continues to shape the draft of a broader European strategic vision for migration.

This essay will examine and explore the EU's evolving and changing relationship with North Africa in terms of building migration policy and using North Africa to support the EU's migration agenda.

For geographic and geopolitical reasons, countries in North Africa play a determinant role in the EU's migration policy, and cooperation with third countries is an essential pillar of the EU Pact on Migration and Asylum. The EU has maintained and consolidated a transactional approach, as reflected by migration-related conditionality on development aid; the resort to incentives such as financial aid, trade relations and visa policies to secure the cooperation of third countries; and closer relations with states such as Egypt and Tunisia.

However, while temporary arrangements may be possible, the current approach is not expected to deliver mutual benefits and may not be sustainable in the long term.

Setting the scene

The EU is redesigning its migration policy, as evidenced by the drafting and negotiation of the New Pact on Migration and Asylum, first presented by the EU Commission in 2020. The drafting and negotiation process is being

shaped by global, regional and internal circumstances. From a global perspective, this is a period of uncertainty for the international liberal order, as new actors emerge, rules are being redefined, multilateralism is facing multiple challenges and competing powers try to expand their spheres of influence. At the EU level, since 2015, migration has become a more relevant political issue and a strategic priority. The sense of anxiety, successfully exploited by some political actors, has contributed to deepen political cleavages within EU member states, and while an agreement is expected ahead of the 2024 European Parliamentary elections, migration will remain an important topic in polls where domestic cleavages and national politics are still expected to take precedence.

In this context, migration diplomacy became a determining feature of the EU external policy. Migration diplomacy refers to the way countries and other actors in the international arena deploy “diplomatic tools, processes and procedures to manage cross-border population mobility”.² Migration policies and migration diplomacy are based on a strategy, oriented towards specific goals, and anchored in a selection of tools and procedures. The different positions of states within migration systems determines not only their interests (which are often divergent) but also their leverage.³

But to understand the EU migration policy and how it impacts relations with countries in North Africa, it is necessary to consider two additional factors. First, while, from a European perspective, countries in North Africa are spaces of transit, they have also become countries of settlement for a significant number of migrants and refugees. Second, as evidenced by the cases of Libya, Türkiye, Tunisia, Belarus and Morocco, states may use migration as a foreign policy tool, either threatening or

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2 Tsourapas, G. (2017) [Migration diplomacy in the Global South: cooperation, coercion and issue linkage in Gaddafi's Libya](#). *Third World Quarterly*.

3 Adamson, F. B. & Tsourapas, G. (2018) [Migration Diplomacy in World Politics](#). *International Studies Perspectives*.

actually implementing what has been defined as “coercive engineered migrations”.⁴ This political weaponisation of migration has been successfully employed by some states to secure diplomatic, political, or economic gains.

The EU migration policy: understanding recent shifts

According to UNHCR, between January and June 2023, there were 82,228 Mediterranean migrant arrivals, the highest number for this period since 2016.⁵ The greatest increase was registered in the Central Mediterranean route that covers movements from North Africa to Italy via the Mediterranean Sea.

The main countries of origin of the migrants and refugees travelling across this route to Europe in 2023 are Côte d'Ivoire, Guinea, Egypt, Pakistan, Bangladesh, Tunisia and Syria. Libya remains a key transit country. Moreover, according to the European Union Agency for Asylum, in 2022 the EU received approximately 996,000 asylum applications, representing a 50 percent increase over the previous year, with the caseload of applications pending decision reaching the highest level since 2017.⁶

These numbers, and how they are perceived and exploited by political actors and segments of the electorate, explain the growing convergence among EU member states, and within the EU itself, towards more restrictive approaches to migration. This approach was already reflected in 2018, when several European countries—including Hungary, Austria, the Czech Republic, Bulgaria, Estonia, Poland, Latvia and Italy—decided not to adopt the Global Compact for Safe, Orderly and Regular Migration, and abstained from creating more legal and regular pathways for migration.⁷

In various European countries there has been a resurgence of anti-immigration and anti-refugee policies.

In Italy, a front-line state, one of the main promises of the ruling coalition led by Giorgia Meloni was to halt flows of migrants across the Mediterranean. The Chamber of Deputies passed legislation limiting the activities of NGOs rescuing ships in the Mediterranean and eliminated

a special protection status granted to migrants who do not qualify for refugee status or subsidiary protection.⁸

In Austria, in 2019, Sebastian Kurz won the legislative elections. The leader of the Austrian People's Party defended a more restrictive approach to migration, and called for Austria, Germany and Italy to form an “axis of the willing” against illegal migration. At the time of writing this essay, the migration hardliner Freedom Party of Austria was leading the polls.⁹

In Sweden, a country previously famed for its open-doors welcome to refugees and migrants, the national-populist Sweden Democrats increased their political representation in 2022 and its parliamentary support became decisive to the government. Prime Minister Ulf Kristersson, leader of the Moderate Party, stated that immigration to Sweden had become “unsustainable” and the government announced a “paradigm shift”, including “efforts to reduce, in full compliance with Sweden’s international commitments, the number of migrants coming irregularly to Sweden”.¹⁰

The Swedish approach is influenced by the case of Denmark where, in 2019, all refugee protection became temporary, with the focus of the strategy shifting from the integration of refugees, to their return to countries of origin. In 2023, the Danish Refugee Appeals Board moved to consider some regions of Syria safe for refugees to return.¹¹ The Danish case suggests that centre-left (and centre-right) parties and governments across Europe may feel increasingly pressured to implement stricter migration policies, as a strategy to absorb the claims of more radical parties and contain their electoral growth.

In Greece, another front-line state, video footage of an alleged pushback of asylum seekers, which could be a violation of international law, and the disaster that killed hundreds of migrants off the coast of Greece in June 2023—considered the Mediterranean’s “worst ever tragedy”—did not prevent Prime Minister Kyriákos Mitsotákis from being re-elected for a second term in a landslide victory.¹² Under his government, Greece has adopted a more restrictive approach to migration, which the prime minister describes as tough but fair.¹³ Mitsotákis called for the extension of border walls and suggested that the EU should fund it, while SYRIZA and

4 Greenhill, K. M. (2010) *Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy* (Cornell Studies in Security Affairs Series). Cornell University Press.

5 UNHCR (2023) [Mediterranean Situation](#).

6 European Union Agency for Asylum (2023) [Asylum Report 2023](#).

7 Euractiv (2018) [Nine EU members stay away from UN migration pact](#). However, more recently (July 2023) Italy has stated its intention to open legal channels for migrant labour for up to half a million migrants from selected countries.

8 European Council on Refugees and Exiles (2023) [Mediterranean: Controversial Cipro Decree Approved by Parliament as Italy Sees Continued Increase of Arrivals. Death Toll of 2023 Breaks 1,000 as NGO Struggle to Save Lives Under “Dramatic” Circumstances. Malta Ignores Distress Alerts](#).

9 Euronews (2023) [Polls suggest Austria's populist Freedom Party is on course to lead the country](#).

10 Government Offices of Sweden [Sweden's new migration policy](#).

11 Birkebaek, J. & Skydsgaard, N. (2023) [Denmark deems Syrian province safe for returning refugees, worrying UNHCR](#). Reuters.

12 Chen, H. et al. (2023) [Greek migrant boat wreck may be Mediterranean's 'worst ever tragedy' with hundreds still missing](#). CNN.

13 Greek City Times (2023) [Mitsotakis: Europe must protect its interior if we want to have free movement of people](#).

PASOK, the two main parties on the left, committed to maintain the wall along the border with Türkiye. This approach has been criticised by human rights organisations. In 2022, the UN special rapporteur on the situation of human rights defenders said that by framing migration as a matter of security and prevention, the Greek policy had a “suffocating effect” on civil society and human rights defenders.¹⁴

In Germany, where the Alternative for Germany won its first district election and is surging to record highs in opinion polls, the government pledged to redefine its migration policy, in order “to manage, control, and limit” the immigration of foreigners to the country.¹⁵ The new approach is based on a selective criteria. To combat labour shortages, the new policy aims to attract 400,000 skilled migrant workers to Germany through the introduction of a points-based system. But restrictive measures are also on the table. The special commissioner for migration agreements—a post created in 2023—is considering the transfer of asylum procedures to countries in Africa, following the controversial partnership announced between the UK and Rwanda.¹⁶ That partnership stood as a clear example of migration diplomacy and was ruled unlawful by a court of appeal.¹⁷

In the Netherlands, the coalition government led by Mark Rutte resigned in July 2023 over a disagreement on asylum policies. As seen in Greece and in Denmark, the centre-right People's Party for Freedom and Democracy seems to be willing to absorb anti-immigration claims.

The shift towards more restrictive approaches to migration is also visible at the EU level. In February 2023, after a special European Council meeting, EU leaders condemned attempts to instrumentalise migrants for political purposes and called on the Commission “to immediately mobilise substantial EU funds to reduce pressure on external borders with protection capabilities and infrastructure, means of surveillance, including aerial surveillance, and equipment.” Enhanced cooperation with third countries on returns and readmissions was also mentioned.¹⁸ In April 2023, the EU Parliament approved an amendment, proposed by the European People's Party Group, calling for the use of European funds to support border security and surveillance. While it did not specifically refer to “walls”, the amendment mentioned the funding of “border infrastructure”.¹⁹

Whereas the debate on border control has gained a sense of urgency since 2022, events on the ground evolved faster: according to the European Parliament, between 2014 and 2022, the aggregate length of borders, walls and fences at the EU's external borders and within the EU/Schengen area increased from 315 to 2,048 kilometres.²⁰

These trends provide political context to the EU Migration Pact. Whereas, according to the pact, the aim is to “manage” and “normalise” migration in the long-term, its drafting process and negotiations are impacted by a sense of political urgency, felt by all actors across the political spectrum.

One of the most pressing issues is the management of asylum applications. As established by the Dublin II Regulation, the country of first entry is responsible for the process. The subject has created a geographic cleavage between Mediterranean countries, who demand a more equitable distribution, and other EU member states who oppose the establishment of quotas, including members of the Visegrád group (Czech Republic, Hungary, Poland and Slovakia). To address the issue, the pact establishes a system of “mandatory solidarity”, under which member states must choose one of three options: accept and integrate relocated asylum seekers, assure their return to the country of origin, or pay a fee (€20,000) per rejected asylum seeker.

But in order to succeed, the EU migration policy depends on the cooperation of origin and transit countries in North Africa, and international partnerships are a key pillar of the EU migration strategy as designed in the pact.²¹ These partnerships, which aim to support other countries “hosting refugees and fighting migrant smuggling”, stand as an example of the EU's transactional approach. In exchange for cooperation, the EU offers these countries “partnerships bringing together a wide range of policies on education, development, visas, trade, agriculture, job creation, research, energy, environment or climate change”.²²

To understand how this approach may impact the EU relationship with countries in North Africa, it is necessary to consider geopolitical factors, as well as the political, economic and security outlook of countries in the Maghreb region, and how they perceive human mobility.

14 United Nations Human Rights Office of the High Commissioner (2022) [Greece: Migration policy having “suffocating effect” on human rights defenders says UN expert](#).

15 (German) Federal Ministry of the Interior and Community (n.d.) [Migration](#).

16 Sanderson, S. (2023) [Between deportation and offshore processing: Germany mulls changes to asylum process](#). InfoMigrants.

17 Macaskill, A., Tobin, S. & Holden, M. (2023) [UK PM Sunak dealt blow as court rules Rwanda deportation plan unlawful](#). Reuters.

18 European Parliamentary Research Service (2023) [Outcome of the special European Council meeting of 9 February 2023](#).

19 EPP Group (2023) [EPP wins majority on border infrastructure](#).

20 European Parliament Research Service (2022) [Walls and fences at EU borders](#).

21 European Commission, Migration and Home Affairs (2023) [The European Commission welcomes the political agreement by the Council on the key pillars of the New Pact on Migration and Asylum](#).

22 European Commission (2023) [Acting together to deepen international partnerships](#).

EU, North Africa, and the geopolitics of migration

Territory and borders are a defining element of sovereignty. As such, the European integration process has been accompanied by the redefinition of notions of space and the rising relevance of a common (external) border, in a context where, reflecting both geographic and geopolitical factors, North African countries play a critical role.

Cooperation on migration, including migration dialogues between the EU and African countries—such as the Rabat and Khartoum processes—precede the 2015 “refugee crisis”, and the externalisation of migration control and responsibility has been a feature of European migration management since at least the 1980s.²³ Under the autocratic regime of Muammar Ghaddafi, and as established in the 2008 Treaty on Friendship, Partnership and Cooperation between Italy and Libya, Tripoli cooperated in containing irregular maritime migration flows. Events in 2015 and 2016 triggered a process of renegotiation and reconstitution of such partnerships.²⁴ Amid the political disintegration in Libya and rising uncertainty across the North Africa and Sahel regions, the EU priority was to guarantee that countries in North Africa would maintain their role as gatekeepers.²⁵

The 2015–2016 events exposed the potential consequences of political disintegration in the European neighbourhood, and increased the leverage of transit countries, including authoritarian regimes like Sudan, vis-à-vis the EU and European states who feared the destabilising effects of regime change.

The rising number of migrants and refugees crossing the Mediterranean in 2015 was a direct consequence of seismic events in North Africa and the Middle East, triggered by the Arab Spring, starting in 2011. The hopes that the Arab Spring would unleash a wave of democratisation in the region quickly faded. Libya, Yemen and Syria spiralled into protracted civil wars, leadership in Egypt paved the way for another personalised and authoritarian regime, and the reformist paths in Algeria and Morocco did not introduce substantial changes to the way power is distributed and exerted. Tunisia, the epicentre and hope of the Arab Spring, has recently

been sliding back into authoritarianism, but this has not deterred European leaders from offering extensive support to the Tunisian president.²⁶

At the same time, human security has deteriorated over recent years in the Sahel and the Horn of Africa. State fragility created power vacuums in the Sahel which have been exploited by armed Islamist groups, organised crime networks and paramilitary outfits such as Russia’s Wagner group. Rising levels of communal violence and food insecurity have led to a substantial increase in the number of refugees, asylum-seekers, refugee returnees, internally displaced people (IDP) and IDP returnees in the Sahelian region estimated as a combined total at almost 5.3 million people.²⁷

The humanitarian outlook has also deteriorated in the Horn of Africa, with civil wars in Ethiopia and Sudan, two states which are countries of settlement for many refugees. According to UNHCR data, Ethiopia hosts more than 823,000 refugees and asylum seekers living in 24 refugee camps established across five regions. Internal conflicts have also resulted in massive displacement, with 4.2 million IDPs plus over 1.5 million IDP returnees.²⁸ Sudan, too, hosts approximately 1.1 million refugees and asylum seekers from the region.²⁹

In fact, while Europe is the region in the world with the highest number of immigrants (estimated at 86.7 million), Africa is home to almost one third of the world’s refugee population.³⁰ The continent is home to around 30 million IDPs, refugees and asylum-seekers. This figure illustrates how conflict, high poverty rates and food insecurity are driving displacement across the continent.

African countries, like European countries, act according to their interests, and compete for influence and resources in the regional and international spheres. Context is thus important to understand how these countries position themselves on Africa–EU migration dynamics. One of the tools that they have at their disposal is their position along mixed migration routes. The instrumentalisation (or weaponisation) of migration for political purposes is nothing new in history.³¹ It has been used by regimes many times and in different latitudes, either to secure domestic goals or to increase their regional or international leverage.

23 Lemberg-Pederson, M. (2018) [Security, industry, and migration in European border control](#) in Weinar, A., Bonjour, S. & Zhyznomirska, L., (eds) (2018) [The Routledge Handbook of the Politics of Migration in Europe](#). Routledge University Press. See also Cusumano, E. & Riddervold, M. (2023) [Failing through: European migration governance across the central Mediterranean](#). *Journal of Ethnic and Migration Studies*.

24 Norman, K. P. (2021) [Reluctant Reception: Refugees, Migration, and Governance in the Middle East and North Africa](#). Cambridge University Press.

25 Carrera, S., del Hertog, L. & Parkin, J. (2012), [EU Migration Policy in the wake of the Arab Spring What prospects for EU–Southern Mediterranean Relations?](#) *Mediterranean Prospects (MedPro)*.

26 Euronews (2023) [European leaders offer more aid to Tunisia amid efforts to curb migration](#).

27 UNHCR (n.d.) R4Sahel [Sahel crisis](#).

28 UNHCR (n.d.) [Ethiopia](#).

29 UNHCR (n.d.) [Operational Data Portal Sudan](#).

30 UNHCR (n.d.) [Africa](#).

31 Tsourapas, G. (2022) [Migration diplomacy gets messy and tough: Is mixed mobility being ‘weaponised’ for geopolitical aims?](#) In Horwood, C. & Fouws, B. (eds) (2022) *Mixed Migration Review 2022*. Mixed Migration Centre.

For example, between April and October 1980, more than 120,000 Cubans travelled from the port of Mariel to Florida, following an agreement between President Fidel Castro and Cuban Americans. For Castro, this mass movement was an escape valve amid a domestic economic and political crisis. More recently, in 2019, President Recep Tayyip Erdoğan of Türkiye threatened to “open the gates” for migrants to Europe, in order to pressure the EU and NATO to support the creation of a “safe zone” to repatriate Syrian refugees.³² And again, in 2021, President Alexander Lukashenko of Belarus sent thousands of migrants to the border with Lithuania, Latvia and Poland, leaving them exposed to extreme temperatures in no-man’s-land in an effort to create a new migration and refugee crisis in Europe. In this case, the weaponisation of migration by President Lukashenko was a response to European sanctions and criticism.³³

The concept of “coercive migration” proposed by the migration analyst Kelly M. Greenhill distinguishes between “generators”, states that create or threaten to create cross-border movements; “agents provocateurs”, those actors who do not directly create crisis, but incite others to generate outflows of migrants and refugees; and “opportunists”, who exploit the anxiety provoked by potential crisis to secure political, strategic, or financial gains.³⁴

According to this typology, in 2021 Morocco acted as a generator when authorities there deliberately reduced surveillance along the border with the Spanish enclave of Ceuta in retaliation against Spain, after the leader of the Polisario Front, Brahim Ghali, who is subject to a Moroccan arrest warrant for terrorist acts, was admitted for treatment in a Spanish hospital. In the case of Egypt, a member of the Khartoum Process and a country which has closely cooperated with the EU on irregular migration since 2017 under the Egypt-EU Migration Dialogue, President Abdel Fattah al-Sisi has acted as an agent provocateur.³⁵ By recalling Egypt’s efforts to curb irregular migration flows and the fact that the country hosts 6 million refugees and “is keen to provide them with a decent life”, Egyptian authorities aim to dissuade criticism, and attract financial and diplomatic support from the EU.³⁶

The case of Tunisia is also illustrative. In an official statement in February 2023, President Saïed claimed

that there was a “criminal plan to change the composition of the demographic landscape in Tunisia” and that “some individuals have received large sums of money to give residence to sub-Saharan migrants”.³⁷ In July 2023, after clashes between residents and migrants, security forces expelled several hundred Black African migrants and asylum seekers from the coastal city of Sfax to a buffer zone along the border with Libya.³⁸ But as the leader of a transit country, President Saïed is aware of his leverage as a gatekeeper: in 2022, Tunisia was the second most important country of departure and of origin of migrants to Italy via the Central Mediterranean route.³⁹ Shortly before this year’s clashes and expulsions, the EU announced a Memorandum of Understanding with Tunisia to establish a “strategic partnership”. This comprehensive arrangement includes a generous assistance package of approximately €900 million in economic aid and €150 million in immediate budget assistance, to be delivered as part of a broader agreement which includes tougher action against illegal migration.⁴⁰ The partnership was established as the country negotiated a difficult bailout agreement with the IMF.

These cases expose the dilemma facing the EU and some of its member states: while successful in containing mixed migration (according to IOM, migrant departures from Egypt’s coast have declined substantially since 2016),⁴¹ these partnerships may help perpetuate authoritarian regimes or, as in the case of Morocco and Spain, generate inconsistencies in foreign policy strategies. In 2022, after decades of neutrality, the Spanish government changed its position on the Western Sahara, announcing its support for the Moroccan autonomy proposal. The shift created a division within the ruling coalition between the socialists and their partners on the left.

Moreover, the identity of sending, transit, and destination states is neither singular nor static.⁴² Egypt, Tunisia, Libya, Algeria and Morocco, often described as origin and transit countries of mixed migration, are also countries of settlement for millions of migrants and refugees.

This has created an implicit agreement between Europe and countries in North Africa: while the EU externalises migration management and border control, these countries allow migrants and refugees to join their informal economies (as in the case of Egypt) or establish

32 Forin, R. & Frouws, B. (2020), [Op-Ed: The wrong side of history? A missed opportunity to lead on a human-rights-led response to mixed migration between Turkey and Greece](#). Mixed Migration Centre.

33 Frouws, B. & Forin, R. (2021), [Heading into a wall: the EU response to the migration crisis at the Belarus border](#). Mixed Migration Centre.

34 Greenhill, K. M., Op Cit.

35 Fattah, D. A. (2021) [Egypt, the EU, and Migration: An Uncomfortable Yet Unavoidable Partnership](#). German Council on Foreign Relations, DGAP Report.

36 AhramOnline (20221) [Egypt proudly hosts 6 million migrants, refugees: Foreign Ministry](#).

37 Blaise, L. (2023) [Tunisia's President Saïed claims sub-Saharan migrants threaten country's identity](#). Le Monde.

38 Human Rights Watch (2023) [Tunisia: No Safe Haven for Black African Migrants, Refugees](#).

39 EU Emergency Trust Fund for Africa (2022) [Annual Report](#).

40 European Commission (2023), [The European Union and Tunisia: political agreement on a comprehensive partnership package](#).

41 International Organization for Migration (2021) [IOM Strategy for Egypt \(2021-2025\)](#).

42 Adamson, F. B. & Tsourapas, G. Op Cit.

detention camps (as in the case of Libya), while receiving funding, provision of services and diplomatic support.⁴³

The EU transactional approach

This transactional approach to migration, reflected in the decision to condition aid and trade to cooperation on migration, entails several challenges.

One of the pillars of the EU strategy to manage mixed migration outside EU borders is the use of “sticks and carrots” to influence the migratory policies of origin and transit countries and secure cooperation on three main fronts: reducing mixed migration, externalising border security, and increasing the efficiency of the return, readmission, and reintegration policy.⁴⁴ The EU external migration policy includes different policies and instruments, from mobility partnerships to major aid and development programmes aimed at addressing the “root causes of migration”.

An important vehicle for this strategy was the European Emergency Trust Fund for Africa (EUTF), established in 2015 after the Euro-African migration summit of Valletta. The five goals of the fund were to: address the root causes of irregular migration and forced displacement; fight irregular migration, migrant smuggling and eradicate trafficking in human beings; improve protection and humanitarian assistance for people in flight; improve cooperation in the returns of migrants from Europe; and advance legal migration possibilities.⁴⁵

The implementation of the EUTF for Africa has been driven mostly by the first and second goals, reflecting the sense of urgency to reduce migratory pressure in the short term. Of the almost five billion euros allocated to approved programs by the EUTF until the end of 2022, 31 percent was channelled to programmes aimed at improving migration management (the majority of which in North Africa); 28 percent to strengthening the resilience of communities; 22 percent to improving governance and in conflict prevention; and 17 percent to increasing economic and employment opportunities.⁴⁶

In 2021, the Neighborhood, Development, and International Cooperation Instrument– Global Europe for the period 2021-2027 became the main EU external action financing instrument. The instrument identifies migration and forced displacement as a crucial area for cooperation, and allocates eight billion euros to

migration management.⁴⁷

These initiatives present two main problems. First, they assume that lower poverty rates would automatically decrease the push factors driving migration from origin and transit countries, thus reducing migratory pressure. However, one of the main drivers of migration is income disparities between origin and destination countries, which, in this case, will likely remain in place over the next decades. And one of the main obstacles to migration is the fact that it is not only a dangerous, but also an expensive endeavour that remains out of reach for most people in sub-Saharan and North Africa. Under a scenario of rising incomes, according to the migration transition theory, migration to Europe would actually increase, reflecting persisting and significant income disparities between the two regions.

Second, these initiatives are also forms of extra-territorial governance or “governance at a distance”,⁴⁸ which compromise the agency and sovereignty of recipient/partner countries. Resilient authoritarianism and the erosion of state sovereignty are two different but significant drivers of poverty and conflict in North Africa and the Sahel. In the case of North Africa, most of the EUTF funds were channelled to the UN and international non-governmental organisations operating in the region, thus further eroding the responsibility and agency of states.⁴⁹ And when, as it was the case of Sudan and Tunisia, deals include direct financial or diplomatic support, they represent an advantage for authoritarian regimes, especially in contexts of economic deprivation.

In the long-term, however, it will be hard to transform these approaches into mutually beneficial alliances. While these deals may provide immediate advantages, they do not offer long-term solutions.

Struggling to consolidate its global power status in a changing world order, the EU relies mostly on soft power. Normative power, including the appeal of liberal democracy, remains a crucial tool of the EU diplomacy. But most of the origin and transit countries in North (and sub-Saharan) Africa with which the EU cooperates on migration management are authoritarian or semi-authoritarian regimes.

The case of Sudan illustrates the fragilities of this transactional approach. First, establishing transactional partnerships with such regimes may strengthen their power and reinforce their military capacities, which

43 Norman, K. P. Op. Cit.

44 Niemann, A. & Zaun, N. (2023) [Introduction: EU external migration policy and EU migration governance](#). Journal of Ethnic and Migration Studies.

45 European Council (2015) [Valletta Summit on migration, 11-12 November 2015](#).

46 EU Emergency Trust Fund for Africa Op Cit.

47 Grün, G. (2022) [How Europe spent billions to keep migrants in Africa](#). Voxeurop.

48 On this concept of governing at a distance see Bialasiewicz, L (2012) [Off-shoring and out-sourcing the borders of Europe: Libya and EU border work in the Mediterranean](#). Geopolitics.

49 Bartels, I. (2019) [Money against Migration: The EU Emergency Trust Fund for Africa](#). Heinrich Böll Foundation.

contravenes the rhetoric of the EU on democracy, human rights, and the rule of law.⁵⁰ Second, while support for authoritarian regimes does not always guarantee stability, processes of leadership change may lead to fragmentation and civil war. After an unlikely civil-military coalition briefly ruled Sudan after the 2019 overthrow of long-serving autocratic president Omar al-Bashir, with whom the EU had forged close cooperation ties on stemming migration, the country suffered another coup in October 2021 and, since February 2023, has been engulfed in a catastrophic civil war which further deteriorates human security in the region. The immediate cause of the current conflict is the tension between the Sudanese Armed Forces and the Rapid Security Forces (RSF). The RSF were created in 2013 from the Janjaweed militias and used by Bashir as a counterweight to the power of the regular Sudanese military. The Bashir regime used this paramilitary force to contain migration flows under the agreement established with the EU. By doing so, the RSF received funds, training and eventually gained control over migration routes.⁵¹

Moreover, for countries in North Africa such as Egypt, Morocco and Tunisia, migration has become a critical source of economic revenue. Since 2015, remittances became the main source of external finance flows to low- and middle-income countries after China.⁵² For origin countries, remittances are a driver of economic growth and development, and a lifeline for many families. According to the World Bank, in 2021 remittances from Egyptians working abroad reached \$31.5 billion, accounting for approximately eight percent of the country's GDP.⁵³

Authoritarian and semi-authoritarian leaderships also see in migration a pressure relief valve. For strongmen in the region, the Arab Spring remains a cautionary tale, and its main determinants, broken social contracts and high youth unemployment rates, remain in place. This means that potential for unrest is high, especially in urban areas. At the end of the day, solving these problems is beyond the EU's capacity, and mandate. But besides the tragic humanitarian consequences, the deterioration of the political and security outlook poses a direct challenge to the EU. If more countries in the Horn of Africa, the Sahel and North Africa become engulfed in conflict and chronic violence, they may no longer be defined as "safe countries of origin", opening the bloc to significant legal challenges from rights groups. The EU may even be forced to revise its refugee and asylum procedures, if it isn't already through recent legislation and initiatives, including the New Pact on Migration and Asylum.

Conclusion

The political, security and economic outlook in North Africa and the Sahel creates concerns among European decision-makers, whereas political shifts across European countries suggest that pressure for restrictive policies will increase.

While it is possible for the EU to implement a transactional approach to migration, this entails significant risks, from both a normative and a procedural perspective.

Considering the political and electoral shifts across Europe, temporary agreements may provide short-term benefits for European governments and the EU itself. And for countries in North Africa, as evidenced by the case of Tunisia, such deals may be a lifeline, providing access to much needed financial and diplomatic support.

These deals, however, may have adverse collateral effects with negative consequences in the medium or longer term, as seen in the case of Sudan. European efforts to contain migration may indirectly feed instability and armed conflict in origin or transit countries, thus increasing displacement.

In addition, although temporary agreements may be reached, push factors of migration in North Africa and sub-Saharan Africa will continue to increase. Also, for most of these countries, migration represents an important source of economic revenue, while it reduces the potential of unrest in urban areas. Restricting migration may not be the best option for these regimes, in a scenario of popular uprisings.

While there seems to be a convergence of interests among the EU and leaders in North African countries, the political and economic outlook in these countries—which is marked by volatility—suggests that in the medium and longer term, divergences on the issue of migration will be inevitable.

50 Bonfiglio, A., Frouws, B. & Forin, R. (2023) [Mixed migration consequences of Sudan's conflict](#). Mixed Migration Centre.

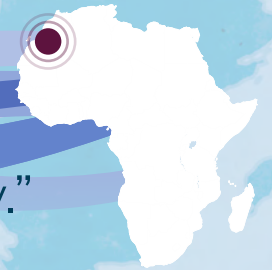
51 Tubiana, J., Warin, C. & Saeneen, G. M. (2018), [Multilateral Damage: The impact of EU migration policies on central Saharan routes](#). Clingendael Report.

52 Migration Data Portal (2023) [Remittances](#).

53 Mohammad, Y. (2022) [Remittances from Egyptians living abroad hit \\$31.5bn in 2021](#). Arab News.

University life in Morocco

“Our quality of life here makes us want to stay.”



My husband and I moved from the United States to Ifrane, a city in northern Morocco, seven years ago. I am a teacher from Tunisia, and he is an American professor. After he completed his PhD in the US, he found one job there and another here in Morocco, at Akhawayn University. We chose the latter because it is closer to Tunisia. At first the plan was to stay only for a couple of years before moving back to the US or Europe, but we didn't find any job opportunities there, so we stayed in Ifrane.

Whenever we returned to Morocco from travelling abroad, I used to get stopped on arrival but my husband and daughter did not because of their American passports. Every time, they took my picture and my fingerprints. I used to say: “You let my husband and daughter come in easily but not me, even though I am the North African, I am the Tunisian!” This, however, stopped when I got my residency.

I have got used to this small city. This is a good place for a family, especially for my two little girls. We live in a nice apartment in the university compound. It is filled with expats: French, Germans, Americans, Indonesians... we have one Algerian with us, Indians as well, a few Egyptians, one Iraqi, one Palestinian, and Moroccans, of course. I have mostly French and Moroccan friends. People here are super nice. There is zero stress, zero traffic, it's so clean and the nature is so beautiful.

The locals treat us nicely. We've never faced any incidents. I don't think people here they treat the Europeans or Americans better than us Tunisians. On the contrary, I feel like sometimes I get treated better: they are so happy when I say I am Tunisian, whether it is the police, taxi drivers, or the guy selling fruits. What I like most about Ifrane is the security, peace, help at home with the girls, our salary (I don't think we can make the same salary in Tunisia) access to health and education. There is no traffic. I finish work—I teach French at the school attached to the university—at 3:30 pm and I am at home by 3:40.

But at my daughter's school, the Moroccan parents are always afraid of other nationals, especially when it comes to religion. I did not face these

problems because maybe I am Tunisian, but my American friends did. During Christmas time for example, Moroccans are afraid of the Christian influence, so they email the teachers telling them, “Don't do Christmas decorations, we don't do that here.” I feel that this is very contradictory: you put your children in international schools and yet you expect them to be only exposed to Moroccan culture. These are the same parents who would send their kids to study abroad right after their baccalaureate.

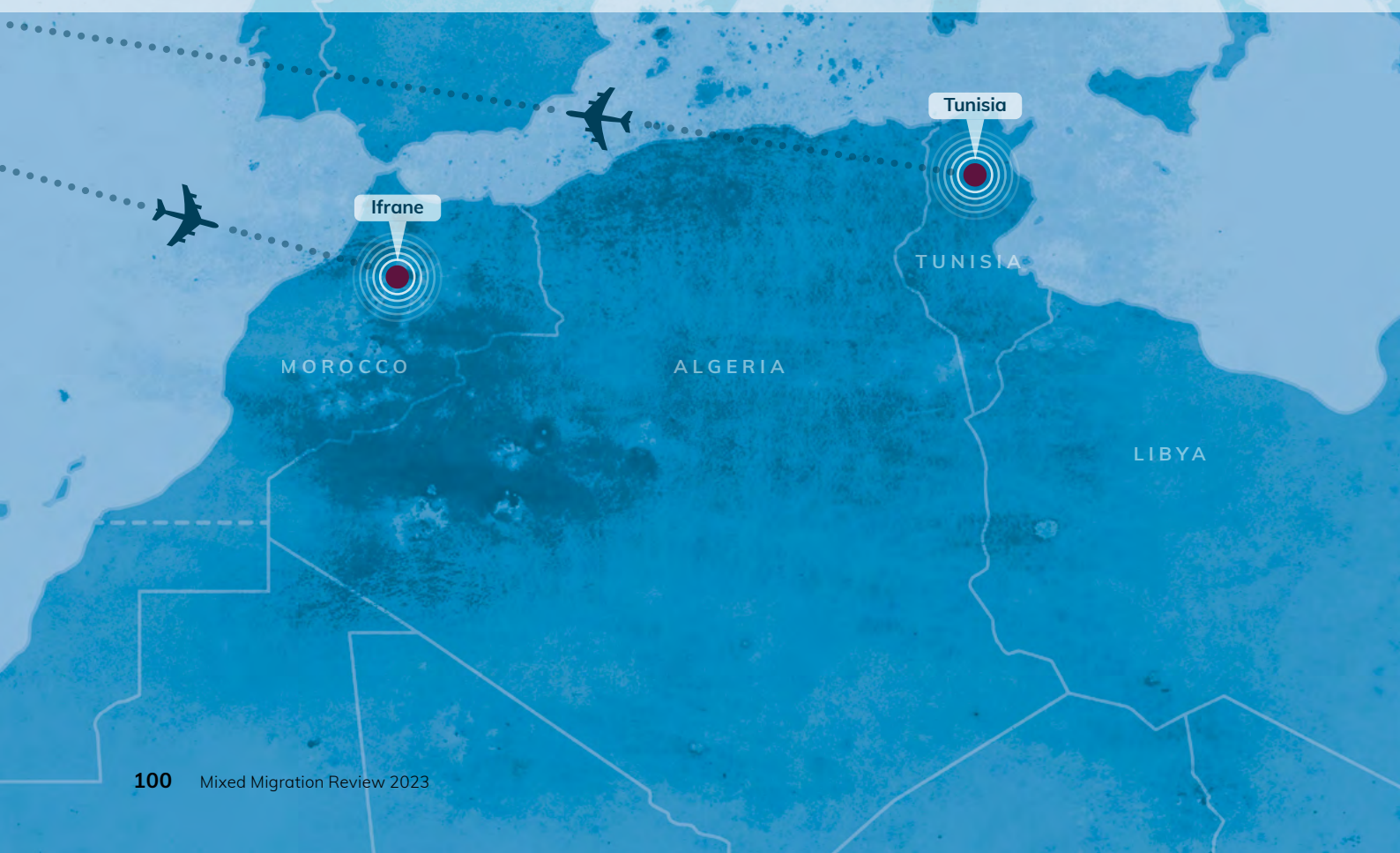
Each year we ask what is making us stay in Ifrane and what makes us want to leave. It is always the salary, the security, the quality of life we have here that make us want to stay.

My husband would still like to move to Tunisia if he finds a good job that allows us to live comfortably. But even though I am the Tunisian in the couple, I don't want to go back there mostly because of the political situation there. Like many young people, we had hopes things would improve back in 2011, but every year those hopes fade.

We have thought about moving to a Scandinavian country, only because of the educational system there, which we think that our daughters would love. It is better than the one here, and even better than France. The decision to move (to anywhere) is dependent on the type of job offer and money, because we live comfortably in Morocco.

If we stay here in Ifrane I would like to open a *café culturel*, like a co-working place but with good coffee. I want to improve the French and Arabic departments in our school, I want the students—and my daughters—to graduate with speaking English, Arabic and French fluently. Next year, I will be the head of the department for Arabic and French, so I am planning to work on that dream.

In the next couple of years, I think Morocco will be a destination country for other Arabs. There is money here. Of course I am not talking about politics and the socioeconomic problems, but in terms of opportunities for jobs, for young people, it will be an amazing country.





A personal tale of irregular migration in Malawi¹

By Espoir Bahirwe²

Overview

The impact of irregular migration in Malawi has hit close to home for me. I was once one among the thousands of individuals, mostly young men, who risk their lives to sneak through Malawi to get to South Africa in the expectation of obtaining better employment possibilities. Unfortunately, most of them end up in overcrowded penal facilities in Malawi, where they are locked up with normal criminals for extended periods, often exceeding their sentences. Unaccompanied children are particularly vulnerable to many sorts of abuse and exploitation. To overcome this issue, it would be beneficial for the Malawian government to take action by implementing comprehensive migration regulations that safeguard and care for irregular migrants, particularly unaccompanied minors.

Controlled legal migration in South Africa can address labour shortages, foster economic growth and create jobs. Planning, collaboration and monitoring are critical to avoiding overwhelming demand and irregular migration and to ensure alignment with labour market needs. Criteria, quotas and evaluation systems contribute to regulating migration and remaining responsive to economic changes. Additionally, there is a need to investigate alternatives to detention. If overcrowded prisons are unsuitable for adult irregular migrants, imagine the effect that they have on unaccompanied minors. Through prevention, protection and partnership, we can create better migration policies that promote human dignity.

Lessons from experience

Irregular migration has consistently left a lasting and significant impact on African society, and it is a subject that strikes a deeply personal chord within me. I was once among the countless individuals who risk their lives to embark on an uncertain journey across several countries to obtain better economic possibilities in South Africa, and I have witnessed firsthand the awful consequences of this life-threatening endeavour. Irregular migration endangers human dignity since migrants are frequently subjected to exploitation, abuse, and devastating living

conditions. As a result, it is my responsibility to tell my narrative and give tangible recommendations for better migration policies that can protect and improve the lives of irregular migrants in general, and unaccompanied minors in particular. These regulations should be guided by international human rights standards, such as the Universal Declaration of Human Rights, which includes the rights to life, liberty, and security of person, and the right to freedom from torture, cruel, and degrading treatment or punishment. They should also promote the right to freedom of expression, religion, work, education, and participation in government.

Abandoned at the border

Born and raised in the Democratic Republic of the Congo, I experienced the unbearable security threats that plagued my homeland. At the age of 17, I made the heart-wrenching decision to leave everything in search of a better life. The path I embarked upon took me across the borders of Burundi and Tanzania, with the ultimate goal of reaching South Africa to find work and support my family. However, my dreams were shattered when I was abruptly abandoned at the Malawian border by the smuggler who had promised to guide me safely through. Left to fend for myself, the journey ahead became increasingly treacherous. Despite desperate attempts to evade detection at the Tanzania-Malawi border, I fell into the hands of the migration police. Deprived of my belongings and subjected to merciless beatings, I found myself trapped in a nightmarish existence. For two agonising weeks, I was confined in a crowded room alongside hardened criminals and fellow minors. The room offered no respite, as it was overcrowded and only allowed a fraction of us to lie down at a time. When given a chance to talk, it was only through careful manipulation of the truth that I managed to escape further abuse. Fearing deportation or prolonged imprisonment, I was compelled to fabricate a story, claiming that I was in search of a refugee camp. By a stroke of luck, I was redirected to a refugee camp, a seemingly small mercy in the face of the torment I had endured. However, the physical and emotional scars of that fateful journey continue to mar my existence, serving

1 This essay is one of this year's Mixed Migration Review Alternative perspectives prize winners – representing academics, writers, and analysts under the age of 30 who are from and based in the Global South. See footnote 1, [page 59](#) for more details.

2 Espoir Bahirwe is a refugee advocate from the Democratic Republic of the Congo. Having experienced irregular migration, he is passionate about advocating for comprehensive migration policies and human rights and promoting the inclusion, empowerment, and self-reliance of refugees.

as a stark reminder of the urgent need for concrete and compassionate regional migration policies.

Prevention through empowerment

Addressing the root causes of irregular migration requires a multifaceted approach that goes beyond policy reforms. Prevention strategies play a crucial role in reducing the risks and vulnerabilities associated with irregular migration. By addressing the root causes that drive individuals to leave their home countries, such as limited economic opportunities, instability, and conflict, governments can create an enabling environment that discourages irregular migration.³ Poverty alleviation programmes, through increasing economic opportunities and improving living conditions for disadvantaged communities, play a critical role in tackling the core causes of irregular migration. The deployment of microfinance initiatives is one specific example. These projects provide individuals and small businesses with microloans and financial services, allowing them to start or develop income-generating activities. In addition, establishing vocational training programmes would be beneficial. Individuals who complete these programmes would get essential skills and technical knowledge in a variety of sectors such as agriculture, carpentry, tailoring, and hospitality. Furthermore, comprehensive strategies, such as conflict resolution and peacebuilding activities, are preventive measures. Diplomatic negotiations, peace treaties, truth and reconciliation commissions, peacekeeping missions, community dialogues, development programs and transitional justice processes are all part of conflict resolution and peacebuilding activities. Collaboration among stakeholders, including governments and civil society, is critical for fostering long-term peace in conflict zones. Combining poverty reduction measures and peacebuilding efforts with targeted interventions is critical in addressing chronic insecurity as well as irregular migration caused by poverty.

Strengthening regional cooperation and dialogue

Since irregular migration is a regional issue, it necessitates a coordinated response. Regional cooperation and dialogue platforms like the Migration Dialogue for Southern Africa provide a vital space for policymakers and stakeholders to engage in constructive

discourse on migration concerns.⁴ Essentially, this entails developing a regional information-sharing network to track unauthorised migrants. Countries would be able to share information about irregular migrants, such as their travel routes, methods of operation, and criminal records. This data might then be utilised to discourage unauthorised migration as well as to apprehend and prosecute smugglers and traffickers. Additionally, cooperative border control operations would also prevent irregular migration. Countries would collaborate to patrol their borders and initiate positive and coordinated responses to smuggling and trafficking. Joint border control operations could also aid in the identification and rescue of endangered irregular migrants. A third measure would be to form readmission treaties with neighbouring countries to expedite the return of irregular migrants to their countries of origin in a safe and orderly manner. When countries join forces, it will address the root causes of unauthorised migration.

Expanding legal migration opportunities

One of the fundamental steps towards addressing irregular migration is expanding legal migration opportunities for individuals seeking employment in South Africa. This could be achieved by sustaining and expanding existing initiatives like the Southern Africa Migration Management Project, which aims to “improve migration management in the Southern Africa and Indian Ocean region guided by, and contributing to, the realisation of the 2030 Development Agenda”.⁵ Essentially, multilateral agreements among the country members of the Southern African Development Community (SADC) to enhance work opportunities for individuals in this region would be beneficial.⁶ This would allow these communities to migrate legally for work and provide them with a safe and regulated way to do so. It could also provide training and support to Malawians and other migrants who are seeking to migrate legally to South Africa or one of the SADC countries, especially people from Mozambique and Zimbabwe. It would also help to connect SADC migrants seeking employment with employers. Creating a more streamlined and efficient process for applying for work visas across country members of SADC would make it easier for individuals to apply for work visas, and it would reduce the risk that they will be forced to migrate irregularly.

3 Watkins, J. (2020) [Irregular migration, borders and the moral geographies of migration management](#). Environment and Planning D: Society and Space.

4 IOM (2016) [Malawi Holds National Consultation on Mixed and Irregular Migration](#).

5 The [Southern Africa Migration Management Project](#) is jointly steered by the International Labour Organization, IOM and the United Nations Office on Drugs and Crime.

6 For example, in 2021, SADC adopted a new [Labour and Migration Action Plan \(2020-2025\)](#) as part of the bloc’s “efforts to promote skills transfer and match labour supply and demand for regional development and integration.”

Conclusion

Reflecting on my journey through irregular migration, I have come to understand the urgent need for comprehensive migration policies. The experiences I faced have strengthened my resolve to advocate for prevention, protection, and partnership. Although staying in the refugee camp, I was fortunate to receive sponsorship for my education and I secured a bachelor's degree, only a negligible number of irregular migration stories like mine have happy endings. Today, I am committed to training others and promoting self-reliance, empowering individuals to build better futures. After the effect, it is safe to say that only through collaborative regional efforts and pragmatic policies we can create a just and humane migration system that upholds human rights and dignity for all. By strengthening regional cooperation, expanding legal migration opportunities, exploring alternatives to detention and investing in prevention through empowerment, we can work towards a society where irregular migration is not an option, ensuring the well-being of all individuals is safeguarded.

Egypt’s mixed migration: benefiting from unstable neighbours and a demanding Europe?

The situation in Egypt may be typical of certain countries dealing with complex mixed migration amid regional instability while balancing contested internal policy choices while reacting, as always, to foreign inducement and pressures.

The sheer number of people involved in Egypt is in itself arresting: according to UNHCR, even before the outbreak of the war in Sudan in April 2023, there were almost 300,000 refugees and asylum seekers in the country (as of March 2023), and IOM calculates it currently hosts 9 million migrants, both regular and

irregular, from 133 countries.¹ Eighty percent of this population are nationals of just four countries: Sudan, Syria, Yemen and Libya. These calculations were made using a quantitative triangulation exercise which to date no one has challenged and which has been quoted by Egypt’s president at the United Nations.² A previous government statement suggested there were 6 million migrants and refugees in Egypt, but that was in 2020 and the geopolitics of the region and beyond have been changing.³ As of June 2022, an estimated 4 million Sudanese nationals, 1.5 million Syrians, 1 million Libyans, and 1 million Yemenis lived in Egypt.

Table 1. Estimated population of the top ten nationalities in Egypt

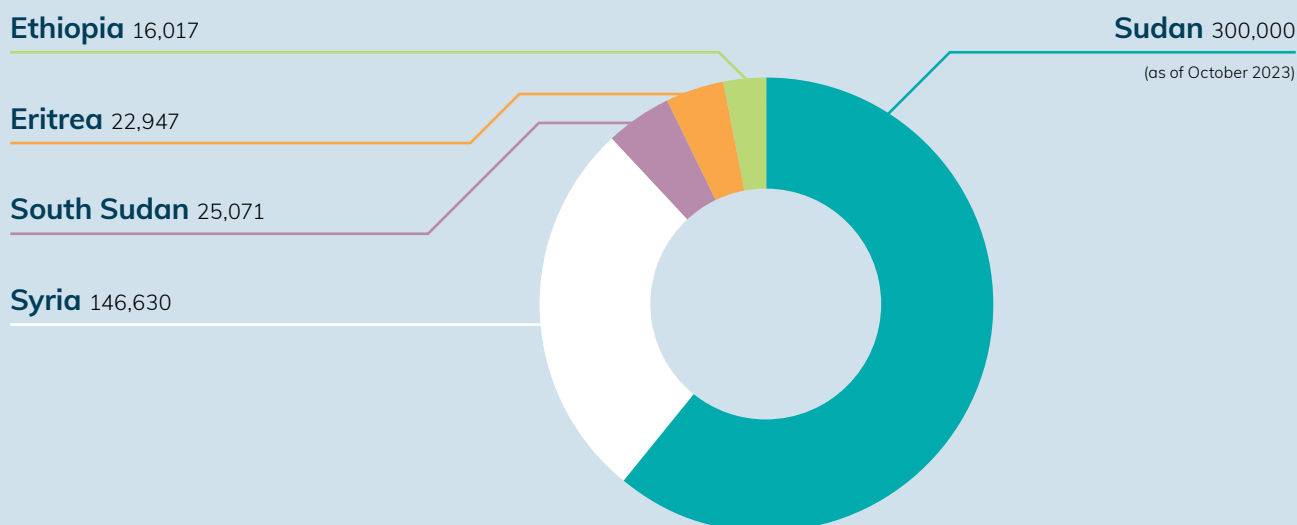
Nationality	Estimated population
Sudan	4,000,000
Syria	1,500,000
Yemen	1,500,000
Libya	1,000,000
Saudi Arabia	600,000
South Sudan	300,000
Somalia	200,000
Iraq	150,000
Palestine	135,932
Ethiopia	17,000
Other nationalities (132)	109,650
Total	9,512,582

Source: [IOM 2022](#)

Migrants and refugees therefore represent almost 9 percent of the whole population. And the numbers have been rising fast in 2023, as hundreds of thousands of Sudanese migrants and potential asylum seekers

have crossed into Egypt fleeing a civil war and joining the existing 4 million Sudanese migrants and 60,000 Sudanese refugees and asylum seekers already in the country.⁴

1 IOM (2022) IOM [Egypt estimates the current number of international migrants living in Egypt to 9 million people originating from 133 countries](#); Also, UNHCR (2023) [Egypt factsheet](#).
 2 IOM (2022) [Triangulation of Migrants Stock in Egypt July 2022](#).
 3 President Abdel Fattah El-Sisi mentioned Egypt hosting “nearly 6 million migrants and refugees who have been forced to leave their countries due to wars, political crises or difficult economic conditions” in his statement before the 75th Session of the UN General Assembly in September 2020.
 4 Michaelson, R. (2023) [‘A deadly trip’: Sudanese refugees find little welcome at Egyptian border](#). The Guardian.

Graphic 1. Top five nationalities of refugees and asylum seekers in Egypt

Source: IOM (2022); UNHCR (2023); UNHCR.

The current political system in Egypt was established following a 2013 military coup d'état and the takeover by President Abdel Fattah El-Sisi, who, according to Freedom House, governs in an increasingly authoritarian manner.⁵ Freedom House and others score contemporary Egypt with low (and falling) civil liberties, low political rights and weak human rights.⁶ Perhaps somewhat surprising, therefore, is the degree to which Egypt cooperates closely with UNHCR in supporting refugees in out-of-camp situations (no camps are permitted) as well as its openness to the integration of migrant communities. Egypt has a comprehensive legal framework that provides for the inclusion of migrants, refugees and asylum-seekers in the national education and health systems and labour markets and which, in most situations, ensures their rights in these areas are equal to those of Egyptian citizens.⁷ During the roll out of Covid-19 vaccinations, initially refugees and asylum seekers and then all migrants including (reportedly) irregular migrants were included.⁸ Egypt regards migrant labour and investment as making positive and important contributions to the economy, in which some 37 percent of migrants are estimated to be working in stable jobs and businesses.⁹ However, some

analysis has found that “certain rights and entitlements provided to migrants, refugees and asylum-seekers are predominantly based on nationality and not on status, and hence not always available to all”.¹⁰ The same report found that treatment of irregular migrants is quite different from that of regular migrants.¹¹

Nevertheless, Egypt remains a tough environment for migrants (as well as Egyptian nationals) with its high levels of poverty and unemployment and relatively low scores in human development and human rights indexes. IOM considers 15 percent of the international migrants in Egypt (between 1.1 million and 1.3 million people) to be vulnerable and in need of customised assistance.¹² Language barriers, cultural differences, and discrimination further exacerbate their difficulties in integration and social cohesion. Additionally, the threat of exploitation, human trafficking, and gender-based violence looms over vulnerable individuals, particularly women and children.¹³

In response to pressure and incentives from Europe, Egypt has been taking a strong stance against irregular

5 Freedom House (2023 online) [Egypt](#).

6 Hassan, T. (2023) [Egypt Events of 2022](#). Human Rights Watch.

7 Beshay, C. (2021) [Thanks to Egypt, Thousands of Refugees are able to Access Health and Education Services](#). UNHCR; United Nations (2022) [Joint Platform for Migrants and Refugees in Egypt - Common Situational Analysis - Education and Health Services for Migrants and Refugees in Egypt](#).

8 Salem, S. (2021) [As Vaccines Roll Out in Egypt, Refugees Are Not Left Behind](#); El Sharqawy, L. (2021) [UN working with Egypt to vaccinate migrants and refugees against COVID-19](#). *Ahram Online*; Immordino et al. (2022) [COVID-19 Vaccination in Migrants and Refugees: Lessons Learnt and Good Practices](#). NCBI.

9 IOM (2022) op cit.

10 United Nations (2022) op cit.

11 Ibid

12 Salem, S. (2021) op cit

13 Human Rights Watch (2022) [Egypt: Sexually Abused Refugees Find No Justice](#); Amnesty International (2020) [Egypt: Protests by Sudanese migrants and refugees over brutal killing of a child met with violence and arrests](#).

migration and, by extension, against trafficking and smuggling.¹⁴ Since 2016 the authorities have intensified efforts to curtail irregular migration to Europe, including by attempting to block boats carrying migrants and refugees from leaving Egyptian coasts. Egyptian authorities also detain and deport migrants and asylum seekers, particularly those without proper documentation, in order to manage irregular migration and address security concerns.¹⁵ Detention conditions have been a subject of concern, with reports of overcrowding and human rights abuses.¹⁶ In 2022, Egypt signed an agreement with the EU on the first phase of an €80-million border management programme to help reduce "illegal" immigration and trafficking of persons across its borders.¹⁷ In mid-2023 it appeared the EU was looking to extend this partnership, in which measures to stem irregular migration and break criminal people-smuggling networks are re-emphasised and given renewed justification after a vessel sank off Greece in June with very high numbers of dead and missing migrants.¹⁸ Nine people subsequently arrested on suspicion of people smuggling are of Egyptian descent.¹⁹ The EU is engaging the whole of North Africa and other so-called front-line countries as part of the "externalisation" of its border management, with notorious deals with Türkiye, Libya and the new €1 billion deal with Tunisia as leading examples.

In what could be seen as an initial migration-diplomacy "sweetener" designed to encourage Egypt to implement its migration policies, the EU promised €20 million to help Egypt support refugees from Sudan as part of a phased €80-million border management programme, at a time when Egyptian migration to Europe has been rising.²⁰ It is what some have dubbed an "uncomfortable yet unavoidable" partnership.²¹ Preventing departures from Egypt while encouraging the country to absorb and integrate migrants and asylum seekers suits the EU very well, but might also offer important opportunities for the Egyptian economy and the normalisation of its regime internationally.²²

Furthermore, following the sudden resumption of violent hostilities between Israel and Hamas militants in Gaza in October 2023, at the time of writing this, it is not clear what role Egypt will take in terms of potentially offering refuge, if wanted, by hundreds of thousands of Palestinians displaced by the fighting and evacuation from northern Gaza. To date, neighbouring countries, including Egypt have stated they are not willing to host new Palestinian refugees.

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- 14 Separate from an earlier period of prolific trafficking mainly in the Sinai Peninsula of predominantly Eritrean asylum seekers heading for Israel (2009-2013/4).
 - 15 Human Rights Watch (2022) [Egypt: Forced Returns of Eritrean Asylum Seekers](#); Reuters (2023) [Eastern Libya forces stage mass deportation of Egyptian migrants](#).
 - 16 Statewatch (2022) [Joint statement: End arbitrary detention and forcible deportation of Eritrean asylum seekers in Egypt](#).
 - 17 Mansour, T. (2023) [EU ready to support Egypt in curbing 'illegal immigration': Schinas](#). The New Arab.
 - 18 O'Carroll, L. (2023) [EU looks to Egypt partnership to tackle people-smuggling networks](#). The Guardian; Tagaris, K. (2023) [Greek migrant tragedy death toll rises, suspects detained](#). Reuters.
 - 19 BBC (2023) [Greek coastguard 'pressured' disaster survivors to blame Egyptian men](#).
 - 20 O'Carroll, L. (2023) [EU looks to Egypt partnership to tackle people-smuggling networks](#). The Guardian; Hearst, K. (2023) [EU pledges millions to Egypt to tackle Sudan crisis and refugee flow](#). Middle East Eye; Lewis, A. (2022) [EU funds border control deal in Egypt with migration via Libya on rise](#).
 - 21 Fattah, A. (2021) [Egypt, the EU, and Migration: An Uncomfortable Yet Unavoidable Partnership](#). DGAP.
 - 22 Halawa, H. (2021) [Burning ambition: Egypt's return to regional leadership and how Europe should respond](#). European Council on Foreign Relations.

Learning about life in Dakar, Senegal

“A person without a vision doesn’t know where they’re going.”



I came to Senegal to study for a master’s two and half years ago. I won a scholarship after earning a bachelor’s degree in my home country, Guinea. About 700 people sat a test for the scholarship and I came fifth. I completed my master’s at the Institut Polytechnique de Dakar Thomas Sanakara. My sister, who received a bursary from the same NGO that helped fund my studies, travelled with me. We came by plane and had no problems during the journey. As an ECOWAS citizen I didn’t need a visa. I just came with my Guinean ID card and passport. Some of my relatives were already living here when I arrived.

When I first got to Dakar it was during the Covid-19 lockdown. I came with 350,000 CFA francs (about \$570), but I couldn’t reach the aunt I was supposed to stay with and had to go to a hotel where I paid 15,000 CFA francs (\$25) per night. After staying there I had spent almost half of my money. Also, because I don’t speak Wolof, taxi drivers often overcharged me. After falling victim to a housing scam, I spent six months sharing a room with a hairdresser and a mechanic. These days, I usually live alone, but right now I am hosting a friend from Guinea who, like me when I first arrived, is having trouble finding his own place.

Now I have a residency card that is valid until 2025. I know the Guinean consulate well because I was a member of the Association of Guinean Students in Senegal, who help with consular logistics. There are many Guineans registered in Senegal. There are students and some shopkeepers and others. Some of them have had similar experiences to me. My friends are among them: they are involved in business or social organisations to help migrants. Some of them also have master’s degrees and others have even started to work here permanently. Some have made a life for themselves here and others did all their education and have families here. They are well integrated here and many have no plans to return to Guinea.

Before coming here I had always had it easy. In Dakar I suffered a lot for the first time and learned a lot about life. My time here has taught me a lot. It taught me responsibility. But in this country, even if you’re struggling, there’s rice next door and you eat. And when I was hungry, I also had people asking me for food, and I told myself I wasn’t the only one who’s actually suffering. When my money ran out, it became a challenge to pay my rent and other monthly expenses. I worked nights at a factory and didn’t sleep enough. But things are different now: at first my mother used to send me money but, now I have a job, I told her to stop and to look after my little brother. Now I send my brother money.

The Senegalese are open. Since I’ve been here, I haven’t had a problem with a Senegalese. In the company where I work, things are fine. I have a lot of friends here. Other advantages of Senegal include job opportunities and cheap training courses, being able to develop professionally, contributing to the country’s development. We can go wherever we want. There is no sense of exclusion; we have the same access to all services as Senegalese people. For my part, I’m often involved in sports, and give private lessons to children. And above all, there are beautiful women here. Maybe I’ll find my wife and start a family.

My plan is to gain experience in the field of logistics and to learn about the culture here in Senegal and then return to Guinea to use my specialist knowledge to improve conditions and increase opportunities for young people there, invest in my country’s future, set up my own consultancy firm. I am currently working as a logistics assistant with a security company in Dakar. But I won’t stay here no matter what salary I am offered. I am also interested in creating my own fashion brand. When I started my current job, the director remarked on the way I dress, saying I dress differently and in a classier way compared to the other employees. This inspired me to consider starting my own clothing line. It is important to have objectives because a person without a vision doesn’t know where they’re going. They’re bound to get lost.

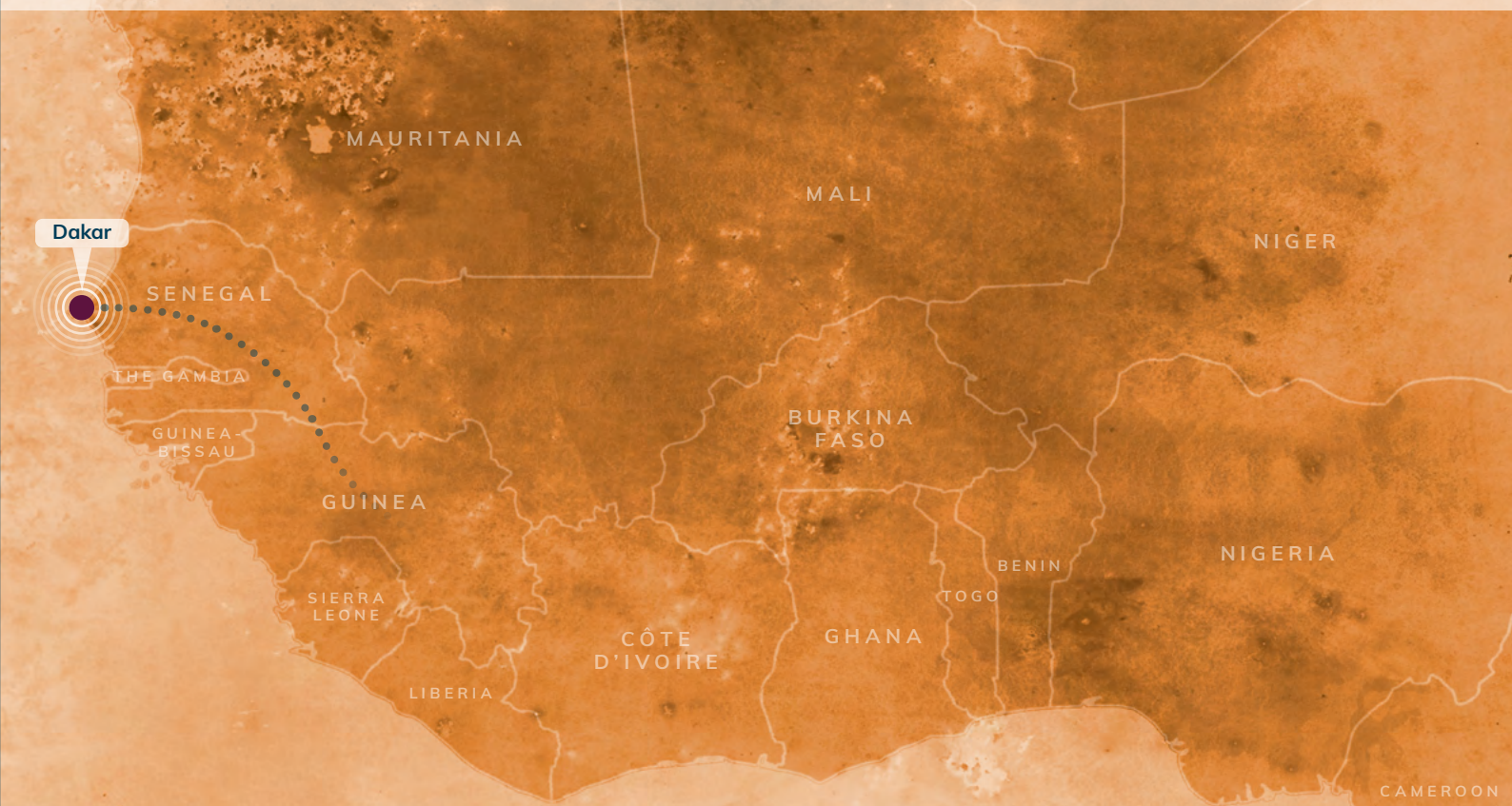


Photo credit: SolStock / iStock

In many parts of the world, 2023 brought more severe rights violations against migrants and refugees by smugglers and traffickers. Abuses included sexual assault, physical violence, detention, modern slavery and murder, often committed with impunity. However, some arrests of high-profile human traffickers did occur in 2023, involving some notorious men who have violated and extorted thousands of migrants and refugees in Libya. (See, Normalising the extreme, [page 22](#); Thematic snapshot on Prosecuting high-profile smuggler-traffickers, [page 46](#); Interview with Patricia Sellers, [page 41](#)).



Photo credit: AlfaNet / Shutterstock

An estimated 1.5 million Syrian refugees who fled Syria for Lebanon since 2011 continue to live in hardship and face increasing levels of discrimination in 2023. Lebanon has the largest population of Syrian refugees per capita in the world. At the same time, Lebanon is facing its own economic and political crises, prompting increasing numbers of Lebanese to join Syrian refugees in mixed migration out of the country. (See Essay – Selective and strategic indifference: Lebanon’s migration and refugee landscapes in the absence of inclusive legal frameworks, [page 117](#); Keeping track in the Middle East, [page 110](#)).



Section 3: The Middle East

Overview

While the intensity of the conflict in Syria has now reduced from previous levels, there is little prospect in sight of a durable end to the legacy of mass displacement, both within the country itself and across the region where Lebanon, Türkiye and Jordan are together hosting millions of refugees. Notwithstanding the clearly unsuitable conditions for return for the majority of Syrians, including many displaced within the country who are still unable to return to their homes due to insecurity or the destruction of their places of origin, both the Lebanese and Turkish governments in particular are calling for the mass repatriation of Syrians in the near future. In this atmosphere, deportations, abuse and violence against Syrians appears to be on the rise.

Elsewhere in the region, again despite a relative reduction in fighting there, the mass displacement and devastating humanitarian impacts of the Yemen crisis have continued. Though the abuse and violence many refugees, migrants and asylum seekers face on arrival is relatively well documented, many are still risking the dangers of the crossing from the Horn of Africa and the subsequent threat of torture, extortion and even death in the hope of reaching Saudi Arabia. However, even more shockingly, Saudi border guards have been systematically enacting even more extreme and brutal policies of mass shooting, shelling and execution that have left hundreds dead and countless others injured.

Syria

More than twelve years after the outbreak of conflict, over half of **Syria's** population remain displaced, either internally or as refugees. While the regime of President Bashar al-Assad now occupies around 70 percent of Syrian territory, with the support of its allies Iran and Russia, Kurdish forces hold part of the northeast of the country while Idlib is controlled by an assortment

of opposition groups and militants.¹ Of the more than 6.75 million IDPs currently living in Syria, 1.9 million are concentrated in Idlib, 1.27 million in Aleppo, 1.1 million in rural Damascus, 600,000 in Damascus and 448,000 in Latakia.² While fighting in many areas has reduced substantially, the impacts of the conflict continue to be felt: Aleppo, for instance, while largely under government control, is still devastated by the effects of protracted bombing by Russian and Syrian forces as well as the impacts of the earthquake in February 2023. The scale of need in the country remains extreme, affecting not only those displaced but also the majority of the population as a whole, with 15.3 million people requiring humanitarian assistance.³

Of the 6.8 million Syrian refugees, the large majority (more than 5.2 million) remain in the region, predominantly in Türkiye (3.3 million), Lebanon (795,300 registered with UNCHR, though official estimates of the actual number is significantly higher at 1.5 million), Jordan (659,500, though like Lebanon the actual number of Syrians in the country may be considerably higher, at around 1.3 million) and Iraq (263,900).⁴ More than 1 million Syrians are also living as refugees in Europe, the majority in Germany and Sweden.⁵ There were only 51,300 returns to Syria in 2022, an increase from 36,500 the previous year but nevertheless only a fraction of the refugee population,⁶ and including many not choosing voluntarily to do so.⁷ This points to continued concerns among refugees about the situation in Syria. While a recent survey with refugees and asylum seekers in Egypt, Iraq, Jordan and Lebanon suggested the majority of refugees and asylum seekers in the region still hoped to return eventually, in most cases the ongoing insecurity and poor living conditions in Syria mean that only a small number intend to do so in the near future.⁸ Nevertheless, many are concerned that the apparent normalisation of diplomatic relations with the Assad regime, signalled by Syria's reinstatement to the Arab Council in May 2023, could serve as a pretext for large-scale returns in future.⁹

1 Loft, P. (2023) [Syria's civil war in 2023: Assad back in the Arab League](#). UK House of Commons Library.

2 UNHCR (2023) [Operational data portal: Syrian Arab Republic](#).

3 Humanitarian Services (2023) [Syrian Arab Republic](#).

4 UNHCR (2023) [Syria regional refugee response](#).

5 UNHCR (2021) [Syria refugee crisis – Globally, in Europe and in Cyprus](#).

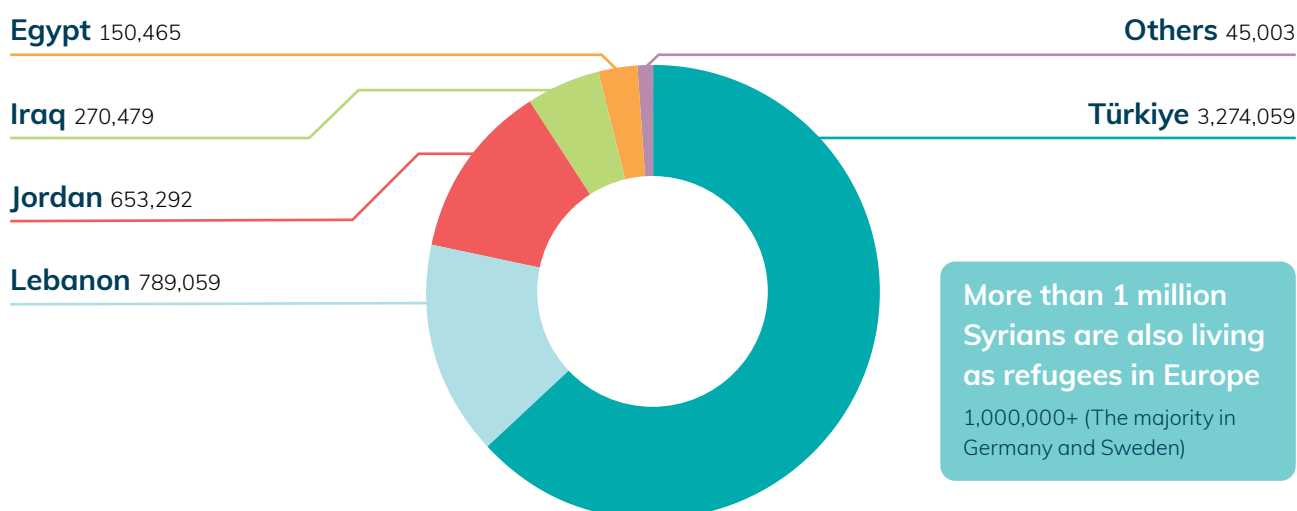
6 UNHCR (2023) [Middle East and North Africa](#).

7 Michaelson, R., al-Omer, A. & Bower, E. (2023) [‘We fear leaving the house’: Lebanon and Turkey step up deportations of Syrian refugees](#). The Guardian.

8 UNHCR (2023) [Eighth regional survey on Syrian refugees' perceptions and intentions on return to Syria: Egypt, Iraq, Lebanon, Jordan](#).

9 Damon, A. (2023) [Syrian refugees fear normalisation with Assad. Because it means they will have to return—and not by choice](#). Atlantic Council.

Graphic 1. Location of Syrian refugees 2023 (as of 5 October 2023)



Source: UNHCR (2023) [Syria regional refugee response](#); UNHCR (2021) [Syria refugee crisis – Globally, in Europe and in Cyprus](#); UNHCR.

Conditions become more difficult for refugees in the region

While **Lebanon** continues to host the largest refugee population per capita in the world, with government figures suggesting that as many as 1.5 million Syrian refugees are living in the country,¹⁰ its attitude towards these new arrivals has become increasingly ambivalent. With Lebanon's economic and political crisis only deepening, Syrian refugees have been widely scapegoated for a host of problems and the target of increasing hostility both from officials and many Lebanese citizens. While living standards have declined sharply for host and refugee communities alike, the conditions faced by the latter are especially challenging. According to the 2022 Vulnerability Assessment of Syrian Refugees in Lebanon carried out by UN agencies, the large majority face livelihood insecurity, poverty and food shortages that were forcing almost all (97 percent) of them to adopt various coping strategies to make ends meet, including taking on more debt to buy food on credit, reducing expenditure on healthcare and even withdrawing children from school. Their vulnerability is exacerbated by the fact that only 17 percent of refugees have legal residency, though the proportion is even lower for women, placing more than four-fifths of the Syrian refugee population at risk of discrimination, arrest and even deportation.¹¹

The protection gaps Syrians face in Lebanon have become even more acute during 2023, with an apparent escalation in arbitrary deportations by

Lebanese authorities. Thousands have been rounded up and forcibly repatriated to Syria, reportedly without consideration of their refugee status or the risks facing them on return. These actions have been condemned by human rights groups as a clear violation of international law.¹² In addition to the very real dangers faced by those who have been forced to leave—some of those deported were subsequently detained, tortured or forcibly recruited into the Syrian military—the wave of arrests has had a chilling effect on the already limited freedoms available to Syrian refugees in Lebanon, with many scared to leave their homes for fear of being rounded up by police.¹³

In **Türkiye**, too, the relatively open environment in the first years of the crisis, when millions of Syrians were welcomed into the country and some even subsequently granted citizenship, has given way to increasing hostility. The refugee presence has become highly politicised, with opposition groups campaigning ahead of national elections in May 2023 on the issue with pledges to send back all refugees to their country of origin.¹⁴ Türkiye's President, Recep Tayyip Erdoğan, who was previously accused by his opponents of granting citizenship to Syrians as a means of gaining votes, has hardened his position on refugees. While promising not to forcibly return Syrians,¹⁵ he nevertheless sought to align with growing anti-refugee sentiment during the election with a commitment to facilitate the "voluntary return" of 1 million Syrians.¹⁶ Hundreds of Syrians have been deported during the year: in some cases, refugees were held by security forces and threatened into signing

10 UNHCR (undated) [UNHCR Lebanon at a glance](#). Also; See essay on Lebanon on [page 115](#).

11 UNHCR, WFP & UNICEF (2022) [VASyR 2022: Vulnerability assessment of Syrian refugees in Lebanon](#).

12 HRW (2023) [Lebanon: Armed forces summarily deporting Syrians](#).

13 Michaelson, R., al-Omer, A. & Bower, E. (2023) ['We fear leaving the house': Lebanon and Turkey step up deportations of Syrian refugees](#). The Guardian.

14 Gavin, G. (2023) [I'll kick all refugees out of Turkey, Erdoğan rival vows](#). Politico.

15 Al Jazeera (2023) [President Erdogan pledges Turkey will "not expel" Syrian refugees](#).

16 D'Ignotti, S. (2023) [Future unknown but Syrians in Turkey "relieved" after Erdogan win](#). Al Jazeera.

“voluntary” return forms before being sent back to Syria.¹⁷ In May 2023, reports emerged that Türkiye had begun construction of 240,000 houses in northern rebel-held Syria to accommodate anticipated returns.¹⁸

The targeted rhetoric against Syrians reflects a wider popular resentment towards the country’s large refugee population, exacerbated by Türkiye’s deepening economic malaise and the devastating February 2023 earthquake along the Türkiye-Syria border. Besides an apparent rise in the number of violent attacks carried out against civilians, Syrians attempting to enter Türkiye have been detained and abused, with reports in March 2023 of a Syrian boy and man being beaten to death by border guards and another where a man on the Syrian side of the border was shot dead. According to Human Rights Watch, these incidents point to a longstanding pattern of extreme violence and impunity by Turkish security forces towards Syrian refugees and asylum seekers attempting to cross the border.¹⁹

Even in **Jordan**, long a haven for Syrian refugees, there is anxiety that the government’s spearheading of greater cooperation with the Assad regime could augur a shift towards a policy of promoting returns. While Jordan has not launched a campaign of forced deportations along the lines of that in Lebanon, it has nevertheless expelled tens of thousands of Syrians over the years for misdemeanours or lack of legal registration.²⁰

“A crisis within the crisis”: the devastating earthquakes at the Türkiye-Syria border

The two earthquakes that hit central and southern Türkiye and western Syria on 6 February 2023 were among the worst the region had ever experienced, killing more than 50,000 people and injuring more than 100,000 others. Vast swathes of housing and essential infrastructure were also destroyed, leaving many homeless: in Türkiye alone, an estimated 3.3 million people were displaced by the disaster.²¹ The impacts were compounded by the already challenging conditions on both sides of the border that have made it a “crisis within the crisis”.²² On the

Turkish side, an area populated by large numbers of refugees living in camps and shelters, many more have been forced into displacement. On the Syrian side, meanwhile, the earthquake has aggravated the already unbearable living conditions in Idlib province: in an environment where illnesses such as cholera and scabies were already present, the destruction of water and sanitation infrastructure has created further public health risks.²³ In Aleppo, families already struggling to meet their daily needs have had to skip meals, get into debt or take their children out of school to survive.²⁴ The earthquake also uprooted thousands of people who had already experienced displacement, in many cases more than once, as a result of the conflict.²⁵

Besides the humanitarian impacts, the earthquakes have also had significant political implications. While the Turkish government was sharply criticised for the slowness of its response to the catastrophe, prompting speculation that it might cost Erdoğan victory in the forthcoming national elections, Syrian refugees were the target of a misinformation campaign that accused them of looting shops and stealing aid. Despite the fact that at least 1,500 Syrians died and around 20,000 others returned to Syria due to deteriorating living conditions in the wake of the earthquakes,²⁶ far-right and nationalist groups were quick to exploit the tragedy to mobilise anti-refugee sentiment.²⁷ Syrians were not the only nationality to experience these problems, however: Afghan, Iranian, Iraqi and Somali refugees interviewed by MMC also reported heightened tensions as well as greater difficulties accessing housing and work.²⁸ In northwest Syria, meanwhile, where much of the worst impacts of the earthquake was felt in rebel-held areas of Aleppo and Idlib province, the provision of essential humanitarian assistance was hampered by the competing demands of the Assad government and opposition groups, including the armed group Hayat Tahrir al-Sham.²⁹ Critics of the Syrian government also accused Assad of using the disaster to support the normalisation of his regime within the Arab region.³⁰

17 Michaelson, R., al-Omer, A. & Bower, E. (2023) [‘We fear leaving the house’: Lebanon and Turkey step up deportations of Syrian refugees](#). The Guardian.

18 The New Arab (2023) [Turkey kicks off Syria housing project for refugee returns](#).

19 HRW (2023) [Turkish border guards torture, kill Syrians](#).

20 Debre, I. (2023) [They fled Syria’s shattering civil war. Now, Syrian refugees in Jordan fear being forced to return](#). Los Angeles Times.

21 Government of Türkiye (2023) [Türkiye earthquakes recovery and reconstruction assessment](#).

22 Karlsen, V. (2023) [The earthquakes in Türkiye and Syria: A crisis within the crisis](#). UNHCR.

23 IMC (2023) [Syria/ Türkiye earthquakes situation report #10, June 7, 2023](#).

24 Oxfam (2023) [Almost three-quarters of displaced Syrians surveyed in Aleppo say they are having to skip a meal every day since the earthquake](#).

25 Action for Humanity (2023) [No place but displacement: A report into multiple displacement of IDPs in Northwest Syria due to 12 years of conflict and February 6th’s earthquakes](#).

26 Dawi, A. (2023) [After earthquake, some Syrian war refugees look beyond Turkey](#). VOA.

27 Inanc, Y.S. (2023) [Turkey earthquake: Grief gives way to anger as anti-Syrian sentiment boils](#). Middle East Eye.

28 MMC (2023) [Türkiye-Syria earthquake’s impact on Afghan, Iranian, Iraqi and Somali migrants and refugees in Türkiye](#).

29 Al Jazeera (2023) [UN aid trucks cross from Syrian gov’t area to rebel-held Idlib](#).

30 IISS (2023) [Syria’s frozen conflict and a wave of earthquake-related diplomacy](#).

The continued exploitation of migrant workers in the Gulf

Tens of millions of migrant workers, predominantly from South and Southeast Asia, are based in the Gulf states. They play a vital role in the economies of their host countries, making up the bulk of the workforce in construction, hospitality and domestic work. In many countries migrants also make up a majority of the population: in the United Arab Emirates (UAE), for instance, almost nine out of ten people residing in the country are foreign workers. Nevertheless, their lives continue to be characterised by social exclusion, economic marginalisation and the constant precarity created by the notorious *kafala* (sponsorship) system. Though most countries have implemented some reforms to *kafala* in recent years, in reality most of its principles remain in place. The system has served to deepen the inequalities between migrants and their employers who, as sponsors, have considerable power over the right of their workers to remain in the country. Unsurprisingly, this has created an enabling environment for unfair and coercive practices.

In many Gulf states, the opaque administrative processes involved in securing work permits continue to impose high financial costs on migrants themselves while leaving them dependent on the goodwill of their employer. In this context, foreign workers are highly vulnerable to detention and deportation, particularly in the event that their documentation expires or they are deemed to have violated the national labour law in some way. This was illustrated by a wave of arrests and expulsions across the region in the first half of 2023, with **Oman** undertaking weekly roundups of migrant workers engaged in sectors earmarked for Omani citizens. Similarly, **Kuwait** has also been undertaking mass expulsions as part of a drive to lower the proportion of foreigners in its workforce, with more than 9,000 foreigners deported between January and April for various administrative infractions.³¹ In **Bahrain**, meanwhile, with authorities escalating workplace inspections, almost 1,100 migrant workers were deported in the first quarter of 2023, an increase of 500 percent compared to the same period the previous year.³²

The protection gaps are especially glaring for female migrant workers who are disproportionately exposed to the risk of assault. These problems were highlighted in January 2023 by the rape, murder and incineration of a 34-year-old domestic worker from the Philippines by

the 17-year-old son of her employer in **Kuwait**. Though the authorities sought to frame her death as an isolated incident, previous cases point to a wider trend: indeed, the Philippines has issued worker deployment bans in 2018 and 2020 in the wake of similar murders of female nationals by their Kuwaiti employers.³³ In the wake of this latest killing, the Philippines again suspended the deployment of its nationals to Kuwait, prompting the Kuwaiti government to retaliate with a visa ban on new Filipino migrant workers.³⁴

Qatar in the wake of the World Cup

The announcement in 2010 that **Qatar** would be the host of the 2022 FIFA World Cup was widely derided by human rights groups at the time, who pointed to the country's longstanding history of discrimination and exploitation of migrant workers. In the ensuing years, despite repeated assurances of reform, reports continued to emerge of the human cost of the event for those working to build the hotels, stadia and other facilities necessary to accommodate the millions of visitors who would attend. While Qatari authorities put the official number of work-related deaths among migrant workers since 2010 at 40, other independent estimates are much higher: *The Guardian*, for instance, calculated in early 2021 from government sources that over 6,500 South Asian migrants (originating from Bangladesh, India, Nepal, Pakistan and Sri Lanka) had died there in the decade since the World Cup was announced—a figure, it should be noted, that does not include deaths among nationals from other major sending countries, such as Kenya and the Philippines.³⁵

Supporters of Qatar's hosting of the World Cup presented the event as a potential pathway for improved human rights in the country, pointing to various reforms implemented in the build-up to November 2022. However, activists argue that many of the proposed amendments have stalled or not been effectively implemented, meaning that little has changed on the ground for migrant workers in terms of their security, freedoms or economic prospects.³⁶ The situation in the months after the World Cup ended appears to have borne this out. In February 2023, for instance, hundreds of migrants who had previously worked as security officers during the World Cup protested non-payment and premature termination of contracts by their employers, with many reportedly left destitute and homeless.³⁷ These accusations were echoed by Human Rights Watch in June: highlighting the failure of authorities to provide redress for past abuses or halt new forms of exploitation, the NGO condemned “the inadequacies of Qatar's labour reforms and the shameful

31 Migrant-Rights.org (2023) [Thousands of migrants detained and deported across GCC, with no regards to their rights](#).

32 Al Daaysi, R. (2023) [500pc surge in number of workers deported](#). GDNOnline.

33 Al-Sulaiman, N. (2023) [Jullebee Ranara's murder is a failure of state and society](#). Migrant-Rights.org; Aben, E. (2023) [Murder of Filipina worker in Kuwait sends shockwave through Philippines](#). Arab News.

34 Santos, A. (2023) [Kuwait, Philippines ties tense over migrant workers' rights](#). DW.

35 Dart, T. (2022) [How many migrant workers have died in Qatar? What we know about the human cost of the 2022 World Cup](#). *The Guardian*; Patisson, P. & McIntyre, N. (2021) [Revealed: 6,500 migrant workers have died in Qatar since World Cup awarded](#). *The Guardian*.

36 *The Guardian* (2022) [Has the World Cup really improved workers' rights in Qatar? Five experts give their verdict](#).

37 Migrant-Rights.org (2023) [Hundreds of World Cup workers stage protest, remain unpaid and destitute](#).

human rights legacy of the 2022 FIFA World Cup”.³⁸

A report published in June 2023 by the Business and Human Rights Centre, drawing on interviews with dozens of migrant workers who had moved to Qatar ahead of the World Cup, provides further evidence of the exploitative nature of many work arrangements. Having paid extortionate fees to recruitment agencies for visas, many received lower wages than promised, were forced to work overtime without additional pay or had their contracts terminated prematurely. Despite reforms, the persistent power inequalities between workers and their employers afforded little recourse for migrants to speak out or seek redress for violations, with many reportedly pressured or intimidated by companies to remain silent. A significant portion of those who did raise grievances were subsequently targeted with retaliatory measures, including even deportations in the worst cases. Despite evidence of some notable improvement to living conditions, safety standards and freedom of movement, with the majority of those surveyed able to retain possession of their passport—a significant step, given that confiscation of personal documents by employers was previously a routine practice³⁹—other longstanding issues, including wage theft and excessive working times, have persisted.⁴⁰ The long-term legacy of the World Cup, for better or worse, will be determined by the degree to which the putative progress achieved is maintained and strengthened. So far, reports by activists and labour unions paint a troubling picture of unravelling standards and regression of worker rights since the final whistle was blown.⁴¹

Despite some reforms to the kafala system, many problems remain

Across the Gulf, the majority of governments have responded to growing criticism of the *kafala* system with a series of highly publicised reforms.⁴² However, as the continued exploitation of the region’s migrant workforce testifies, these have failed to address the underlying drivers of exploitation. In Saudi Arabia, for instance, despite official announcements back in 2021 that many of the worst elements of the *kafala* system had been dismantled, in practice the exclusionary nature of work arrangements for migrants has remained in place. For instance, while migrants no longer have to apply to their employers for an exit visa, they still need to pay a processing fee and submit various documents to the Saudi government before they can leave. As a result, migrants are still restricted by onerous and costly

requirements, even if their direct dependency on their employers is somewhat reduced. Furthermore, in January 2023, Saudi authorities announced that the cost of exit and entry permits would be doubled.⁴³

Part of the problem is that, when more progressive labour legislation is passed, the most vulnerable groups of migrant workers are frequently excluded from its provisions. This is the case with various reforms passed in 2021 in Saudi Arabia that in principle provided greater freedom and mobility to migrant workers, but left out some 3.6 million migrants engaged as domestic workers, private drivers, security guards and other occupational groups from its protections, as well as the 3.5 to 4.4 million workers living without documentation in the country.⁴⁴ Progress towards more meaningful protections for all are stymied not only by the inequalities between employer and employee, but also at an international level between the Gulf states receiving migrants and their countries of origin. When countries such as Indonesia and the Philippines have suspended deployments of their nationals to Saudi Arabia in protest at abusive conditions there, the Saudi government, rather than engaging in good-faith discussions with the existing sending countries on how protections could be strengthened, has quickly struck deals with other countries to guarantee the continued supply of cheap and exploitable labour.⁴⁵

All too frequently, when governments do focus on streamlining labour migration processes, they do so primarily with the interests of employers in mind rather than the needs and rights of their migrant workforce. A case in point is Bahrain’s proposal to introduce ceilings on recruitment costs and worker salaries, announced in July 2023. While ensuring greater oversight to the poorly regulated area of recruitment could be a positive outcome, the monthly wage cap currently under consideration by Bahraini authorities of around \$320 for domestic workers would be lower than the minimum required by the Philippines embassy in Bahrain for contracts with Filipino nationals. Though, with the exception of Kuwait and Qatar there are no minimum wages in place for domestic workers in the Gulf, the legislation would put Bahrain in the unique position of being “the first country to impose a maximum salary without stipulating a minimum wage.”⁴⁶

38 HRW (2023) [Qatar: Six months post-World Cup, migrant workers suffer](#).

39 HRW (2012) [Qatar: Migrant construction workers face abuse](#).

40 Business and Human Rights Centre (2023) [After the final whistle: Migrant workers speak out on exploitation during Qatar World Cup 2022](#).

41 Ingle, S. (2023) “Positive change has ceased” for workers in Qatar since World Cup, unions say. The Guardian.

42 MMC (2022) [Mixed Migration Review 2022](#).

43 Migrant-Rights.org (2023) [Saudi Arabia doubles exit and return visa fees for migrants](#).

44 Migrant-Rights.org (2021) [Saudi labour reforms to come into force](#).

45 Migrant-Rights.org (2022) [Saudi Arabia signs agreements to recruit domestic workers from Sierra Leone, Thailand, and Burundi](#).

46 Migrant-Rights.org (2023) [Bahrain to impose maximum salary ceiling for domestic workers](#).

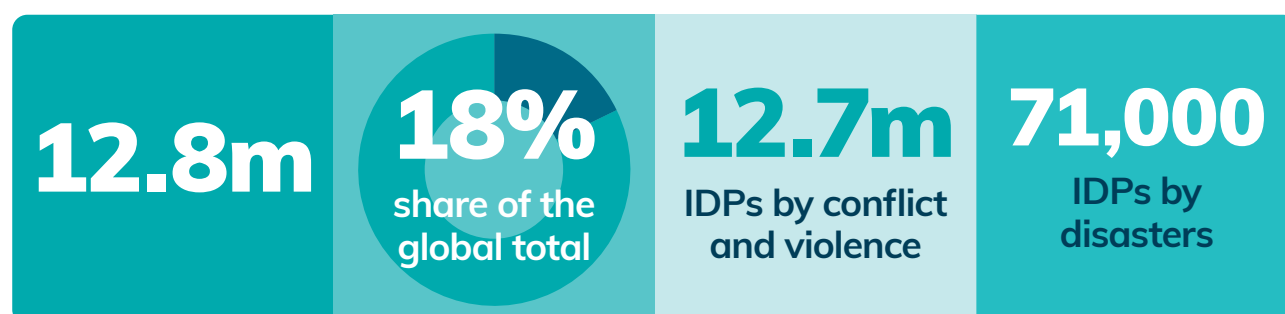
Conflict and displacement in Yemen

For more than eight years, Yemen has been consumed by a civil conflict that has already cost hundreds of thousands of lives. As of the end of August 2023, there were 21.6 million people in need of humanitarian assistance in the country and an estimated 4.5 million internally displaced.⁴⁷ The migration landscape is further complicated by the significant number of Yemenis returning, often under duress, from Saudi Arabia: in May 2023, 5,466 Yemeni returnees entered Yemen.⁴⁸ This is part of an ongoing trend in Saudi Arabia, taking place in

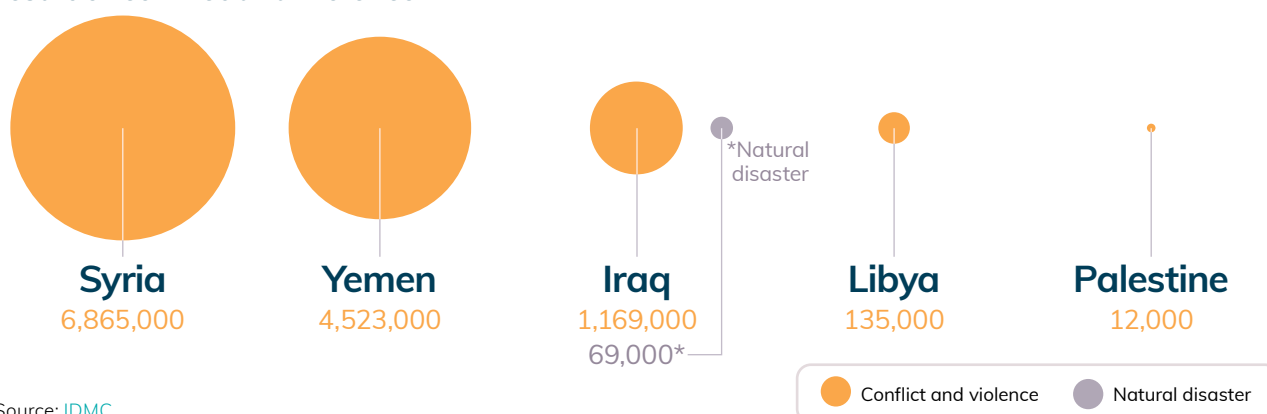
a changing economic climate and in the wake of various regulatory reforms, with more than 65,700 Yemeni returns in 2022.⁴⁹

Though the civilian population in general face severe challenges, the pressures are especially acute for its IDPs and returnees. And while the security situation has improved since April 2022, when a UN-brokered truce was in place, conflict-related displacement continues.⁵⁰ Renewed efforts for a lasting ceasefire, including talks in April 2023 between the coalition government and Houthi rebels promoted by Saudi Arabia, a major actor in the conflict itself, have raised hopes of a durable peace agreement in the country to end the violence.⁵¹

Graphic 2. Internally displaced in North Africa and Middle East, as of start of 2023



Five countries with the highest number of IDPs in the Middle East as of end of 2022, as a result of conflict and violence



Source: IDMC.

The dangers of irregular migration through Yemen

After a sharp decline during the Covid-19 pandemic, the number of migrants crossing the Red Sea and Gulf of Aden from the Horn of Africa has been on the rise, with most hoping to reach Saudi Arabia for work. The number of recorded arrivals in Yemen in the first seven months of 2023 was 86,630, far in excess of the estimated 34,437 during the same period of 2022 (28,092).⁵² This is despite the dangers of the route and the continued insecurity

in Yemen itself. Many end up stranded in the country, unable to head on to Saudi Arabia or leave Yemen; current estimates suggest that almost 43,000 migrants are trapped in this way. Around 1,500 are being held in different camps by smuggling outfits, where they are forcibly detained without access to basic services and compelled to work as labourers in plantations or ports.⁵³

The abuses associated with irregular migration into Yemen have been well documented, even if the scale of

47 OCHA (2023) [Yemen situation report: 24 June 2023](#).

48 IOM (2023) [IOM Yemen dispatch: May 2023](#).

49 ACAPS (2023) [Yemen: Social impact overview 2022](#).

50 IOM (2023) [IOM Yemen appeal, January-December 2023](#).

51 Wintour, P. (2023) [Saudi Arabia makes peace proposal for Yemen after Houthi talks](#). The Guardian.

52 IOM (2023) [Migration along the Easter Corridor: Report 41 as of 31 July 2023](#).

53 ACAPS (2023) [Yemen: Social impact overview 2022](#).

their brutality remains underappreciated and little has been done to disrupt the predatory criminal networks who promote and profit from this movement. A recent MMC-backed report by Ravenstone Consult, drawing on extensive field research, highlighted some of the features that have made this route uniquely dangerous for those travelling along it. One of the most disturbing features of the smuggling industry operating between the Horn of Africa and Yemen is that migrants are not only service users—however poorly served—but also commodities trafficked by the very people they have commissioned to take them to their destination. Migrants, who are often first recruited by agents in Ethiopia through deception, are often exchanged repeatedly between different gangs and exploited for slavery, prostitution and forced labour. The central economic impetus of these activities is not, as is generally the case elsewhere, the upfront payment that migrants make to be transported: instead, the main profit lies in the sizeable sums that traffickers receive by selling them on to others and extorting ransom payments from friends or relatives back home for release. Those whose families are unable to make the payments may be detained indefinitely, with some disappearing forever. Even those whose ransoms are paid promptly and are eventually released are still likely to experience physical violence or sexual assault at the hands of the smuggling gangs.⁵⁴

No respite in Saudi Arabia

The brutality suffered by migrants in Yemen does not end for those who manage to move on. Though the mass detentions and forcible returns are well documented, less visible is the continued “commoditisation” that the fraction of migrants who are able to cross the Saudi border—a process in many ways even more lethal than the journey there—experience once they are in Saudi Arabia. This includes further extortion by smugglers on arrival, the subsequent theft of wages, violence by employers and the hazardous conditions in prisons, where numerous migrants have reportedly died while in detention. Many remain in a state of “missingness”, held captive by smugglers or abusive employers, and have little recourse to protection from the country’s hostile security forces.⁵⁵

In addition, migrants face the constant threat of detention and deportation. Saudi authorities have regularly conducted mass round-ups of Ethiopian migrants in particular, often detaining them for months in inhumane

and unsanitary conditions before their expulsion. Well over half a million Ethiopians have been deported since 2017,⁵⁶ including more than 39,200 in the first five months of 2023.⁵⁷ Yemeni workers are also being targeted in greater numbers. Paradoxically, while authorities have continued to round up and deport large numbers of Ethiopian migrants during 2023, at the same time they have partnered with the Ethiopian government to open up a programme for around 500,000 Ethiopian women to travel to Saudi Arabia to be employed as domestic workers. The government-sponsored programme, with flights paid by the Ethiopian government, has been justified on the basis that it would provide greater oversight and provide Ethiopians with a safe and legal means of passage instead of the dangerous irregular pathway thousands continue to pursue.

However, in a context where Ethiopians are still dying in custody in Saudi prisons and being summarily expelled, there are concerns that adequate protections have yet to be put in place to ensure Ethiopian migrant workers do not experience more abuse in future.⁵⁸ This is especially relevant given how frequently arrests and incarceration occur. For instance, recent research by MMC, based on interviews with Ethiopian returnees, highlighted that the overwhelming majority (95%) of respondents had experienced detention before leaving the country.⁵⁹ At present, even migrant labourers who enter Saudi Arabia through regular pathways may end up losing their legal status if they seek to change jobs or escape abusive employers, placing them at risk of detention and expulsion.

Spotlight on mass killings of migrants by Saudi security forces at the border

Alongside the deteriorating situation in Yemen, recent reports by Ravenstone Consult, MMC and Human Rights Watch have highlighted the further dangers migrants face once they attempt to enter Saudi Arabia. Together, they present evidence of the repeated, indiscriminate killing of hundreds of migrants, including women and children, at the hands of Saudi border guards.⁶⁰ For full details, see the Thematic snapshot on [page 124](#).

54 Ravenstone Consult (2023) [Captive commodities: “This route is like a fire” – Commodification, exploitation and missingness of Ethiopian irregular migrants on the Eastern Route to Yemen and Saudi Arabia](#).

55 Ravenstone Consult (2023) [Captive commodities: “This route is like a fire” – Commodification, exploitation and missingness of Ethiopian irregular migrants on the Eastern Route to Yemen and Saudi Arabia](#).

56 Aduana, G. (2022) [Half a million Ethiopian migrants have been deported from Saudi Arabia in 5 years – what they go through](#). The Conversation.

57 IOM (2023) [Migration along the Eastern Corridor: Report 39 as of 31 May 2023](#).

58 Zelalem, Z. (2023) [Ethiopia recruits 500,000 women for domestic work in Saudi Arabia](#). Al Jazeera.

59 MMC (2023) [Experiences of Ethiopian returnees in Saudi Arabia: Employment and unmet expectations](#).

60 HRW (2023) [Saudi Arabia: Mass killings of migrants at Yemen border](#); Ravenstone Consult (2023) [Captive commodities: “This route is like a fire” – Commodification, exploitation and missingness of Ethiopian irregular migrants on the Eastern Route to Yemen and Saudi Arabia](#); Frouws, B. and Horwood, C. (2023) [Murderous border controls: the mass killings of Ethiopian migrants along the Saudi Arabian – Yemen border](#). MMC.

Selective and strategic indifference: Lebanon's migration and refugee landscapes in the absence of inclusive legal frameworks

Amid an unprecedented power vacuum and a dire cost-of-living crisis in the world's most expansive host of refugees, it is essential to urgently consider how to better integrate refugees and migrants into Lebanon's labour force and to acknowledge their positive impact on the country's economy.

By Jasmin Lilian Diab¹

Introduction

Lebanon remains entangled in one of the worst socio-economic crises of the 21st century.² Ever since Michel Aoun's six-year term as president ended in October 2022, Lebanese lawmakers have persistently failed to pick a successor, leaving the country stuck in the most prolonged power vacuum in its complex and conflict-ridden history.³ While Lebanon's population struggles to meet their basic needs, secure their livelihoods and access goods and services, policymakers have been unable to elect a president, push for reform, or hold anyone accountable for the injustices the country has endured since 2019, including a mismanaged global pandemic and the largest non-nuclear explosion in history.⁴

Lebanon hosts the highest per capita number of refugees in the world, including some 1.5 million Syrians,⁵ 479,000 Palestinians (comprising both people who fled the Syrian conflict and those who were previously present in Lebanon),⁶ and more than 12,000 people from other countries.⁷ In addition, more than 250,000 migrant domestic workers (MDWs) from African and Asian countries live in Lebanon.⁸ According to the European Commission, 80 percent of Lebanese live in poverty and 90 percent of Syrian refugees in Lebanon cannot

cover their basic needs.⁹ According to a 2022 survey, 93 percent of Palestinian refugee households are poor.¹⁰

Lebanon's approach to refugees and migrants

Refugees

Lebanon has never signed the 1951 Refugee Convention, instead resorting to ad-hoc agreements with the UNHCR for its operations in the country amid different refugee influxes.¹¹ Lebanon's only asylum law is outlined in its 1962 Order 319 Regulating the Status of Foreigners (Article 26), which remains the primary legal instrument for the regulation of the rights and obligations of foreigners in the country.¹² While the 1951 Convention restricts the definition of refugees to individuals facing persecution in their country of nationality based on their "race, religion, nationality, membership of a particular social group or political opinion," Lebanon's 1962 law outlines that "any foreign national who is the subject of a prosecution or a conviction by an authority that is not Lebanese for a political crime or whose life or freedom is threatened, also for political reasons, may request political asylum in Lebanon."¹³ Interestingly, this definition may even be interpreted as going beyond the 1951 Convention's definition. Not only does it cover a broader

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2 World Bank (2021) [Lebanon Sinking into One of the Most Severe Global Crises Episodes, amidst Deliberate Inaction](#).

3 Harb, I. K. (2022) [Lebanon Faces a Prolonged Presidential Vacuum](#). Arab Center Washington DC.

4 Fares, M. Y., Musharrafieh, U., & Bizri, A. R. (2023) [The impact of the Beirut blast on the COVID-19 situation in Lebanon](#). Journal of Public Health.

5 UNHCR (2022) [Global Focus - Lebanon](#).

6 UNRWA (2023) [Where We Work - Lebanon](#).

7 UNHCR (2022) [Lebanon - Needs at a Glance - 2023](#).

8 Amnesty International (2019) [End Kafala: Justice for Migrant Domestic Workers in Lebanon](#).

9 European Commission (2023) [Lebanon: €60 million in humanitarian aid for the most vulnerable](#).

10 UNRWA (2022) [Hitting Rock Bottom - Palestine Refugees in Lebanon Risk their Lives in Search of Dignity](#).

11 Janmyr, M. (2017) [No Country of Asylum: 'Legitimizing' Lebanon's Rejection of the 1951 Refugee Convention](#). International Journal of Refugee.

12 [Order No. 319 Regulating the Status of Foreigners in Lebanon](#).

13 Ibid

understanding of threats to “freedoms” that the 1951 definition restricts to more specific categories under an umbrella of a “well-founded fear”, but it also does not require asylum seekers to frame their persecution under one of the aforementioned “types” to justify their right to seek asylum.

Through the 1940s until the 1960s, Lebanon was a strong proponent for the rights and protection of refugees, as well as an active participant in the founding stages of international refugee law. In 1946, it formed part of a United Nations General Assembly (UNGA)-appointed committee of only 20 states that laid the basis for the then International Refugee Organization.¹⁴ In 1949, it helped create the United Nations Office of the High Commissioner for Refugees (UNHCR),¹⁵ and was even an active participant in the formation of the 1967 Additional Protocol, which expanded the temporal and geographic application of the 1951 Convention.¹⁶ Lebanon’s moral momentum and its commitment to refugee protection would begin to slowly falter shortly after, largely due to the rising number of Palestinian refugees entering the country following the 1967 Naksa.¹⁷ The country’s civil war, coupled with Lebanese authorities’ unwillingness to integrate Palestinian refugees durably, would go on to shape the country’s refugee policy moving forward and in the long-term.¹⁸ For Palestinians, Lebanon approved the establishment of 12 recognised “Palestinian refugee camps.”¹⁹ According to UNICEF and UNRWA (the UN relief and works agency for Palestine refugees in the near east), these camps suffer from overcrowding, poor infrastructure, poverty and violence, posing significant risks for children and youth.²⁰ For Palestinians residing outside the 12 official camps, in adjacent areas referred to as “Palestinian gatherings”, conditions are much more dire.²¹

Over a decade after the beginning of the Syrian conflict, Lebanon maintains its position that Syrian refugees within its borders are temporary and in transit.²² While

the Lebanese government would not directly engage through a policy lens with the Syrian refugees between 2011 and 2014, it would go on to develop a 2014 “Policy Paper on Syrian Refugee Displacement” which outlined regulations preventing Syrians from entering Lebanon and restricting their ability to secure residency and work permits in the long-term.²³ Shortly after, in 2015, Lebanon closed its border and requested UNHCR to no longer register new refugees.²⁴ In the absence of a national legal mechanism to obtain residency permits, coupled with the inability of Syrian refugees to register with UNHCR, Syrians in Lebanon have long endured arbitrary arrests and mistreatment by local authorities and have lived in an overall state of insecurity in the country.²⁵ In light of this, only 17 percent of refugees above the age of 15 currently hold legal residency in Lebanon, leaving the overwhelming majority under threat of potential deportation,²⁶ a threat that has grown amid the country’s latest and ongoing anti-refugee campaign and plan to return Syrian refugees.²⁷ Lebanon continues to prohibit the establishment of official camps for Syrians, ultimately pushing them to settle in different types of shelters including informal tented settlements.²⁸

Migrant domestic workers

For decades now, the Lebanese government has been unwilling, inactive and ineffective in implementing laws that protect migrant domestic workers (MDWs) in the country.²⁹ With the arrival of African and Asian migrant workers in the 1970s, followed by the evident feminisation of this migrant labour force in the 1980s and early 1990s, Lebanon became home to more than 250,000 MDWs, the majority of whom hailed from countries such as Sri Lanka, India, the Philippines, Ethiopia and Bangladesh among others.³⁰ Migrant labour was supported by the sending countries due to the foreign exchange remittances that now constituted a significant portion of these countries’ GDPs and alleviated much of their national debts.³¹ The recruitment of a migrant domestic worker in Lebanon is conducted through the *kafala* system, a sponsorship system used to monitor migrant labourers working

14 Kheshen, N. (2022) [Lebanon's Refugee and Asylum Legal Framework](#). The Tahrir Institute for Middle East Policy.

15 Ibid

16 Ibid

17 Siklawi, R. (2017) [The Palestinian Resistance Movement in Lebanon 1967–82: Survival, Challenges, and Opportunities](#). Arab Studies Quarterly; Naksa, an Arabic term that means "setback" or "defeat", refers to aftermath of Israel’s victory in the 1967 Six-Day War against Egypt, Jordan, and Syria, and especially the large-scale displacement of Palestinians.

18 Peace Direct (2021) [Palestinians of Lebanon: Generations of refugees denied integration and basic rights](#).

19 UNRWA (2019) [UNRWA Annual Operational report 2019 for the Reporting period 01 January – 31 December 2019](#)

20 UNICEF (2022) [Palestinian Programme](#).

21 Ibid

22 Diab, J. L. (2023) [On Prosecution, Persecution and Protection: Unpacking Anti-Refugee Narratives, Kinopolitics and Selective Outrage in Lebanon](#). Refugee Law Initiative, University of London.

23 Issam Fares Institute (2021) [Timeline of major policies influencing the livelihoods of Syrian refugees in Lebanon](#). American University of Beirut.

24 Ibid

25 Medina, S. (2022) [Syrians tortured in Lebanese detention centers: A tale of impunity](#). Syria Direct.

26 UNHCR, UNICEF & WFP (2022) [VASYR 2021 - Vulnerability Assessment of Syrian Refugees in Lebanon](#).

27 L'Orient Today (2022) [Caretaker minister aims to return '15,000 displaced \[Syrians\] per month,' with Syrian govt support](#).

28 Sanyal, R. (2017) [A no-camp policy: interrogating informal settlements in Lebanon](#). Geoforum.

29 Diab J. L., et al (2023) [The gender dimensions of sexual violence against migrant domestic workers in post-2019 Lebanon](#). Front. Sociol.

30 Brochmann, G. (1993) [Middle East Avenue: Female Migration From Sri Lanka To The Gulf](#). Routledge.

31 Jureidini R., & Moukarbel N. (2004), [Female Sri Lankan domestic workers in Lebanon: A case of 'contract slavery'](#). Journal of Ethnic and Migration Studies.

primarily in the construction and domestic sectors.³² It gives private citizens and companies almost complete control over MDWs' employment and immigration status.³³ The ambiguity of the *kafala* system in Lebanon has resulted in MDWs enduring legal challenges and violations of their basic human rights.³⁴ In order to recruit MDWs, recruitment agencies in Lebanon collaborate with agencies in the migrant-sending countries.³⁵

Article 7 of Lebanon's Labour Law excludes MDWs from the standard protections granted to the other classes of both local and foreign employees.³⁶ MDWs have subsequently been banned from establishing unions and denied the right to freedom of association under Article 92 of the Labour Law.³⁷ MDWs are thus vulnerable to abuse, trafficking and exploitation.³⁸ Article 92 of the Labour Law is considered to be in direct violation of Lebanon's obligations under the International Covenant on Civil and Political Rights (ICCPR) which it ratified in 1972 and which entered into force in 1976.³⁹ Article 22 of the ICCPR stipulates that "everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests," and that "no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others."⁴⁰

Under the *kafala* system, a domestic worker may be administratively detained or considered "illegal" if they flee the household of their employer or leave without their employer's consent, as the *kafala* system stipulates that a sponsor is legally responsible for their MDWs throughout the contract period.⁴¹ Human Rights Watch has said that the *kafala* system is a form of modern-day slavery, and that it continues to put MDWs at risk of exploitation and abuse across Lebanon, the Middle East and Gulf States, where only minor reforms have been undertaken to improve the situation for MDWs.⁴² Their investigation found that every week a domestic worker in Lebanon dies from unnatural causes, mostly from suicide

and attempted escapes.⁴³ Calls to suspend the *kafala* system in Lebanon and the region have been made by Amnesty International, Anti-Slavery International as well as local NGOs and human rights advocates for decades. A 2020 decision by Lebanon's State Shura Council to suspend the introduction of a new standard unified contract that would have allowed MDWs to terminate their contract without the prior consent of their employer was the latest blow to attempts at dismantling key exploitative practices under the *kafala* system.⁴⁴

The impact of Lebanon's crisis on refugees and migrants

Lebanon's overlapping socio-economic, political and health crises have had a particular impact on the country's most vulnerable refugee and host communities. In 2022, the UN's Vulnerability Assessment of Syrian Refugees in Lebanon revealed an ongoing struggle to secure basic needs, with 90 percent of Syrian refugees still living in extreme poverty, and found that negative coping mechanisms, deterioration in the food security situation of families, and living in substandard shelter conditions remain prevalent.⁴⁵

Rates of food insecurity among Syrian refugees sharply increased from 49 percent in 2021 to 67 percent in 2022, while the percentage of households with inadequate food consumption rose from 46 to 57 percent.⁴⁶ Over two-thirds of Syrian refugees were found not to have the economic capacity to afford the minimum essential items needed to survive, with 90 percent of the Syrian refugee households surveyed unable to meet their survival needs in remote regions.⁴⁷ As of 2022, close to the entire Syrian refugee population (more than 94 percent) had accrued debts to cover their essential food and non-food needs, and 97 percent had resorted to negative coping strategies to meet their food needs, including reducing meal portions and the number of meals consumed each day.⁴⁸ The percentage of working Syrian refugees in 2022 stood at 33 percent. However, employed Syrians were found to be unable to adequately cover the costs

32 Robinson, K. (2022) [What Is the Kafala System?](#) Council on Foreign Relations.

33 Ibid

34 Ibid

35 Human Rights Watch (2010) [Without Protection - How the Lebanese Justice System Fails Migrant Domestic Workers](#).

36 Hamill K. (2011) [Trafficking of migrant domestic workers in Lebanon: A legal analysis](#). Kafa (enough) Violence & Exploitation.

37 Various (more than 100 NGOs) (2015) [Lebanon: Recognize Domestic Workers Union](#).

38 Ibid

39 Ibid

40 United Nations OHCHR (n.d.) [International Covenant on Civil and Political Rights](#).

41 Ibid

42 Majzoub, A. (2022) [Lebanon's Abusive Kafala \(Sponsorship\) System](#). Human Rights Watch.

43 Ibid

44 Human Rights Watch (2020) [Lebanon: Blow to Migrant Domestic Worker Rights](#).

45 UNHCR, UNICEF & WFP (2022) [VASyR 2022: Vulnerability Assessment of Syrian Refugees in Lebanon](#).

46 Ibid

47 Ibid

48 Ibid

of basic food and non-food needs without the additional humanitarian and/or financial aid.⁴⁹ The percentage of children aged between five and 17 years old who were engaged in various forms of child labour in 2022 stood at just four, with this proportion being dominated by boys.⁵⁰

Almost all (93%) of the 498 Palestinian refugee households that took part in a separate socio-economic survey conducted by UNWRA in 2022 were found to live below the poverty line, as a direct result of the increase in consumer prices stemming from Lebanon's ongoing economic crisis.⁵¹ Some 62 percent of respondent households had reduced the number of meals they consumed, and about half had begun to accumulate debt to secure basic needs.⁵² Employment remained precarious in 2022, with 61 percent of those interviewed having been employed for fewer than nine months out of the year, and 50 percent having not had a contract with their employer throughout these unstable periods of employment.⁵³ As the majority of Palestinian refugees continue to work in the informal economy as a result of the fact that they are not naturalised, Palestinians continue to be denied access to more than 39 professions, including medicine, law and engineering.⁵⁴ They are further denied entry to professions that encompass membership in a syndicate or trade union.⁵⁵

In 2021, Lebanon's Ministry of Labour relaxed labour laws to allow Palestinians to work in managerial, business, tourism, industrial, information, health, education and service sectors, but this right was restricted to Palestinians born in Lebanon, born to a Lebanese mother, or married to a Lebanese citizen.⁵⁶ According to UNRWA's survey, employment conditions of Palestinians in 2022 did not improve over 2021, with only 12 percent of those surveyed having an official written contract with their employer.⁵⁷ According to the International Labour Organization, the majority of Palestinian refugees are engaged in low-status jobs that are "poorly paid, insecure and lack adequate social protection."⁵⁸ Decades of marginalisation and exclusion have left the refugee community in Lebanon vulnerable to exploitation in the workplace, insecure contracts, as well as inter-generational poverty. (Less information is

available about the realities and impacts of the country's ongoing crisis on other smaller refugee groups, such as Iraqis and Sudanese).

MDWs have been particularly impacted by Lebanon's crisis, as they (as discussed above) continue to be governed under a system that deprives them of their basic human rights. The onset of the crisis in 2019, coupled with the limitations imposed by the *kafala* system, has also led to many MDWs losing their employment, leaving them homeless and unable to meet their basic living needs or the cost of their flight home should they wish to leave the country.⁵⁹ For MDWs who were still employed, lockdowns during the Covid-19 pandemic left them isolated in the homes of their employers, many of whom are mentally and physically abusive.⁶⁰ According to multiple local reports, since 2019, MDWs have suffered worsening financial constraints due to being fired from their jobs or facing cuts to their salaries, while a rapid devaluation of the Lebanese pound reduced the purchasing power of wages.⁶¹ Consequently, many MDWs are being pushed into severe poverty, and are unable to secure food and shelter.⁶²

Well over half (58%) of migrant workers surveyed for a local NGO's rapid needs assessment in 2020 reported having lost their jobs since the beginning of the economic crisis, and 49 percent said they wanted to return to their country of origin.⁶³ Respondents further reported living in multi-dimensional poverty and lacking sufficient funds to send remittances to their families back home.⁶⁴ Almost two-thirds (62%) of respondents said they were unable to pay their rent and were at risk of eviction, 61 percent did not have access to the medication they needed, 60 percent had limited access to hygiene supplies, 51 percent had limited access to food and 34 percent had limited access to drinking water.⁶⁵

A 2022 survey of migrant households conducted by the UN's migration agency, IOM, across all governorates of Lebanon found that close to a quarter (23 percent) of people in respondent households were unemployed and seeking work, and that 26 percent of such households were in debt.⁶⁶ In half of these cases, this debt was incurred

49 UNHCR, UNICEF & WFP (2022) [VASyR 2022: Vulnerability Assessment of Syrian Refugees in Lebanon](#).

50 Ibid

51 UNRWA (2022) [Socio-economic Situation of Palestine Refugees in Lebanon: Crisis Monitoring Report – High Frequency Survey Results](#).

52 Ibid

53 Ibid

54 McCloskey, S. (2023) [Palestinians are on the frontline of Lebanon's economic crisis](#). Syria Untold.

55 Ibid

56 Houssari, N. (2021) [Anger in Lebanon as Palestinian refugees granted work rights](#). Arab News.

57 Ibid

58 ILO (2023) [The ILO in Lebanon](#).

59 UN News (2021) [Lebanon crises increase suffering of migrant domestic workers](#).

60 Diab J. L., et al (2023) [The gender dimensions of sexual violence against migrant domestic workers in post-2019 Lebanon](#). Front. Sociol.

61 Vohra, A. (2021) ['No one cares': Lebanon's financial crisis and domestic workers](#). Al Jazeera.

62 Ibid

63 Anti-Racism Movement (2020) [The Impact of the Economic Crisis and Coronavirus Lockdown on Migrant Workers](#). Respondents included domestic workers, construction workers, hotel concierges, restaurant chefs, etc.

64 Ibid

65 Ibid

66 IOM (2022) [Multi-Sectoral Needs for Migrants in Lebanon](#).

in order to meet basic household needs.⁶⁷ In 60 percent of surveyed households, at least one occupant had reduced their food expenditure, and 12 percent of surveyed households reported moderate or severe hunger.⁶⁸ Over one-third of surveyed households reported that at least one member had spent some or all household savings on food. The main forms of assistance received by migrant households were food, followed by cash.⁶⁹

Deportations and returns

In 2019, Lebanon's Higher Defence Council ordered security forces to begin deporting Syrians entering Lebanon through "illegal border crossings."⁷⁰ The General Directorate of General Security reportedly deported more than 6,800 Syrians in 2019 and 2020, only to halt deportations when Covid-19 lockdowns began.⁷¹ In late 2022, Lebanon's caretaker minister of the displaced announced a plan to repatriate 15,000 Syrian refugees to Syria every month, insisting that the war in Syria was over and the country had become safe.⁷² No clear strategy or official agreement between the Lebanese and Syrian governments has been announced, and Lebanese authorities are not coordinating these efforts with UNHCR.⁷³ In 2018, Lebanon opened registration for voluntary return for Syrians, which according to Lebanese officials resulted in the return of 21,000 refugees in 2020.⁷⁴ According to UNHCR, 76,500 Syrians have returned voluntarily from Lebanon since 2016.⁷⁵

When it comes to Syrian refugee return, in the absence of discussion on different and intersectional forms of persecution, conversations on safety remain difficult to frame.⁷⁶ The lack of a comprehensive domestic legal framework for refugees in Lebanon has resulted in a series of directives and decisions that are politically charged and that have frequently changed over the last decade.⁷⁷ This has led to a failure to address

the protection concerns faced by refugees in all their diversity, as well as in the homogenisation of refugees and the lack of an intersectional approach to refugee management.⁷⁸ Alongside reports about Syria by international humanitarian organisations and testimonies highlighting forced conscription, torture and detention, as well as persecution on the grounds of religion, nationality, gender, membership of a particular social group and political opinion, have long formed part of Syrians' realities.⁷⁹ Despite these realities, 168 Syrians were reportedly forcibly returned from Lebanon in April 2023 alone.⁸⁰ In April and May, the Lebanese Armed Forces conducted a series of raids and arrests that led to the deportation of displaced Syrians, including people registered with UNHCR, and to "an overall reduction of protection space in Lebanon".⁸¹

Emigration

Presently, there are more Lebanese living outside Lebanon than inside the country.⁸² Reportedly, the largest Lebanese diaspora resides in Brazil, with as many as 7 million people there claiming Lebanese descent.⁸³ Lebanese diaspora networks around the world are vast, and their existence has facilitated regular migration from Lebanon for decades and made the country the most remittance-dependent state in the world.⁸⁴ Such departures have picked up dramatically since 2019. Estimates of the scale of such recent emigration vary widely, with one local NGO reporting that as many as 230,000 Lebanese had left their home country between January and April 2021,⁸⁵ and a 2022 study—apparently based on General Security data—putting the number of Lebanese emigrants in 2021 at just under 80,000, a more than four-fold increase over the 17,721 who had left the previous year.⁸⁶

67 IOM (2022) [Multi-Sectoral Needs for Migrants in Lebanon](#).

68 Ibid

69 Ibid

70 Amnesty International (2023) [Lebanon: Authorities must halt unlawful deportations of Syrian refugees](#).

71 Ibid

72 L'Orient Today (2023) [Caretaker minister aims to return '15,000 displaced \[Syrians\] per month,' with Syrian govt support](#).

73 Fakh, L. (2022) [Forced Return of Syrians by Lebanon Unsafe and Unlawful: Plan to Deport 15,000 Monthly a Breach of Lebanon's Obligations](#). Human Rights Watch.

74 Diab, J. L. (2023) [Safe Return and Voluntary Repatriation for Syrian Refugees from Lebanon: What Needs to Happen Next?](#) United Nations University Center for Policy Research.

75 Ibid

76 Diab, J. L. (2023) [On Prosecution, Persecution and Protection: Unpacking Anti-Refugee Narratives, Kinopolitics and Selective Outrage in Lebanon](#). Refugee Law Initiative, University of London.

77 Ibid

78 Ibid

79 Amnesty International (2021) [Lebanon: Torture of Syrian refugees arbitrarily detained on counter-terror charges](#).

80 Syrian Network for Human Rights (2023) [Lebanon's Forced Repatriation of Syrians Violates the Principle of Non-Refoulement of Refugees. With 168 Syrian Refugees Returned to Syria Since the Beginning of April 2023](#).

81 Inter-Agency Coordination – Lebanon (2023) [Lebanon - Inter Agency - Livelihoods - 2023 Q2 Sector Dashboard](#); Houssari, N. (2023) [Lebanese army deploys in response to calls for Syrian refugees to protest](#). Arab News.

82 Verdeil, E. & Dewailly, B. (2016) [International Migration and the Lebanese Diaspora](#) in *Atlas of Lebanon: New Challenges*. Open Edition Books.

83 Alexander, I. (2022) [From traders to president: Inside Brazil's vast Lebanese community](#). Middle East Eye.

84 Tabar, P. (2022) [Diaspora, Transnationalism, Political Remittances and Lebanese Migrants](#). European Institute of the Mediterranean; Mercy Corps Lebanon (2022) [Understanding the limitations of remittances as an informal social safety net in Lebanon](#).

85 Radi, S. (2021) [230,000 Lebanese left Lebanon in 4 months: NGO](#). Anadolu Ajansi.

86 Middle East Monitor (2022) [Lebanon: emigration increased by 346% last year](#).

A recent research conducted by the International Organization for Migration (IOM) in early 2023 with almost 1,000 Lebanese showed that 78 per cent said they were considering leaving Lebanon, with one quarter saying they were also willing to consider migrating irregularly. The key drivers for those interviewed were economic hardship, conflict, and unmet basic needs.⁸⁷

In 2022, UNHCR reported that the number of migrants resorting to irregular migration from Lebanon across the Mediterranean into Europe doubled for the second year in a row, with 2022 witnessing a 135 percent year-on-year increase in the number of people intending to make these journeys to countries such as Cyprus, Greece and, more recently, Italy. While media and political attention has focused on the Syrian refugees attempting onward movement, the proportion of Lebanese nationals on board the boats attempting to leave the Lebanese coast has been growing—from 12 percent of passengers in 2020, to 24 percent in 2022—creating a textbook example of mixed migration.

This author's previous research suggested that in the best-case scenario for 2023, a minimum of 7,500 irregular migrants and refugees will leave Lebanese shores in around 50-plus boats.⁸⁸ This research projected that at least 10,000 migrants and refugees would leave Lebanese shores on 75-plus boats in 2023.⁸⁹ The data has also shown an increasingly mixed nature of these departures with a significant increase in the number of Lebanese migrants in absolute numbers and as a share of all migrants leaving the Lebanese shores. In previous years, most departing refugees and migrants were Syrians, with a limited number of Palestinians also attempting to make the journey. However, every year since 2019 the number and percentage of Lebanese migrants on boats heading out of Lebanon increased. According to UNHCR numbers from 2022, 62 percent of irregular migrants from Lebanon were Syrian, 11 percent were Palestinian, and 28 percent were Lebanese.⁹⁰

Concluding remarks and ways forward

Important conversations on the potential for adequate refugee and migrant integration into Lebanon's labour force and its positive impacts on the economy are largely overdue. Contrary to the widespread belief that refugees serve as an economic burden to host countries, a 2022 study found no correlation between the numbers of refugees in Lebanon and the deterioration of the country's economy; on the contrary, the research found refugees' impact to have been positive, through increased and steady international aid.⁹¹

Although refugees have had no adverse effects on Lebanon's economy, host communities have seen increasing strains on the infrastructure in their areas, including schools and hospitals, in addition to competition for scarce jobs and limited resources.⁹² As Lebanon's economic crisis persists, and more Lebanese citizens require assistance, many of them continue to believe that refugees are receiving more support from humanitarian actors, even if certain aid organisations do assist host communities and aim to reduce negative competition over resources between Lebanese and refugee groups.⁹³ These beliefs have exacerbated tensions between refugees and host communities and have further propagated anti-refugee narratives and sentiments.⁹⁴ Nonetheless, until recently, Lebanon upheld the non-refoulement principle for close to a decade, and continues to host the highest per capita number of refugees in the world as states in the Global North continue their selective approaches to refugee and asylum management.⁹⁵ Despite these efforts, the deteriorating quality of life in Lebanon has still pushed migrants and refugees to risk their lives on mixed migration journeys.⁹⁶

With their own selective and discriminatory refugee and migrant policies, countries in the Global North continue to claim that refugees are a financial burden and consequently severely restrict the number of refugees they will accept.⁹⁷ This approach of course has not been without exception—particularly when viewed by the Global North as a strategic priority or interest. A clear example of this was the European Union's open-armed response to the exodus of millions of people from Ukraine

87 International Organization for Migration (IOM) (2023). [Lost Hope, Lost Lives: Insights into Lebanese Irregular Migration](#). IOM, Beirut.

88 Diab, J. L. & Jouhari, I. (2023) [Conflict, Crisis and Migration: Maritime Irregular Migration from Lebanon Since 2019](#). Friedrich Naumann Foundation for Freedom

89 Ibid

90 Ibid

91 Brun, C. & Fakh, A. (2022) [Debunking the dangerous myth that refugees are an economic burden in Lebanon](#). The New Humanitarian.

92 Ibid

93 UNHCR (2023) [Lebanon - Support to host communities](#).

94 Diab, J. L. (2023) [On Prosecution, Persecution and Protection: Unpacking Anti-Refugee Narratives, Kinopolitics and Selective Outrage in Lebanon](#). Refugee Law Initiative, University of London.

95 Government of the United Kingdom (2023) [House of Commons International Development Committee: Lebanon at risk of state failure while supporting the highest number of refugees worldwide per capita](#).

96 Ibid

97 Oxfam (2023) [At Europe's borders, migrants and refugees are denied their basic human rights](#).

after Russia invaded the country in February 2022, an approach indicative that when there is the political will to do so, international refugee law can in fact be upheld.⁹⁸ Many European governments with a history of uncompromising stances toward refugees from countries such as Syria and Afghanistan in recent years have adopted a decidedly different tone in pledging to protect, integrate, host and support their refugee neighbours, with the EU activating its Temporary Protection Directive in 2021 for the benefit of Ukrainians, the first time the directive had been activated since its adoption 20 years earlier.⁹⁹ Ultimately, this raises the question of whether or not the refugee crisis is in fact a crisis of numbers, or a crisis of identity.

In contrast to many international conflicts, Russia's invasion of Ukraine ignited a visible outpouring of support for those fleeing the violence. Despite Ukraine not being part of the EU, in a statement, the European Commission expressed that the EU was "well prepared" to absorb Ukrainian refugees as a matter of "unity" and "solidarity."¹⁰⁰ This experience has highlighted not only the dimensions of political will associated with the applicability of international refugee law, but also the selectivity of the refugee regime, particularly in the Global North. Importantly, it sheds light on how this impacts broader discourse on humanitarian intervention, conflict management, discrimination, movement and access.

With aid pledges intended to restrict the number of migrants and refugees who reach its shores, Europe in particular has attempted to absolve itself of responsibility for sheltering many vulnerable groups, leaving it to countries in the developing world, like Lebanon, to step up to meet refugee needs to the limited extent possible.¹⁰¹ As Lebanon continues to adhere to an "invisibility bargain," whereby refugees and vulnerable migrant groups are present and tolerated in a country so long as they contribute to the economy, do not cause economic losses and remain politically, civically and socially invisible, conversations on durable solutions for these groups remain out of reach.¹⁰² The presence of Palestinians, Syrians, other refugee groups and MDWs in Lebanon for decades has not only economically embedded them into Lebanese society, but has also rendered them as important stakeholders in its ongoing economic, labour and social crises. Marginalising these

groups, and the insistence on maintaining aid-centred rather than development-centred approaches to their livelihoods not only prevents Lebanon's socio-economic standing from advancing, but additionally impacts the country's host community negatively.

Nonetheless, Lebanon demonstrates what can be done to protect individuals fleeing conflict with very little resources and, importantly, with very little management and vision. Within a mere two months of its invasion by Russia, six million people had fled Ukraine. It took close to a decade for the Syrian conflict to produce the same number of refugees. Yet somehow, Syrians and refugees fleeing the MENA region have posed much more of a "shock" to the EU system. As the Global North continues to grapple with what it has deemed a "refugee crisis" for years now, its actions ultimately exacerbate pressures and therefore the number of migrants and refugees reaching their shores. Meanwhile, the Global South continues to offer a clear example of how the non-refoulement principle is upheld—even when resources and capacities to adequately respond to needs are limited.

98 Diab, J. L. (2022) [What Ukraine, Afghanistan, and Syria Have Taught Us About the Politics of International Refugee Law](#). TRC Journal of Humanitarian Action.

99 Action Against Hunger, Caritas, DRC et al (2023) [NGOs mark one year since activation of the Temporary Protection Directive and call for continued support to refugees from Ukraine](#); European Parliamentary Research Service (2023) [One year of temporary protection for people displaced from Ukraine](#).

100 Ibid

101 Kayaoglu, B. (2015) [European countries to Turkey: We pay, you keep Syrian refugees](#). AI-Monitor.

102 Pugh, J. D. (2018) [Negotiating Identity and Belonging through the Invisibility Bargain: Colombian Forced Migrants in Ecuador](#). International Migration Review.

The most violent border in the world? Migrants in Yemen targeted by Saudi security forces

In 2023, the scale and brutality of violence committed by Saudi border forces and police against irregular migrants trying to reach Saudi Arabia from Yemen was exposed in several important documents. Scattered accounts of harsh border treatment along the Yemen-Saudi border had emerged previously, but were treated as a side issue to the long-standing and large-scale rights violations that have been taking place elsewhere in Yemen and in the Horn of Africa. These abuses have been occurring with complete impunity, and predominantly against Ethiopian migrants, for the last decade and a half.

Prompted by a March 2023 paper about such trafficking, modern slavery and missing migrants on the Ethiopia-Saudi route that made frequent—but tangential—reference to killings at the Yemen-Saudi border,¹ the Mixed Migration Centre (MMC) conducted its own research into the deaths and in July published an article that combined survivor interviews with the public concerns of a range of UN officials.² In late 2022 these officials had written to Saudi Arabia highlighting cross-border mortar and small arms fire allegedly by Saudi security forces causing the deaths and injuries of hundreds of migrants in just four months in early 2022.³ MMC's subsequent research found that security officials acting under Saudi Arabian authority had killed almost 800 Ethiopian migrants in 2022 and at least 75 in 2023. MMC concluded that these state-led mass killings of migrants were widespread, deliberate and continuing.⁴

Shortly thereafter, in August, Human Rights Watch (HRW) released its own report, entitled *Saudi Arabia: Mass Killings of Migrants at Yemen Border*.⁵ Evidence amassed from first-hand accounts, hospital data and local NGOs, corroborated by satellite imagery, in the HRW report and other sources probably offers only a conservative estimate of the numbers of people recently

killed and injured at this border, let alone any historic assessment—before 2022 figures emerged.

While there are missing migrants and migrant deaths close to and at borders throughout the world, the majority are caused by a combination of factors, including misadventure, adverse geoclimatic conditions (deserts and mountains, cold and heat), treacherous seas and oceans, unscrupulous smugglers and criminal exploiters as well as hostile immigration policies. The Mediterranean is regularly cited as the most lethal sea crossing in the world for irregular migrants, with more than 20,000 deaths and disappearances recorded since 2014 at an average of at least 2,000 per year.⁶ However, these new reports of Saudi security forces' alleged crimes suggest this border could well be among the most lethal of all migratory crossings. The dramatic difference is not only the high numbers of deaths and injuries involved (still unknown) but that they are the result of deliberate attacks by uniformed agents of the Saudi state. But even before this recent focus on the Saudi border, the Ethiopia-Saudi route was already notorious for the number of deaths and disappearances of migrants, as a result of murder, neglect and drownings, as well as the wide range of other rights violations including rape and torture for extortion.

The HRW report in particular triggered extensive media and diplomatic interest at a time when the Global North's scrutiny of the public and private face of Saudi Arabia is at one of its highest levels. Concerns about Saudi Arabia's treatment of women and girls and other issues of human rights including those of the LGBTQI+ community and political dissidents, let alone the rights of regular migrants working under the notorious *kafala* sponsorship system, have been longstanding.⁷ Accusations of "sportswashing" are becoming common

- 1 Horwood, C. (2023) [Captive commodities "This route is like a fire". Commodification, exploitation and missingness of Ethiopian irregular migrants on the Eastern Route to Yemen and Saudi Arabia](#). Ravenstone Consult.
- 2 Frouws, B. & Horwood, C. (2023) [Murderous border controls: the mass killings of Ethiopian migrants along the Saudi Arabian – Yemen border](#). Mixed Migration Centre.
- 3 Various UN officials (2022) [Official communication to the Kingdom of Saudi Arabia](#). The signatory officials were: the special rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; the special rapporteur on the human rights of migrants; the special rapporteur on trafficking in persons, especially women and children; the special rapporteur on violence against women and girls, its causes and consequences; and the Working Group on discrimination against women and girls.
- 4 Frouws, B & Horwood, C. (2023) [Murderous border controls: the mass killings of Ethiopian migrants along the Saudi Arabian – Yemen border](#). Mixed Migration Centre
- 5 Human Rights Watch (2023) ["They Fired on Us Like Rain": Saudi Arabian Mass Killings of Ethiopian Migrants at the Yemen-Saudi Border](#).
- 6 Reuters (2023) [Migrant crossings in Mediterranean leave thousands dead](#).
- 7 Amnesty International (2020) [Ten ways that Saudi Arabia violates human rights](#).

as Gulf countries, including Saudi Arabia, increasingly spend billions purchasing major sports celebrities and hosting events to positively change global impressions.⁸ Following Qatar's controversial, but successful, hosting of the FIFA World Cup in 2022, Saudi Arabia's sports minister and its Olympic and Paralympic Committee president said that hosting the Olympic Games was their "ultimate goal" in sport.⁹

It is unlikely that the HRW and other reports will create such an intense international diplomatic stand-off or moral outrage as the allegedly state-organised assassination of Saudi journalist Jamal Khashoggi in 2018.¹⁰ Even then, despite intense and sustained diplomatic pressure and media coverage, the outrage generally faded away as more geopolitical and strategic pressures and necessities eclipsed the event. Initial Saudi reaction to the latest border accusations has unsurprisingly been dismissive, while the response from the Ethiopian government—which urged “utmost restraint from making unnecessary speculations until investigation is complete”—suggests it prefers to prioritise good relations with Riyadh over publicly declaring any sorrow or anger that their citizens are being gunned down in cold blood on what must now be known as the deadliest border in the world.¹¹

8 Michaelson, R. (2023) [Revealed: Saudi Arabia's \\$6bn spend on 'sportswashing'](#). The Guardian.

9 Ganji, S. K. (2022) [How Qatar Became a World Leader in Sportswashing](#); Brennan, E. (2022) [Saudi Minister says hosting Olympics is "ultimate goal", rejects sportswashing allegations](#). Inside the Games.

10 BBC (2021) [Jamal Khashoggi: All you need to know about Saudi journalist's death](#).

11 Al Jazeera (2023) [Saudi Arabia rejects accusations of killing Ethiopians at Yemen border](#); Reuters (2023) [Ethiopia says it will investigate alleged migrant killings with Saudi Arabia](#); Alarabiya News (2023) [Official source denies report accusing Saudi forces of killing Ethiopian migrants](#).

Photo credit: Michael Major / Shutterstock

Migrant workers bringing in the grape harvest in Barossa Valley, South Australia. Demand for labour in Australia and most OECD countries has been rapidly rising, exacerbated by the Covid-19 pandemic and ageing populations. (See Thematic snapshot – Irresistible policy changes? How labour shortages are forcing migration policy changes in Japan and Australia, [page 219](#); Alternative perspectives – Migration between China and Africa: A path of legal precarity vs mutual benefits, [page 227](#)).



Photo credit: Vic Hinterlang / Shutterstock

Santo Domingo Ingenio, Oaxaca, Mexico. People from the Northern Triangle and Mexico travel irregularly through Central America to attempt access to the US across the northern Mexican border. US agents made more than 130,000 apprehensions along this border in July 2023 alone. But despite such efforts to curb the entry of undocumented migrants and asylum seekers, hundreds of thousands manage to evade patrols, making this the world's most irregularly crossed border. (See Keeping track in the Americas, [page 128](#); Essay – Biden's approach to migration management in the Americas: a medley of pathways, asylum restrictions and unceasing transit, [page 148](#); Alternative perspectives – Hands-on empowerment: how an art project in Mexico helps unaccompanied minors tell their migration stories, [page 140](#); Thematic snapshot on Running the gauntlet: migrant risks and 'disappearances' in Mexico, [page 156](#)).



Section 4: The Americas

Overview

Though the millions of Venezuelan citizens who have fled their country continue to dominate the mixed migration landscape in the Americas, Venezuela is by no means the only country in the region experiencing mass displacement. Remarkably, six of the world's top 10 source countries for asylum applications in 2022 were within the region, including (besides Venezuela) Cuba, Nicaragua, Colombia, Honduras and Haiti.¹ The rapidly evolving situation in many of these countries, as well as the increasingly diverse representation of refugees, migrants and asylum seekers from Africa, Asia and elsewhere, has meant that the composition of those moving northwards up from Latin America to Central America, Mexico and the border to the US can vary considerably even from month to month.

While the reception of countries in the region to Venezuelan arrivals has been mixed, there is also evidence that other groups—for example, the increasing numbers seeking to flee the deteriorating situation in Haiti, as well as the significant proportion of indigenous refugees travelling northwards through Central America towards the US—are experiencing discrimination and exclusion as a result of their language and ethnicity. Deepening insecurity, poverty and political repression are also driving larger numbers to leave Cuba, Ecuador, and Nicaragua in search of safety and better opportunities elsewhere. On the one hand, the US has responded by rolling out an expanded humanitarian parole programme to allow opportunities for nationals from these countries to apply to enter through regular pathways. However, this has been accompanied by an apparent hardening of its policies in other ways, with expanded powers to carry out deportations and expulsions.

Venezuela crisis

The ongoing economic and humanitarian crisis in **Venezuela**, with millions suffering malnutrition, a collapsing healthcare system and runaway hyperinflation, continues to drive one of the most serious displacement emergencies in the world. Of the more than 7.71 million refugees, migrants and asylum seekers now living outside the country, the majority—6.53 million—are based within Latin America and the Caribbean. The largest populations are based in Colombia (2.89 million), Peru (1.54 million), Brazil (477,500), Ecuador (474,900), Chile (444,400) and Argentina (220,600), with smaller but significant numbers dispersed throughout Central America, the Caribbean islands and the Southern Cone.²

The situation of Venezuelans varies considerably, depending on their country of residence, and is determined by a range of factors including official recognition; between 25 and 50 percent do not have a legal status in their country of residence, constraining their ability to access fundamental rights and services.³ Many face acute poverty, limited livelihood opportunities and the risk of targeted violence, all made worse by rising levels of discrimination and the after effects of the Covid-19 pandemic. The latter, in particular, has led to the renewed displacement of tens of thousands of Venezuelans from host countries in search of work and security elsewhere in the region. The increasing complexity of mixed migration movements by Venezuelans is illustrated by the fact that many are moving to secondary receiving countries within South America, while a growing number are also choosing to move northwards towards Mexico and the United States.⁴ Some are also choosing to return to Venezuela. Research by MMC, based on interviews with returning Venezuelans, found that well over half (61%) of respondents had spent between six months and two years in their host country, that most (66%) lacked legal status and the majority (71%) were motivated to leave due to at least one of the following reasons: insufficient access to services and difficulties making a living, integrating and regularising their status. However, more than a quarter (27%) of interviewees intended to migrate again in future.⁵

1 UNHCR (2023) [Global trends in forced displacement 2022](#).

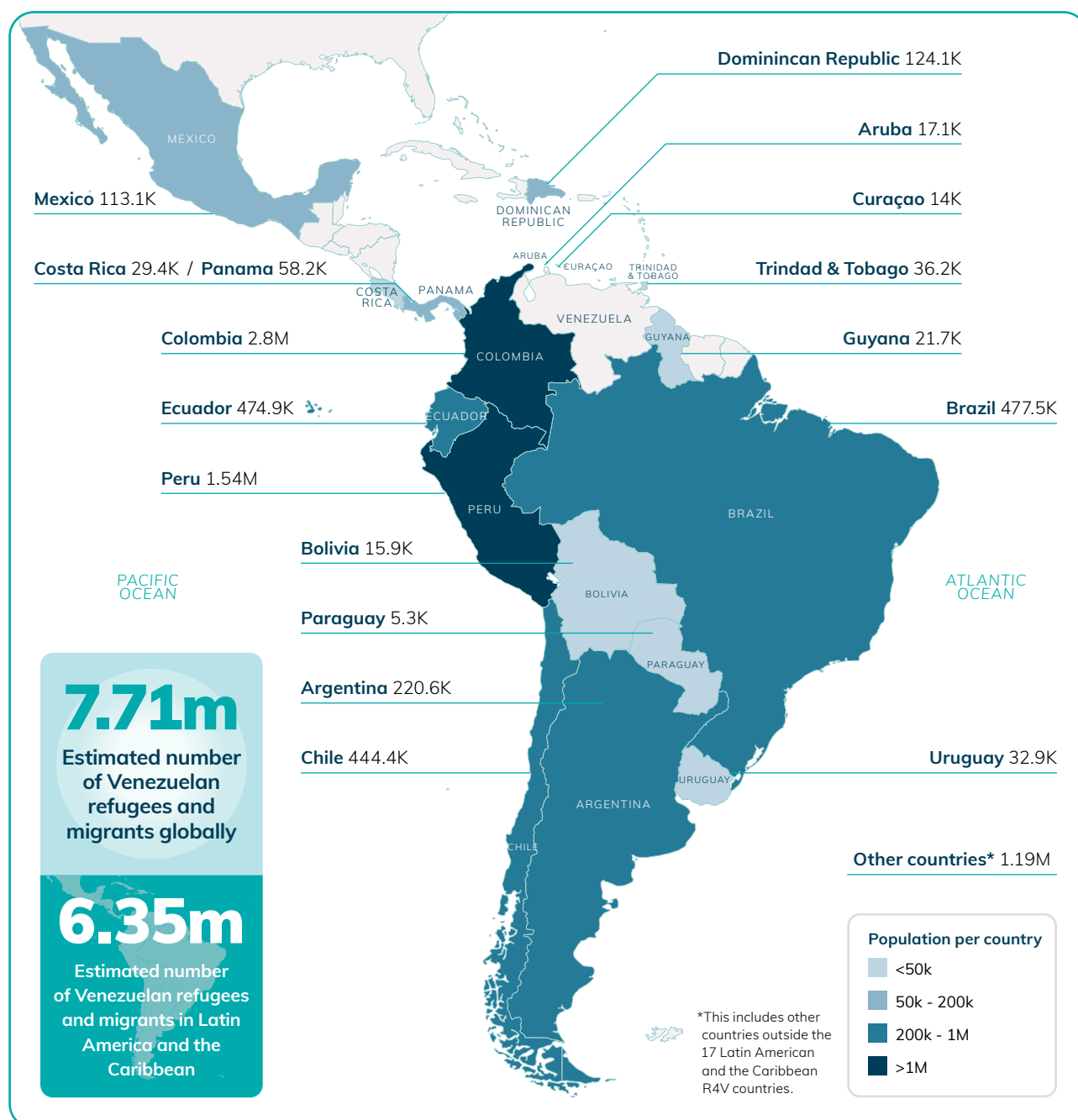
2 R4V (2023) [R4V América Latina y el Caribe, refugiados y migrantes Venezolanos en la región – Ago 2023](#).

3 Gandini, L. & Selee, A. (2023) [Betting on legality: Latin American and Caribbean responses to the Venezuelan displacement crisis](#). MPI.

4 Escobar, C. & Goodwin, B. (2023) [Surging Ecuadorian migration keeps Colombia at the frontline](#). LSE blog.

5 Vicari, D. & Tomasi, S. (2022) [Returning to Venezuela: drivers, expectations, and intentions](#). MMC.

Graphic 1. Venezuelan refugees and migrants in Latin America and the Caribbean, as of August 2023



Source (adapted) and credit: [R4V Latin America and the Caribbean, Venezuelan Refugees and Migrants in the Region - Aug 2023](#).

A mixed reception in the region

In the early years of the crisis, the response of neighbouring countries was marked by a strong degree of regional solidarity, but a variety of different policy approaches has since emerged. In general, as a recent review of national policies towards Venezuelan arrivals concludes, governments have responded with “a surprisingly pragmatic, if often disjointed, response” that has largely favoured some degree of residency rights and

regularisation (at least temporary) through the provision of access to employment and services.⁶ This approach is exemplified by **Colombia**. Despite still struggling with an internal displacement crisis of its own—there are almost 4.8 million IDPs with continued movements as a result of conflict and flooding⁷—Colombia’s relatively open response to its large Venezuelan population has enabled the latter to access a number of different mechanisms to grant them temporary residency. This includes the

6 Gandini, L. & Selee, A. (2023) [Betting on legality: Latin American and Caribbean responses to the Venezuelan displacement crisis](#). MPI.

7 IDMC (2023) [GRID 2023: Internal displacement and food security](#).

launch, in 2021, of 10-year residency permits through the *El Estatuto Temporal de Protección para Migrantes Venezolanos* (ETPV) programme.

Nevertheless, while more than 2 million Venezuelans have successfully registered with the ETPV, they continue to face significant difficulties in building a secure future for themselves, prompting a small but growing minority to move on northwards to find better prospects elsewhere.⁸ Besides Colombia's economic difficulties and continued barriers to employment, limited access to basic services such as health care remains a widespread challenge.⁹ There is also the threat of abduction or recruitment into forced labour by armed groups and gangs: by some estimates, as many as 1,500 Venezuelans may have been disappeared, with the majority of cases yet to be resolved.¹⁰ Venezuelan women and girls are also especially at risk of sexual exploitation and trafficking by criminal organisations.¹¹

Ecuador has also expanded temporary regularisation opportunities for Venezuelans with the passage of Executive Decree No. 753 in May 2023. This provision extends the existing pathways to two-year temporary residency permits available for Venezuelans and other nationalities who entered the country regularly to those who entered irregularly.¹² As in Chile, however, Amnesty International has highlighted the need for more effective and inclusive institutional responses to ensure the most vulnerable are adequately protected, in particular Venezuelan women who are especially at risk in a country where two out of three women reportedly experience some form of gender-based violence in their lifetime.¹³

Other countries have moved towards more restrictive policies and tighter border controls. In **Chile**, where public sentiment towards migration, in general, has hardened in recent years, the government has rolled out increasingly restrictive entry procedures. Because of the onerous and unrealistic requirements these impose, most Venezuelans wishing to cross the border end up having to do so irregularly, putting them at risk of expulsion and exploitation. Amnesty International recently highlighted the disproportionately high threat of gender-based violence that undocumented Venezuelan women face in Chile, in particular the lack of recourse to justice for

survivors who were not regularised.¹⁴ The already limited opportunities for Venezuelan arrivals to regularise their status are likely to diminish further if a proposed legislative amendment that seeks to criminalise anyone who enters the country irregularly, with punishments ranging from fines to three years in prison, comes into effect. The move has been condemned by the UN and other observers as a violation of international human rights and refugee law.¹⁵

One of the most controversial aspects of Chile's migration approach is the securitisation of its border, a policy that continued in 2023 with the passage of a decree in February that permitted the temporary deployment of the military to its border with Bolivia to prevent unauthorised crossings there.¹⁶ This led to more than 1,000 people being stranded in **Bolivia** near the small town of Sabaya, reportedly without adequate supplies and unable to move on.¹⁷ **Peru** declared a state of emergency on its borders in early May so that police and the army could conduct joint operations to stop migrants entering the country. As a result, significant numbers of Venezuelans, Haitians and Colombians were forced to remain in Chile at the border. Many of those trapped there were seeking to return via Peru to Venezuela. Some were subsequently airlifted out and repatriated to Venezuela on a humanitarian flight.¹⁸ The Peruvian government also announced some progressive measures around the same time, including a six-month amnesty on immigration fines and in May launched a one-year Temporary Stay Permit for those whose paperwork had expired or who had entered illicitly to regularise their status in the country.¹⁹

More movement north through the Darién Gap

The Darién Gap (an area of dense jungle, mountains and waterways connecting Colombia with Panama) has become an increasingly popular migration route despite its many hazards: the challenging terrain, the presence of wild animals and the depredations of criminal groups. Notwithstanding these hazards, well over a quarter of a million refugees, migrants and asylum seekers travelled through the region in the first seven months of 2023, several times the number (72,274) during the same

8 Glatsky, G. (2023) [Despite help for Venezuelans in South America, many are still heading north](#). The New York Times.

9 IRC (2022) [Access to health care remains a challenge for Venezuelans in host countries: IRC warns](#).

10 Noriega, C. (2023) ['Hope never dies': Venezuelan migrants disappear in Colombia](#). Al Jazeera.

11 Durán, C. (2023) [Colombia: el centro de operaciones del Tren de Aragua para la explotación sexual](#). El Espectador.

12 MMC (2023) [Mixed migration quarterly report: Latin America and the Caribbean – Quarter 2 2023](#).

13 Amnesty International (2022) [Ecuador: Another state following the regional trend of discrimination and lack of protection for Venezuelan survivors of gender-based violence](#).

14 Amnesty International (2023) [Chile: Venezuelan women describe the critical lack of protection they face in the country](#).

15 Global Detention Project (2023) [Chile: Human rights monitoring bodies denounce proposed legal reforms increasing detention measures for undocumented migrants and asylum seekers](#).

16 Infobae (2023) [Chile militariza su frontera norte: los detalles del decreto que habilita el uso de las FFAA para frenar el paso ilegal de inmigrantes](#).

17 Opinión (2023) [Alertan crisis humanitaria de migrantes en frontera con Chile](#).

18 Reuters (2023) [Migrants stranded on Chile-Peru border repatriated to Venezuela](#).

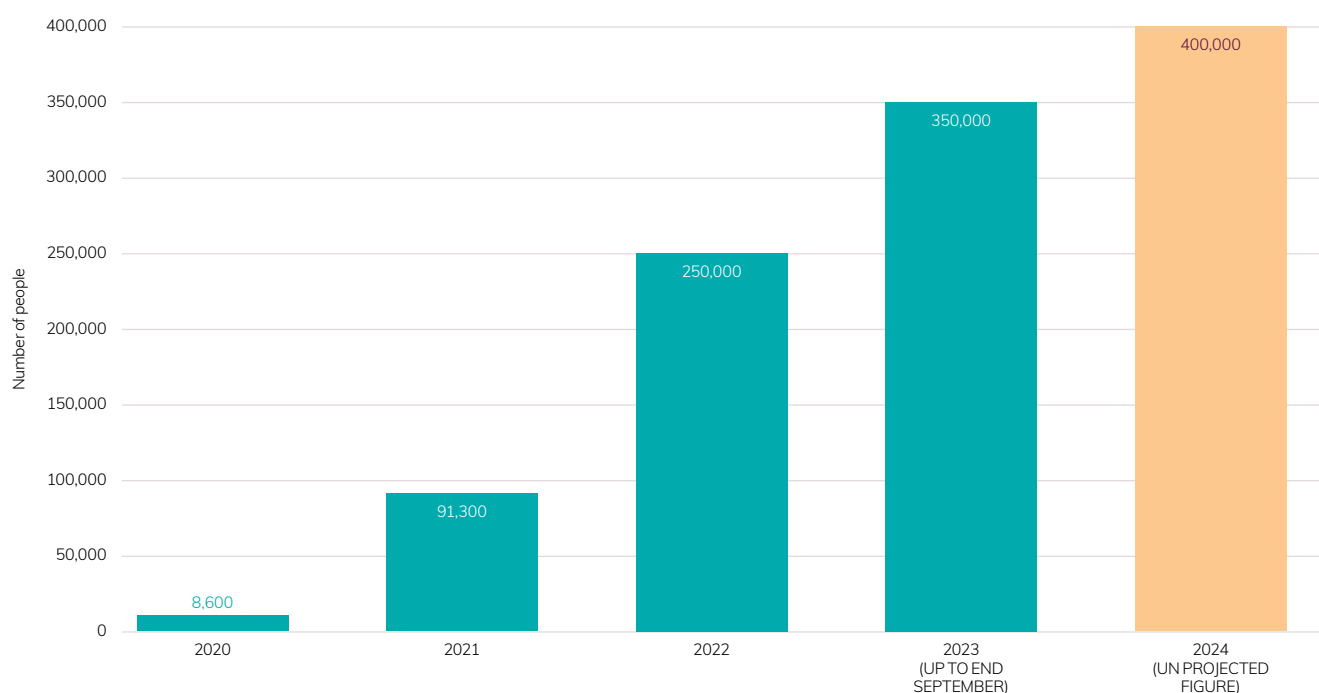
19 MMC (2023) [Mixed migration quarterly report: Latin America and the Caribbean – Quarter 2 2023](#).

period in 2022.²⁰ The total for 2023 was projected by the UN earlier in the year to be as high as 400,000 people, significantly higher than the record-breaking number of 250,000 in 2022.²¹ Growing numbers of children, in particular, are travelling the route and now account for around one in every five of those crossing through the jungle.²²

Continuing the trend from the previous year, when Venezuela overtook Haiti as the most represented country of origin among those crossing the Darién Gap, over half (138,588) of the 251,758 refugees, migrants and asylum seekers transiting through the region in

the first seven months of 2023 were from Venezuela, followed by Ecuador (34,894) and Haiti (34,165). Another notable trend is the uptick in refugees, migrants and asylum seekers from **China** (10,546), now the fourth most numerous nationality. This development has been attributed to growing political repression within China and the impact of its highly restrictive lockdowns.²³ In recent years, the demographic profile of those travelling the route has become more diverse, with significant numbers originating from countries in Asia (in particular, India, Afghanistan and Nepal) and Africa (such as Cameroon and Somalia).²⁴

Graphic 2. The dramatic rise in use of the Darién Gap on the northern route to the USA



Sources: Aljazeera [Panama to increase deportations, efforts to halt Darién Gap crossings](#). Statista [Number of irregular migrants in transit through the Darién Gap from 2014 to 2021](#).

More Ecuadorians head north to escape violence and poverty at home

The large number of arrivals originating from Ecuador is a recent phenomenon. In 2021, just 387 Ecuadorians were recorded entering Panama during the entire year.²⁵ Monthly arrivals remained low for the first few months of 2022 but by the middle of the year were accelerating

rapidly with every month, reaching a total of 7,821 in December. The total during the year exceeded the number of Haitians crossing into Panama, making Ecuador the second most common country of origin after Venezuela.²⁶ The number recorded transiting through Darien between January and the end of July 2023 (34,894) is almost 14 times higher than the total

20 Republic of Panama (2023) [Migración - Irregulares en tránsito por Darién por país 2023](#); Republic of Panama (2023) [Tránsito irregular de extranjeros por la frontera con Colombia por región según orden de importancia: Año 2022](#); MMC (2023) [Mixed migration quarterly report: Latin America and the Caribbean – Quarter 2 2023](#).

21 AP (2023) [UN: As many as 400,000 migrants may cross Darien Gap in 2023](#).

22 UNICEF (2023) [Seven-fold increase in the number of children walking through the Panamanian jungle towards North America this year](#).

23 Chen, A. (2023) [Growing numbers of Chinese citizens set their sights on the US – via the deadly Darién Gap](#). The Guardian; Vanderklippe, N. (2023) [Chinese migrants join flow of people crossing Darien Gap to seek asylum in U.S.](#) The Globe and Mail; Republic of Panama (2023) [Migración - Irregulares en tránsito por Darién por país 2023](#).

24 Republic of Panama (2023) [Tránsito irregular de extranjeros por la frontera con Colombia por región según orden de importancia: año 2023](#).

25 Republic of Panama (2022) [Tránsito irregular de extranjeros por la frontera con Colombia por país según en orden de importancia en año 2021](#).

26 Republic of Panama (2023) [Tránsito irregular de extranjeros por la frontera con Colombia por región según orden de importancia: Año 2022](#)

in the same period of 2022 (2,523).²⁷

This surge in migration, evidenced by some of the highest levels of emigration Ecuador has experienced in the last 20 years, reflects the growing economic and political turmoil within the country. Widespread poverty, weak governance, and worsening insecurity, particularly in its coastal regions, have driven more and more Ecuadorians to emigrate. Many end up travelling northwards through Colombia and Panama towards the US.²⁸ As criminal groups have intensified their activities, pushing up homicide rates to over 25 per 100,000 people in 2022, up from 14 per 100,000 people in 2021, increasing numbers of Ecuadorians have been detected not only in Panama but also further north in Mexico and at the US border.²⁹

Tripartite agreement between the US, Colombia and Panama on curbing irregular migration

In April 2023, the US government announced that it had brokered an agreement with Colombia and **Panama** to curb irregular migration through the Darién Gap. Though details on what the deal would entail were limited, it would reportedly comprise a 60-day operation to prevent movement along both the land and maritime routes into Panama. Besides seeking to undermine drug and human trafficking operations, these measures would be accompanied by an expansion of safe and regular pathways for tens of thousands of refugees and migrants as an alternative.³⁰ The statement was met with criticism from human rights groups and activists, who called attention to the absence of any mention of human rights and the likelihood that it would focus on further militarisation, rather than prioritising the protection of refugees, migrants and asylum seekers.³¹ In June, the first stages of the agreement began with the launch of Operation Shield, an air, land and sea operation led by Panamanian authorities with around 1,200 immigration officials, police and security personnel targeting criminal gangs along the border.³²

Migration from the Caribbean

Political instability and lack of opportunities continue to drive migration from the Caribbean, with two countries featuring prominently in movement northwards through South and Central America and maritime crossings towards the US: Cuba and Haiti. Nationals of both countries make up a large share of the refugees, migrants and asylum seekers travelling by land northwards from South or Central America towards the US-Mexico border or by sea to the coast of Florida. The number of encounters by the US Coast Guard, with almost 6,900 Cubans and close to 5,100 Haitians intercepted between 1 October 2022 and 18 July 2023, represents a continued increase over the last few years.³³

The maritime routes in the Caribbean have become increasingly deadly, with a record 321 deaths and disappearances recorded in 2022. Many of the incidents occurred with boats on their way to the US through various routes, including from Venezuela to the Caribbean islands, from Haiti to the Dominican Republic, and from the Dominican Republic to Puerto Rico.³⁴ Boats have also capsized, sometimes with fatal consequences, in the waters near other islands en route such as Bahamas and Turks and Caicos.

A surge in migration from Cuba

Cuba has regularly featured among the most represented countries of origin in mixed migration movements travelling through the Americas, with the number of Cuban nationals attempting to reach the US by sea or land increasing in recent years, driven in part by economic pressures in the wake of Covid-19 and US sanctions. In fiscal year (FY) 2022 (spanning October 2021 to September 2022), more than 220,000 Cuban nationals attempted to cross the southern border from Mexico—an unprecedented figure, six times the total in the previous fiscal year.³⁵ Others continue to arrive by boat to Florida, with around 4,800 arrivals detected in the first quarter of FY2023 (October-December 2022).³⁶

For several decades, Cuban nationals enjoyed a relatively open welcome from the US under the so-called “wet feet, dry feet” policy under which any arriving on US territory by land or sea were offered a pathway to long-term residency—until the policy was rescinded in 2017. With many Cubans now flying to Nicaragua and then heading

27 Republic of Panama (2023) [Migración - Irregulares en tránsito por Darién por país 2023](#); Republic of Panama (2023) [Tránsito irregular de extranjeros por la frontera con Colombia por región según orden de importancia: Año 2022](#).

28 Goodwin, G. (2023) [Surging Ecuadorian migration keeps Colombia at the frontline](#). LSE blog.

29 Diaz, L. (2023) [Violence, unemployment drive Ecuadorians to Mexico](#). Reuters.

30 US Department of Homeland Security (2023) [Trilateral Joint Statement](#).

31 Taylor, L. (2023) [“Terrifying”: Critics decry US plan to stop migrants at Darién Gap](#). The Guardian.

32 VOA (2023) [Panama launches operation in Darien jungle targeting organized crime, migrant smugglers](#).

33 United States Coast Guard News (2023) [Coast Guard repatriates 143 people to Haiti, Cuba](#); Alvarez, P. (2022) [More Cubans are coming to the US by sea than any time since the 1990s](#). CNN.

34 IOM (2023) [Missing migrants in the Caribbean reached a record high in 2022](#).

35 CBC (2023) [Cubans making risky boat trip to Florida, another immigration challenge for Biden administration](#).

36 Rodríguez, A. (2023) [Cubans respond with zeal to new U.S. migration policy](#). Los Angeles Times.

north through Central America to Mexico and the US border, particularly as travel restrictions from Cuba have been eased, there have been discussions during 2023 between the US and Cuba around managing migration.³⁷

Haiti's crisis continues

Chronic insecurity, shrinking economic opportunities and corruption have all contributed to the collapse of democratic rule in **Haiti**, with around two-thirds of Port au Prince are now controlled by gangs.³⁸ With abductions, murders and sexual violence on the rise, deployed by armed groups against entire communities, the shrinking capacity of the state to provide even basic protections to its citizens has left many desperate to escape the country. Other factors, including the economic fallout of the Covid-19 pandemic, the 2021 earthquake and the assassination of the country's president the same year, also triggered large emigration movements out of Haiti. By the middle of 2023, around 165,000 people were internally displaced as a result of insecurity, with thousands of others also displaced due to disasters such as flooding.³⁹ Many others are caught in a state of forced immobility as gang violence has made it difficult to even leave their homes.⁴⁰

Most attempt to reach the US, either by land through the Darién Gap and up through Central America to the northern border of Mexico (where more recent Haitian refugees and migrants are joined by others engaged in secondary migration from host countries in South America, having been displaced by lack of opportunities there) or directly by boat to Florida. Along both routes, the high proportion of Haitian nationals speaks for itself: in addition to the tens of thousands entering Panama from Colombia and the tens of thousands of others attempting to cross from Mexico into the US, many others (4,600 between October 2022 and May 2023 alone) are being intercepted by US naval forces at sea.⁴¹ The decision to migrate is underpinned not only by the terror and destruction inflicted by armed groups in the past few years, but also by long-term disillusionment in the ability of the political elite to meaningfully address the country's many challenges. Migration is a survival mechanism in a country where economic opportunities are rapidly shrinking, with remittances from abroad now accounting for around a fifth of national GDP.⁴²

Despite the evident dangers, many Haitian nationals apprehended by authorities continue to be returned to their country, with 176,777 repatriations in 2022 alone. Of these, the majority (154,333) were deported from the neighbouring Dominican Republic, followed by the US (15,065). Other Caribbean countries, including the Bahamas, Cuba and Turks and Caicos, also undertook deportations of Haitians during the year.⁴³ This trend has continued unabated in 2023, with around 60,000 Haitians returned in the first five months of the year.⁴⁴ In response, the UN has called for an immediate halt to deportations of Haitians within the Americas.⁴⁵

Across the Americas, Haitians face higher hurdles to entry

Migration in the Americas is especially challenging for Haitian refugees, migrants and asylum seekers as a result of racism, negative stereotypes and discriminatory immigration policies. According to Amnesty International, "Instead of receiving solidarity from other countries in the Americas, Haitians have suffered acts of racism, xenophobia, and systematic violence in their search for protection."⁴⁶ The treatment of Haitians in the **Dominican Republic** is a case in point. Despite longstanding efforts to regularise the substantial population of Haitian migrants in the country, as well as hundreds of thousands of residents of Haitian origin with valid claims for citizenship who lack formal documentation, many continue to be arrested and deported to Haiti. In some cases, this has included residents who have lived their entire lives in the Dominican Republic and never set foot in Haiti until their expulsion. With police reportedly rounding up Haitians arbitrarily based on their skin colour,⁴⁷ and with pregnant women and unaccompanied children among those targeted,⁴⁸ Haitians still based in the country are often forced to live clandestinely to avoid detention.⁴⁹

This is arguably the latest chapter in a long history of racism towards Haitians in the Dominican Republic.⁵⁰ Some critics of the current US policy towards Haitian refugees, migrants and asylum seekers have pointed to a similar legacy of discrimination and mistrust, reflected in decades of exclusionary

37 US Embassy in Chile (2023) [U.S. – Cuba migration talks held April 12 in Washington](#); DeYoung, K. & Miroff, N. (2023) [U.S., Cuba hold talks over migration for the first time in four years](#). The Washington Post.

38 Taylor, L. (2023) [Haiti left with no elected government officials as it spirals towards anarchy](#). The Guardian.

39 IOM (2023) [Gang violence displaces 165,000 in Haiti, hinders aid efforts](#).

40 Douyon, E. (2023) [Haitians flee a nation nearing collapse](#). MPI.

41 Ibid.

42 Ibid.

43 IOM (2023) [Migrants' repatriation and reception assistance in Haiti: December 2022](#).

44 IOM (2023) op cit.

45 UN (2023) [Stop deporting Haitians: Rights experts' appeal to countries in Americas](#).

46 Amnesty International (2023) [Americas: States must end racist treatment of Haitian asylum seekers](#).

47 France24 (2023) [Video: The 'hunt' for Haitian migrants continues in the Dominican Republic](#).

48 Douyon, E. (2023) [Haitians flee a nation nearing collapse](#). MPI.

49 Chéry, O. (2023) [Distant neighbors: For Haitian 'illegals' in Dominican Republic, fear is a mainstay](#). The Haitian Times.

50 Minority Rights Group International (n.d.) [Dominico-Haitians](#). World Directory of Minorities and Indigenous Peoples.

immigration policies towards Haitians. Until 2010 the majority of Haitian arrivals were returned, with the only reprieve being the years immediately after the devastating earthquake, when they were granted Temporary Protection Status. However, this designation was rescinded in 2016. Since then, Haitians have faced disproportionate barriers to entry, with official figures from 2021 suggesting that they experienced the highest rates of asylum denial of any nationality where data was available.⁵¹ While there have been some measures imposed periodically to improve protections for Haitians—exemption from Title 42 provisions in June 2022, for instance, as well as the January 2023 humanitarian parole—the broader focus of US policies continue to orient towards deportation.

An increasing emphasis on restrictions and return is evident in other countries, too. In the **Bahamas**, where around a fifth of the population is Haitian, authorities have carried out growing numbers of deportations and in February 2023 announced a crackdown on undocumented migrants and informal settlements.⁵² By the end of May, more than 2,500 people, mostly citizens of Haiti and Cuba, had been expelled from the country.⁵³ The **Turks and Caicos Islands** also announced similar measures against Haitians,⁵⁴ before launching Operation Pursuit in May aimed at reducing irregular migration and the deportation of those in the country without documentation. In the first five months of 2023 almost 2,000 migrants were repatriated, almost as much as the total for the entirety of 2022.⁵⁵

Furthermore, recent statements by UN bodies and human rights organisations have indicated that unjust and exclusionary migration policies are being deployed against Haitians across the Americas region. In April, the UN Committee on the Elimination of Racial Discrimination called attention to, “Reports that persons of Haitian origin are among the main victims of excessive use of force, cruel, inhuman and degrading treatment, and racial profiling against persons on the move by law enforcement officials of some States Parties [to the International Convention on the Elimination of All Forms of Racial Discrimination] in the Americas region”.⁵⁶ These concerns were echoed by Amnesty International in June, citing widespread incidents of mistreatment, abuse and mass expulsions in a

range of countries, including Chile, Mexico and Peru: “instead of receiving solidarity from other countries in the Americas, Haitians have suffered acts of racism, xenophobia, and systematic violence in their search for protection”.⁵⁷

Migration through Central America to Mexico

Mixed migration flows through Central America are complex and comprise multiple groups, often with very different demographic profiles, drivers and destinations. Besides hosting international migrants, most of whom are in transit towards the US, countries also have sizeable numbers of their own citizens who are either attempting to leave their country, returning from elsewhere or are internally displaced by conflict, environmental pressures, or criminal violence.⁵⁸

Emigration from Nicaragua

The increasingly authoritarian rule of Daniel Ortega, in power since 2007, has in recent years seen the steady erosion of democracy and human rights, accompanied by protracted economic difficulties. This repression escalated in 2018 and again in the build-up to national elections in 2021, prompting tens of thousands of Nicaraguans to flee the country. Since April 2018 some 200,000 Nicaraguans have left, with the majority (around 150,000) settling in neighbouring Costa Rica.⁵⁹ Official policy and popular attitudes in Costa Rica have become less welcoming over time as the country’s asylum processing facilities have been overwhelmed by the sharp rise in applications.

In this context, rising numbers have opted to move on to Panama or northwards to Mexico, with many intending to transit into the US, though more and more Nicaraguans are now choosing to claim asylum in Mexico. This trend could continue, given the passage by the US government in January 2023 of new migration policies that allowed the government to deport 30,000 nationals every month from Nicaragua, Haiti, Cuba and Venezuela (in tandem with the humanitarian probation programme that is now granting entry to the same number of nationals from these four countries through a formal application process).⁶⁰

51 Morrison, A., Galvan, A. & Lo, J. (2021) [Haitians see history of racist policies in migrant treatment](#). AP.

52 Schmidt, S., Villegas, P. & Dormido, H. (2023) [Dreams and deadly seas](#). The Washington Post.

53 Cartwright-Carroll, T. (2023) [Bell notes troubling increase in human smuggling](#). The Nassau Guardian.

54 OHCHR (2023) [Stop deporting Haitians on the move in Americas, UN Committee warns](#).

55 Wong, M. (2023) [Turks and Caicos launches ‘Operation Pursuit’ – illegal migrants warned](#). Loop.

56 CERD (2023) [Situation of migrants, asylum seekers and refugees of Haitian origin in the Americas region](#).

57 Amnesty International (2023) [Americas: States must end racist treatment of Haitian asylum seekers](#).

58 Isacson, A., Verduzco, A.L. & Meyer, M. (2023) [Halfway to the U.S.: A Report from Honduras on migration](#). WOLA.

59 UNHCR (2023) [Desplazamiento en Centroamérica](#).

60 Ripley, C. (2023) [Crisis prompts record emigration from Nicaragua, surpassing Cold War era](#). MPI.

The Northern Triangle

While the relative share of those apprehended at the Mexico-US border from the Northern Triangle (El Salvador, Guatemala and Honduras) has recently reduced, these countries continue to be an important source of migration, primarily northwards to Mexico and the US, with hundreds of thousands of people leaving every year in the hope of escaping chronic poverty, criminal gangs, political persecution and the impacts of climate change on agricultural livelihoods. Targeted violence and discrimination against LGBTQI+ groups is also rife across the region, forcing many to attempt to seek asylum in the US.⁶¹ In this context, the highly publicised phenomenon of “caravans”—large groups of refugees, migrants, and asylum seekers, often numbering in the thousands, moving together for safety through countries en route to the US—has continued, including many Guatemalans, Hondurans and Salvadoreans as well as other nationalities such as Venezuelans and Ecuadorians. The first caravan of 2023 detected in southern Mexico, for instance, comprising more than 1,000 people, was composed of nationals from these countries.⁶²

At the same time, these countries are also major transit points for nationals from other countries on their way to the US. Almost 188,900 refugees, migrants, and asylum seekers travelled through **Honduras** in 2022, for instance, a figure that was already exceeded in the first eight months of 2023, when almost 250,000 irregular movements were detected, predominantly from Venezuela, Ecuador, Cuba and Haiti.⁶³ The Honduran government extended its amnesty (first introduced in August 2022) on entry fees for international migrants until the start of 2024, meaning foreign nationals travelling through the country do not have to pay to do so.⁶⁴ This has a range of benefits, easing the financial burden on those moving through the country and thereby reducing the risk of them becoming stranded indefinitely. It also, importantly, mitigates the possibility of extortion by officials as well as the need for migrants to use smugglers or to travel along more hazardous routes to evade detections.⁶⁵

The situation elsewhere for people on the move is more challenging. In **Guatemala**, while many citizens continue to leave the country, increased border controls and reported incidents of extortion by Guatemalan police

have made the route more challenging for refugees and migrants on their way to Mexico.⁶⁶ In the first half of 2023, authorities in Guatemala returned more than 7,000 foreign nationals who had entered the country irregularly, the majority from Venezuela, Haiti, Ecuador and Honduras.⁶⁷ With ongoing cooperation between the US and Guatemala around border control and migration management—thousands of Guatemalans have been repatriated since May 2023 from the US, following the passage of new policies there⁶⁸—such returns are likely to continue for the foreseeable future.

More apprehensions and asylum claims in Mexico

The number of people on the move intercepted in **Mexico** has risen sharply, peaking in June 2023 with an unprecedented 58,097 apprehensions that month. Surprisingly, this coincided with a dip in the volume of attempted crossings from Mexico to the US, suggesting that Mexican authorities may have intensified their enforcement efforts in the wake of the end of the US Title 42 policy (see below) to curb movement northwards towards the border.⁶⁹ Mexico, in part under pressure from the US, has adopted an increasingly securitised approach to migration in recent years, with 318,660 people detained and over 106,000 deported in 2022 alone.⁷⁰ Its prioritisation of detention and deportation over protection and integration is reflected in the fact that, while the National Migration Institute charged with apprehending and removing undocumented migrants has an annual budget of \$90 million and the additional support of some 30,000 national guards, the Mexican Commission for Refugee Assistance has just \$2.5 million in funding (supplemented with \$6 million from UNHCR).⁷¹

While Mexico has long been a country of transit for refugees, migrants and asylum seekers heading north to the US, as well as a major source country in its own right, increasing numbers of people are now seeking to claim asylum to remain. In 2022, Mexico received the fifth-largest number of asylum applications in the world.⁷² The total for 2023 is likely to increase further, creating longer backlogs, following the joint agreement in January 2023 between the US and Mexico authorising the deportation of 30,000 nationals of Cuba, Haiti, Nicaragua and Venezuela every month.⁷³ In the first half of 2023 alone 74,764 people applied for asylum in

61 HRW (2023) [“Vivo cada día con miedo”: Violencia y discriminación contra las personas LGBT en El Salvador, Guatemala y Honduras y obstáculos al asilo en Estados Unidos.](#)

62 La Prensa Latina (2023) [Migrants set out from southern Mexico in 1st caravan of 2023.](#)

63 Republic of Honduras (2023) [Migración irregular.](#)

64 MMC (2023) [Mixed migration quarterly review: Latin America and the Caribbean – Q2 2023.](#)

65 Isacson, A., Verdusco, A.L. & Meyer, M. (2023) [Halfway to the U.S.: A Report from Honduras on migration.](#) WOLA.

66 Vigna, A. (2023) [For migrants, “the border with the United States starts in Guatemala”.](#) Le Monde.

67 Government of Guatemala (2023) [Durante el año se han rechazado a más de 7 mil personas quienes ingresan de manera irregular al país.](#)

68 El Paso Times (2023) [Guatemalans returned: ICE’s latest repatriation.](#)

69 Isacson, A. (2023) [Weekly U.S.-Mexico Border Update: Asylum rule struck down, Mexico record migration, Texas updates.](#) WOLA.

70 Amnesty International (2023) [Mexico: Fatal fire in migrant detention center is result of inhumane policies.](#)

71 Fredrick, J. (2023) [New U.S. immigration rules send asylum requests soaring in Mexico.](#) NPR.

72 UNHCR (2023) [Mexico.](#)

73 Al Jazeera (2023) [US unveils new border curbs for Haitians, Cubans, Nicaraguans.](#)

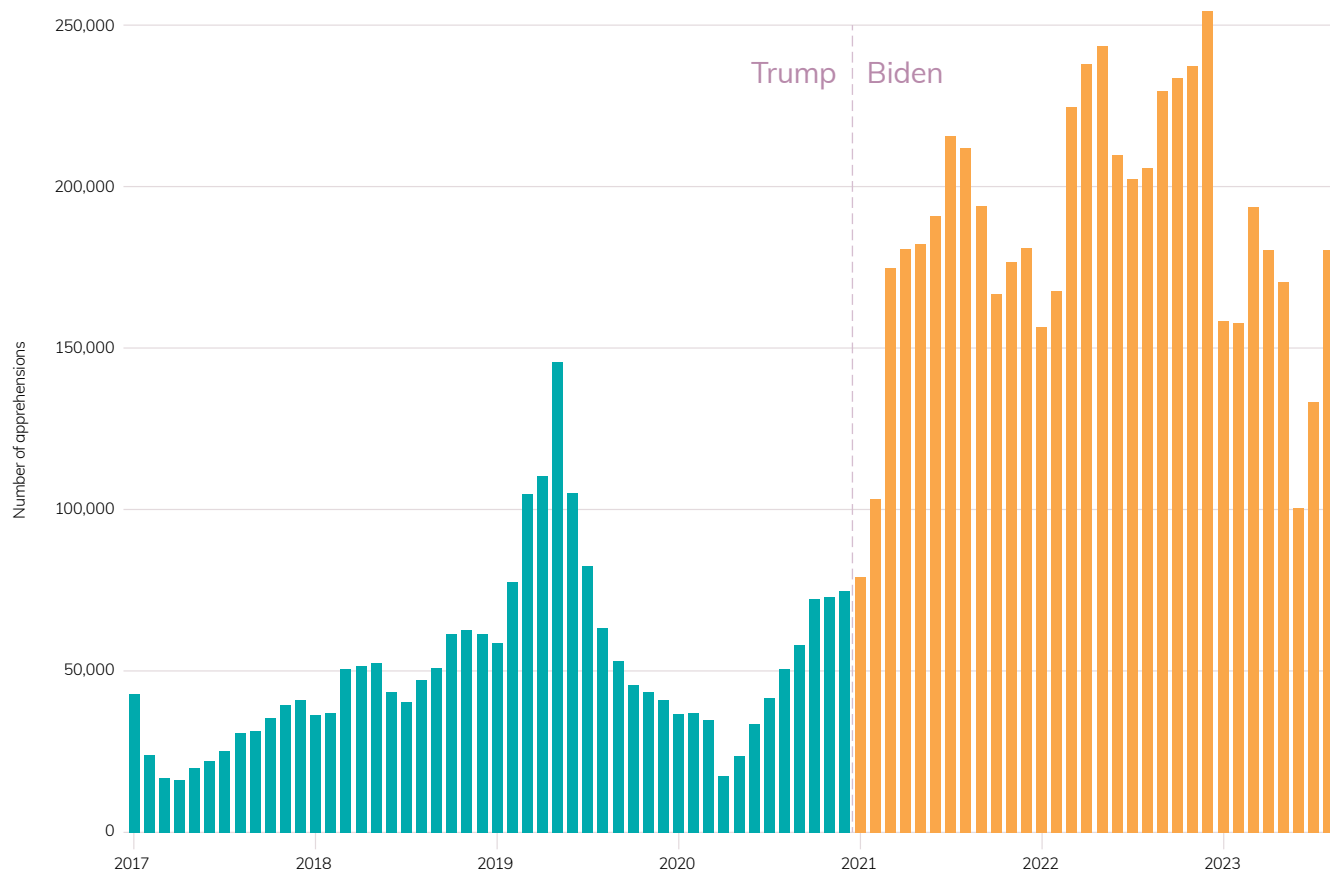
Mexico, compared to 118,626 for the entirety of 2022. The five most represented countries of origin among asylum applicants in the first six months of 2023 were Haiti (29,532), Honduras (18,210), Cuba (5,034), Venezuela (3,511) and El Salvador (3,408).⁷⁴

Critics of the Mexican government’s current migration policy, including the cancellation in May 2023 of Multiple Immigration Forms that allowed arrivals to travel temporarily across the country, have argued that many migrants have been left with no alternative but to seek asylum as they are effectively trapped indefinitely in one place. Around three-quarters of all asylum seekers are hosted in the impoverished southern state of Chiapas, where they have to remain while their claims are processed.⁷⁵ This includes as many as 50,000 migrants who have been bottlenecked in the city of Tapachula

near the border with Guatemala, waiting months to be granted humanitarian visas or refugee status.⁷⁶

The hazardous living conditions that refugees, migrants and asylum seekers face in Mexico were highlighted by a fire that broke out in a migrant detention centre facility in the border city of Ciudad Juárez in late March amid protests about overcrowding and lack of access to water. At least 40 people were killed in the blaze.⁷⁷ In the wake of these deaths, Mexican authorities announced that they would be closing other detention centres temporarily while conditions in the facilities were investigated.⁷⁸ In a statement, Amnesty International argued that the incident was not an isolated tragedy but “a consequence of the restrictive and cruel immigration policies shared by the governments of Mexico and the US”.⁷⁹

Graphic 3. 2023 spike in monthly apprehensions at US’s southwestern borders



Sources (adapted) and credit: [The New York Times](#). The Washington Post [Families crossing U.S. border illegally reached all-time high in August](#).

74 Government of Mexico (2023) [Solicitudes: Solicitudes por delegacion / Solicitantes x nacionalidad 2021, 2022 y 2023 \(personas\)](#).

75 Stepansky, J. (2023) [Calls for clarity on how Mexico will address new US border rules](#). Al Jazeera.

76 Avelar, B. (2023) ["There's no more room here!": Thousands of migrants rush to Mexico's southern border as Title 42 nears end](#). El País.

77 Philips, T. and Chavez, M. (2023) [At least 40 dead in Mexico migrant centre fire as rights groups blame overcrowding](#). The Guardian.

78 Blust, K. (2023) [Mexico closes 33 migrant detention centers amid investigation of deadly fire](#). Fronteras.

79 Amnesty International (2023) [Mexico: Fatal fire in migrant detention center is result of inhumane policies](#).

United States

While attempted crossings into the **United States** at the US-Mexico border declined during FY2020 (October 2019 to September 2020), when movement was severely curtailed by the Covid-19 pandemic, the number of refugees, migrants and asylum seekers encountered rose sharply in FY2021 to more than 1.73 million and again in FY2022 to almost 2.38 million.⁸⁰ This included more than 224,000 in May 2022 alone, the highest levels recorded since March 2000.⁸¹ This pace has been maintained during FY2023, with close to 1.79 million encounters in the first nine months (October 2022 – June 2023), amounting to an average of around 200,000 every month so far.⁸²

The demographic profile in terms of nationalities has varied considerably from year to year, though in the past few years Mexico has remained the most significant country of origin, followed in FY2022 by Guatemala, Cuba, Honduras and Venezuela.⁸³ The picture is substantially different in FY2023, however, evolving month from month with Mexico followed by Venezuela as the two most represented countries of origin. In June 2023, these were followed by Honduras, Guatemala, Haiti, Ecuador and Colombia.⁸⁴

An end to Title 42... but barriers remain

The controversial Title 42 provisions, originally introduced in 2020 by the then president Donald Trump on the pretext of protecting the US from the spread of Covid-19, were finally ended on 11 May 2023. The emergency legislation, granting extraordinary powers to summarily expel refugees, migrants and asylum seekers attempting to enter the US, was maintained long after any public health benefits still applied. By then, it had been used to carry out around 2.8 million expulsions.⁸⁵ Many supporters of President Joe Biden had hoped that, following his inauguration in January 2021, Title 42 would be revoked, and a more progressive, rights-based regime introduced in its place. However, despite some positive reforms, including, on Biden's first day in office, the suspension of the so-called Migration Protection Protocols (also known as the "Remain in Mexico" programme), many concerns persist.⁸⁶ For instance, while the construction of a border wall between the US and Mexico was one of the most divisive policies under Trump, in October 2023 it was announced that the Biden

administration would be deploying its executive powers to construct segments of the wall in southern Texas.⁸⁷

Some of the most recent measures related to asylum policy and border control (described in more detail below) are more restrictive, including the resumption of border processing under Title 8 (the default section of the US Code dealing with Aliens and Nationality, in place for decades before the Covid-19 pandemic) and the implementation of new restrictions on asylum eligibility called the Circumvention of Lawful Pathways rule, under which anyone who enters the US irregularly having transited through another country is deemed ineligible for asylum unless they can show they applied and were refused asylum there. The policy has been criticised as a de facto "asylum ban" that would further endanger lives. (In July, a US court ruled that the policy, by effectively denying the right to seek asylum at the border, was in violation of US asylum law). However, these measures have also been accompanied by interventions apparently aimed at increasing opportunities for the most vulnerable groups to apply for humanitarian protection, such as the creation of Secure Mobility Offices in Colombia, Panama and Costa Rica, as well as the expansion of CBP One App appointments, from 700 daily before the end of Title 42 in May 2023 to 1,450 daily by the end of June to accommodate increased demand.⁸⁸

With the expiry of Title 42, migration and asylum protocol will revert to the default use of Title 8. The latter was in dominant use until it was superseded by Title 42 in March 2022, though it was increasingly being deployed again even before the cancellation of Title 42, with almost two-thirds (65 percent) of irregular arrivals (particularly for nationals of countries outside the Northern Triangle and Mexico) processed through Title 8 in April 2023.⁸⁹ Irregular arrivals to the US can face much more severe consequences under Title 8. Those deported under expedited removal are prohibited from re-entering for five years and potentially subject to prosecution if caught doing so.

At the same time, US authorities have taken some tentative steps to improve access to asylum processes for potential applicants in third countries. In the months that followed the end of Title 42, the US also announced the establishment of Safe Mobility Offices in Colombia, Costa Rica and Guatemala to enable potential applicants

80 US Customs and Border Protection (2023) [Southwest land border encounters](#).

81 Pew Research Centre (2023) [Monthly migrant encounters at U.S.-Mexico border are near record highs](#).

82 US Customs and Border Protection (2023) op cit.

83 WOLA (2023) [Some graphics about the border and migration](#).

84 WOLA (2023) [All CBP migrant encounters at the U.S.-Mexico border, by country of origin](#).

85 Chishti, M. & Bush-Joseph, K. (2023) [U.S. border asylum policy enters new territory post-Title 42](#). MPI.

86 See essay – Biden's approach to migration management in the Americas: a medley of pathways, asylum restrictions and unceasing transit on [page 148](#).

87 Gonzalez, V. (2023) [The Biden administration says it is using executive power to allow border wall construction in Texas](#). AP.

88 MMC (2023) [Quarterly Mixed Migration Update: Latin America and the Caribbean – Q2 2023](#).

89 Chishti, M. & Bush-Joseph, K. (2023) op cit.

to apply from there.⁹⁰ Mexico has also reportedly shown interest in the model and is planning to establish an “international multipurpose space” to provide “new labor and refugee options for the most vulnerable people” currently in the country.⁹¹

The human cost of deterrence

While asylum and immigration policy continues to be a politically charged issue in the US, a statement by Human Rights Watch in July 2023 to the US House Homeland Security Committee outlined the impact of US border militarisation under successive Democrat and Republican administrations on those attempting to seek asylum. In the three decades since deterrence-based policies were first enacted in 1994, with the explicit aim of disrupting traditional routes to force smugglers and migrants into more remote and dangerous areas, at least 10,000 people (though the true number is likely to be substantially larger) have died at the border. The effects of the current federal approach to border management have been exacerbated by the hostile policies of Operation Lone Star, a programme overseen by the Republican governor of Texas, Greg Abbott. Among other measures, this led to the introduction of razor wire fences and buoy barriers in the Rio Grande. This potentially lethal border infrastructure, accompanied by reports of cruel and inhumane treatment of migrants such as denial of water, has placed refugees, migrants and asylum seekers (including minors) in even greater jeopardy. Besides undermining fundamental human rights and endangering the life and limb of thousands of men, women and children, these measures have done little to stem migration while entrenching the power of criminal cartels over vulnerable migrants.⁹²

Furthermore, the impacts of US policy are not only being felt at its borders but also in Mexico, where hundreds of thousands of refugees, migrants and asylum seekers have been forcibly returned. Many are stranded there in poverty and at high risk of sexual assault, torture, extortion and murder by criminal and armed groups. With the US continuing to pursue a policy of externalisation with Mexico and Central American countries to prevent arrivals at the border, its increasingly restrictive approach to migration and asylum is shaping the experiences of people on the move further south in profound ways.

Humanitarian parole: Sticking plaster or a bold new vision for regularising migration?

The promise of a more humane US migration and asylum policy under Biden, following the draconian measures imposed by Trump, have yet to be fully realised. Some protections, in fact, have been rolled back by Biden’s administration. In January 2023, for instance, the US government suspended the exemptions to Title 42 in place for nationals from Cuba, Haiti and Nicaragua, thereby permitting the “expedited removals” of tens of thousands of nationals from these countries to Mexico if they entered the US irregularly (a move that the UN High Commissioner for Human Rights, Volker Türk, said could “risk undermining the basic foundations of international human rights and refugee law”).⁹³

Yet the rhetoric of the Biden administration is audibly different to its predecessor’s, in particular in its emphasis on safe and regular pathways as an alternative to irregular migration. Alongside the suspension of the exemption in January 2023, it was also announced that nationals from Cuba, Haiti and Nicaragua could instead apply for humanitarian parole. This built on an amendment in October 2022 for Venezuelans that ended their de facto exemption from Title 42 while also opening up a programme of humanitarian parole for asylum applicants to file claims from Mexico. With the extension of the humanitarian parole process already in place for Venezuelans to include Cuba, Haiti and Nicaragua, up to 30,000 citizens from these four countries (with sponsorship and financial guarantees from someone already in the US) are now authorised each month over a two-year period for regular entry to the US.⁹⁴

In its statement, the White House justified this carrot and stick approach as a means to open up regular pathways to the US while reducing irregular entry: “These measures will expand and expedite legal pathways for orderly migration and result in new consequences for those who fail to use those legal pathways”.⁹⁵ While some have praised these “smart and successful parole processes”,⁹⁶ others disagree. Human Rights

90 US Department of State (2023) [U.S.-Colombia joint commitment to address the hemispheric challenge of irregular migration](#); Al Jazeera (2023) [US and Guatemala launch new migration processing centres](#); Villarreal, A. (2023) [Explainer: What are Safe Mobility Offices?](#). National Immigration Forum.

91 The White House (2023) [Statement from National Security Advisor Jake Sullivan on legal pathways initiative with Mexico](#); The White House (2023) [U.S.-Colombia joint commitment to address the hemispheric challenge of irregular migration](#).

92 HRW (2023) [Statement of Human Rights Watch: The human cost of harsh US immigration deterrence policies](#).

93 UN (2023) [New US border policy poses risk to fundamental rights, warns UN's Türk](#).

94 USCIS (2023) [Processes for Cubans, Haitians, Nicaraguans, and Venezuelans](#).

95 The White House (2023) [Biden-Harris administration announces new border enforcement actions](#).

96 Jawetz, T. (2023) [The Biden administration's use of immigration parole authority is a smart and lawful approach to today's migration challenges](#). Centre for American Progress.

Watch noted that the US and Mexico “have presented the parole program as an expansion of legal pathways for noncitizens, but in reality it will likely decrease the number of people able to access life-saving protection in the US”.⁹⁷ Since the policy was put in place, thousands of people have been stranded in Mexico, trying desperately to register their claims on the US government’s CBP One app. There has also been a drop in the proportion of applicants passing their initial asylum screening and a rise in the number of people detained by US Immigration and Customs Enforcement (ICE).⁹⁸ Even more disturbingly, there have been reports of immigration agencies encouraging Venezuelans to leave the US voluntarily and apply through regular pathways from Mexico, only to be deported to southern Mexico where they are unable to access the app to make an asylum application.⁹⁹

97 Human Rights Watch (2023) [Biden expands Trump-era border restrictions once again](#).

98 VOA (2023) [Biden's new asylum policy strands some migrants at Mexico border](#).

99 Hinojosa, A. (2023) [US program is leaving asylum seekers stranded in Mexico, advocates say](#). The Guardian.



Hands-on empowerment: how an art project in Mexico helps unaccompanied minors tell their migration stories¹

By Sofia Montserrat Matus Hermosillo²

Girls, boys and teenagers are entitled to basic human rights which states are obliged to recognise and protect.³ When these rights are violated or disregarded, it causes harm to their mental, physical and emotional well-being. In order to engage with these young people in decision-making processes, we need to stop seeing them from an adult-centric perspective and start to coexist with them through a different approach that actively listens to their needs as children, as individuals in a family group and as members of the community. This will encourage society to generate the necessary spaces for children to express their opinions, necessities and complaints without feeling marginalised.

Within the context of borders and migration, children exist and fight to be recognised by the state, international organisations and by the community. Each year, increasing numbers of children are forced to migrate via irregular and precarious routes, and their migration journeys are always described by journalists, activists, academic essays, non-governmental organisations and the mainstream media, who rarely shine a light on the opinions of child migrants themselves, their life goals nor their first-hand experiences of migration.⁴ That is why from 2016 to 2018, I collaborated with unaccompanied migrant children, traveling across Mexico to the United States, to lead an art project called Orenda.⁵ The project was developed inside a migrant shelter run by the NGO FM4 Paso Libre in Guadalajara city, central Mexico, and comprises 300 individual drawings in which each girl and boy, most of whom are teenagers, illustrates their personal characteristics and identity through strokes of paint and colour, empowering them to define their life experiences for themselves through visualisation and creative expression. The project started as a daily exercise to allow the children to de-stress themselves and have an exclusive space away from everything, where they could feel comfortable, safe and listened to. This practice then developed into

a talking circle where they could share ideas, tips and advice between themselves about their migration journeys, border crossings and complications related to immigration and the asylum-seeking process that they may face in the United States. Towards the end of the project, the dynamics of the activity transformed into a workshop in which we were able to share the information and knowledge created by those teenagers with others who were yet to experience the challenges faced later in their migration journey and process either at the Mexican side of the border or at the United States' side.

In this short essay I will explain the context in which the artistic hands were made. I will try to avoid a description of the drawings because I don't want to impose any conceptions that I already had of the children that I met. Instead, I hope to create a space where the art created by these children reveals their knowledge, shares their wisdom and triggers emotions in the reader through their artistic expression.

Orenda began on a rainy day, when many people were running from side to side inside the shelter, and everyone was getting prepared for the journey with plastic bags filled with necessities and food. Although Guadalajara is 1,637 kilometres from the US-Mexico border, most of the people considered themselves on their last step to get to the United States. That day in the shelter two quiet teenagers were sitting in the hall waiting for their friends, fellow travellers and older cousins. That day the first artistic hands of the project were drawn and, despite the preconceptions that some teenagers had that drawing pictures might be boring or childish, they enjoyed the activity. Although the shelter was falling into chaos, they remained busy and creative by expressing their personal essence through art.

1 This essay is one of this year's Mixed Migration Review Alternative perspectives prize winners – representing academics, writers, and analysts under the age of 30 who are from and based in the Global South. See footnote 1, [page 59](#) for more details.

2 Sofia Matus is a Mexican/Nicaraguan woman. Her international relations studies have focused on forced migration and unaccompanied teenagers. For the last few years she has been accompanying refugees and migrants in Mexico's southern border area.

3 UN (1989) [Convention on the Rights of the Child](#).

4 Comisión Nacional de los Derechos Humanos (2018) [Informe especial: La problemática de niñas, niños y adolescentes en contexto de migración internacional no acompañados en su tránsito por México](#).

5 More information about the Orenda project, including all the art work produced, can be found on a [dedicated section of Sofia's blog](#).



Borders prevent those who need to cross them from doing so in a dignified way, especially with regards to nationality, gender, ethnicity, race, age and social class; these factors also determine how violence occurs along the migration route and involves certain demographics more than others. Throughout

the development of the Orenda Project, only two girls were able to partake, as there were far fewer girls and young women traveling alone in the shelter. This clearly highlighted the migration dynamics that demonstrate how women are forced to take more desolate migration routes imposed by human traffickers, organised crime groups and partners.⁶ This often makes it more difficult for women to seek help from organisations and public services that can protect their rights to live a life free from violence. NGO-run shelters located along the migration routes act as places of refuge, solidarity and protest where people are allowed to feel human again. Within these environments, alternative solutions can be established to combat dangerous situations in which the intervention of the state might lead to an escalation of violence against the migrant children, accommodating them in unsafe places.⁷

siblings from El Salvador named Rony and Noe, 12 and 15 years old, arrived at the shelter too and met Bairon. In the next few days, the three of them stayed in the shelter, shared the room and completed activities together such as cooking, cleaning, playing football and eating together at mealtimes. They also drew their hands and shared their expectations about the travel, their experiences crossing the Mexico-Guatemala border and running away from Mexican migration officials. At the end of their time together in the shelter, Bairon felt relaxed enough to travel alongside them both for the remainder of their migration journey and the siblings likewise trusted him to be their fellow travel companion.

The risks that children face during migration not only arise from private actors exercising violence against them but also from state actors that legitimise borders.⁸ Some government offices fail to offer safe and accessible spaces for children, even within specialised facilities for child protection. A trans girl once came into the shelter and presented herself as a boy, due to her fears of being harmed if other migrants found out about her gender identity. Once she felt secure, she expressed her wish to make an asylum claim in Mexico. As she was an unaccompanied child, the state was responsible for starting the asylum process. We transferred her to the child protection attorney, but only weeks later she appeared at the shelter and told us how the authorities had sent her to a house where there were only adult men with problems of substance abuse. She managed to survive a few days there but then fled soon afterwards, returning to the safe space that the shelter provided for her and continuing on her path to the United States.



One day, a group of eight males, including a 15-year-old called Bairon, entered the shelter. All of them were from the same town in Honduras but at the end of the day they left Bairon behind in the shelter because the group didn't want to keep traveling with an unaccompanied child. As the days passed Bairon grew increasingly worried and started to reflect on the best action to take, while the staff shelter was also considering whether to take him to the child protection attorney. At the same time, two

The climate crisis endangers both ecosystems and people: a situation that is encouraged by economic extractivism and its consequences of environmental pollution, degradation, illegal land occupation and violence against farmers, activists and indigenous people. These issues are forcing young people to migrate to safer areas while migrant detention policies are also forcing people to migrate via roads where ecosystems are negatively impacted by humans passing through,

6 UNICEF (2021) [Adolescent girls and LGBTQ+ adolescents unaccompanied or separated: An invisible migration?](#); Hebrew Immigrant Aid Society & UNICEF (2022) [Cartografías afectivas: Niñas y adolescentes migrantes desplazadas en América Latina y El Caribe.](#)

7 Fray Matias, La 72 & Kids In Need of Defense (2022) [Blocked from protection: Unaccompanied migrant children on Mexico's southern border.](#)

8 Walia, H. (2014) [Undoing Border Imperialism.](#) AK Press.

like the Darién Gap in the Panamanian jungle that many migrants had to cross in order to continue their path to North America. Some rivers and land are affected by the human footprint in the form of garbage, body waste and dead bodies.⁹ One day, two boys of 12 and 13 years old, Pablo and Selvin, were drawing their hands and telling me more about their stories back in Honduras. They were cousins and used to live in a rural zone, cultivating their own fruit and vegetables and working alongside their relatives in the coffee and corn farms. Since climate change started to affect the plantations and dry out the land, the economic and food resources of Pablo and Selvin disappeared. Moving to the big cities within Honduras was too dangerous and not an option, so they decided to move to the United States where some of their older cousins were already working.

This is not only about migrant children but also about children in general, as before all else we need to recognise them as primarily children. This is about the teenagers like Jasson and Alexander, two unaccompanied teenagers who were murdered in Tijuana in 2018.¹⁰ This is about all of the children who are detained by US Immigration and Customs Enforcement and all of the young people who weren't provided with integral care measures by the UK government.¹¹ This is about all the children that are resisting, fighting for their human rights recognition in Tripoli and Calais. This is about all the kids and teenagers who are forced to risk their lives and are fighting to never again face the exclusion.



Focusing on the knowledge and practical tools that children can share with us is essential in understanding how we, as a community, can accompany them far more adequately in their process. This will help us to stop the oppressive practices and regimes that criminalise and prevent these children from moving safely. The so-called safe, orderly and regular migration routes that already exist fail to include all the childhoods and uphold the racial hierarchy of the migration systems, because there are different realities of childhood: some have never had an ID document, much less a passport, others don't meet the requirements, or have the support of their parents or legal guardians, to finish the visa application process and some can't wait months or even years for a family reunification process. In order to combat the fear and disinformation about "others" that borders impose, we need to challenge these official migration avenues that allow the state to reinforce repressive practices such as detention and deportation policies.



9 Ministerio de Ambiente (Panama) (2022) [Contaminación y cacería ilegal: efectos de la migración en el Parque Nacional El Darién.](#)

10 Bautista, N. (2018) [Murder of Honduran teens highlight dangers for refugees at border.](#) Al Jazeera.

11 Hunter, J. & Duran, L. (2022) [When harm remains: An update report on trafficked and unaccompanied children going missing from care in the UK.](#) ECPAT UK & Missing People.

Interview

Dignity through empowerment

The world's attitude towards refugees is marked by hypocrisy and discrimination, as global systems fail to adapt to the growing number of displaced people, argues **Sana Ali Mustafa**. She believes that empowering communities can challenge xenophobic narratives and promote a more inclusive, fairer approach to migration that is focussed on collective responsibility and preserving the dignity of those seeking protection.

Canada-based Syrian refugee, author, activist and non-profit founder Sana Ali Mustafa is the CEO of Asylum Access, an NGO headquartered in Oakland, California. She was a co-founder of the Network for Refugee Voices (which later became the Global Refugee-Led Network) and co-authored We Are Syrians, a memoir.¹

How would you characterise the world's attitude to and treatment of refugees and displaced people, which are today at record levels?

I would characterise it as hypocrisy. Look at how the world responded when Ukrainians were forced to flee their country due to Russian aggression: the European Union quickly implemented a Temporary Protection Directive, which offered expedited stay, residence and work status for Ukrainians fleeing war. Similarly, the US opened its doors and has reportedly admitted over 271,000 Ukrainians since the war began. Let me be clear, I support these policies and am glad that Ukrainians are being met with this broad support. However, where was the EU when Russians were bombing civilians in Syria? Why has it been so incredibly difficult to help get our Afghan allies into the US? Why are thousands of non-Ukrainian asylum seekers still stranded at the US-Mexico border? This is the hypocrisy.

Non-white and non-European refugees are treated much, much differently. The situation in Ukraine made this longtime reality much more visible.

The situation is both xenophobic and dangerous. But at the same time, I think there is also increased awareness and counteraction from the other side, specifically on forced displacement issues. So the dominant narratives are opposite, and both quite loud.

But have we expanded the eligibility of those who can seek asylum too much? Is there such a wide definition now that the numbers will be too great to manage, or appear so to host populations?

No, we haven't expanded the definition enough and I think it should be expanded more. And just to clarify, for us at Asylum Access, the way we define the term "refugees," and in terms of language, we try to use more

¹ Mustafa, S., Al Atrash, N. & Ziadeh, R. (2017) We Are Syrians. University of New Orleans.

“Where was the EU when Russians were bombing civilians in Syria? Why has it been so incredibly difficult to help get our Afghan allies into the US? Why are thousands of non-Ukrainian asylum seekers still stranded at the US-Mexico border? This is the hypocrisy.”

people-focused language and talk about “communities or people of forced displacement” to really centre people first in the language that we use. Secondly, we emphasise that seeking asylum is not a choice and that force is a central part of it, and here we include all of the different categories of displaced persons, regardless of status such as asylum seekers, refugees, IDPs and climate refugees.

Increased numbers of humans are having to flee situations, forced to flee through all different circumstances, whether it's fear for their lives because of climate change or because of homophobia or because of xenophobia or because of war and gun violence and organised crime. The numbers are increasing and yet the asylum system is not adapting. The global systems are not adapting to those numbers but instead continue to create groups and labels that practically do not allow people to assume their rights.

“Seeking asylum is not a choice; force is a central part of it.”

Maybe that's deliberate, because states fear the alternative will mean the numbers are too high?

Yes, it's absolutely deliberate. Everything about the systems, the multi-layered systems of oppression that we live in, from the political systems to the socioeconomic systems, are all deliberately designed to really keep people out of certain countries, are designed to keep people in certain socioeconomic classes, are designed to disempower many communities and are designed with racial preferences to white people. All of this is deliberate, I think, no question.

If we look into the design of any of those current systems that we are part of, the design is inherently racist, colonial, classist and sexist. And so, of course, then the outcomes and the legacies of those systems continue to be as we see them. Regardless of the increased needs and numbers of the communities that need support, those systems have not changed. And those systems are still, if anything, becoming increasingly more racist and more xenophobic. And we see that with the current

policies at the US-Mexico border, and with the UK sending asylum seekers overseas.

“If we look into any of those current systems that we are part of, the design is inherently racist, colonial, classist and sexist.”

Is it really about global systems? Or do countries react to what they face on their particular borders?

Well that may also be what the system wants you to think, because then certain countries can deflect responsibility for perhaps being responsible with others for creating the situation in the first place. But then, of course we need to think of collective responsibility as a response to the needs of fleeing populations. Why does a country have to deal with a refugee crisis alone to start with? How can we think collectively of the different roles of countries? Nevertheless, situations are different. I can think of many examples: Lebanon is a different example than Germany, and from the US, or Mexico. Each one has completely different realities, right? In Lebanon, for example, there's a huge misinformation campaign by the Lebanese authorities around how Syrian refugees have actually sucked up the economic resources of Lebanon. But actually the facts show something quite different: in fact, over \$9.3 billion has been received by the Lebanese government and partners because of the “refugee crisis” that otherwise would have not come to Lebanon.² That being said, it's unfair to expect Lebanon to respond alone. Lebanon is a country that's been struggling with decades of war and instability. It needs to be supported by other countries. But how can we do that in a way that also ensures that the policies that Lebanon implements towards refugees are not xenophobic and are not discriminatory, which they are right now?

Do you think the Refugee Convention should be reformed, rewritten, or replaced? If there was an effort to do that, is there a danger that countries would not sign it?

Precisely. Let us first of all remember that this is a convention that is governing over 35 million people, and it was not designed by the affected people. Absolutely it needs to be re-looked at and examined. But we already live in a reality where even those who signed the existing refugee convention are not abiding by it. So we're at risk of doing more harm if we try to reform the convention. We can't do it at the moment; the risk is too high.

2 Homsí, N. (2023) [Syrian refugee crisis in Lebanon: four widespread myths dispelled](#). The National (Abu Dhabi).

Specifically looking at climate change, in terms of mobility is this a coming crisis that we're all just all turning a blind eye to?

I think it's real. I think it's absolutely real. I believe we're not yet wrapping our head around the true scale of the impact of climate change. When I think about the present and the future, I think violence is increasing tremendously. I think violence is increasing at the same time that global warming's impact is manifesting increasingly, and we're headed towards a bigger crisis, not only from climate, but also from violence in countries that we were not expecting or preparing for the impact of climate change, and it's not being talked about enough. And unfortunately, the systems are not adapting and getting prepared for this future of vastly increased movement of people who currently don't even have a definition in the sector. There isn't really agreement in the protection sector on the definition of climate refugees or climate migrants. But let's also remember the issue of climate change is very political. It's linked to capitalism and the factories and the wars that have been instigated by the Global North. I think when people say an event is a "natural disaster" it really takes away the responsibility of countries and systems that have contributed significantly to climate change.

“ I believe we're not yet wrapping our heads around the true scale of the impact of climate change. ”

The US has finally ended the Title 42 policy that kept so many migrants and asylum seekers from accessing the country.³ Is this a triumph for the Democratic leadership? A signal that the migration and asylum policy will change?

Oh, my goodness, no! It's just the same, it's the same actions, just with slightly different formatting and narrative, I would say. I think the Biden administration, just like the Obama administration, has not done much better than others concerning resettlement and border management. The only major difference with the Trump administration is that Trump was more outspoken about his administration's xenophobic policies, which they were proud of and didn't try to hide.

I think that despite the ending of Title 42 nothing has significantly changed for the communities, for refugees on the Mexican side of the border, under the Biden administration. What hasn't been talked about

enough is that, with the lifting of Title 42, the Biden administration then imposed additional restrictive measures, including denying access to asylum for people who haven't first applied for protection—and been rejected—in another country. The detention apparatus and the circumstances that prevent people realising their international rights to seek asylum hasn't changed at all. I would say it's really just the same, like same content, different packaging, and I think that's not my opinion because it can be factually shown.⁴ If we look at numbers and treatment of people and numbers of people that have been admitted, the number of people that have been denied and detained at the border, I think they speak for themselves. I don't trust that the current reforms will bring in a system that's really for the betterment of the people at the border.

In 2021 and 2022, even under a Democratic president, the US sent thousands of Haitian asylum-seekers back to their country while admitting many thousands of Ukrainian refugees. What's going on there?

At one level, things like this have always been going on, so it's not new. It's really sad to say, but it has become even clearer because of the Ukrainian refugee crisis: what we've been seeing at the border, not only concerning Haitian refugees, but also concerning Afghans and Venezuelans, is there are two lines. There has been a smooth, facilitated line for Ukrainians.⁵ They get a fast, smooth process while the others in their thousands literally stand in line every single day to enter the border and are repeatedly refused. I think it's like the ultimate manifestation of blatant racism. And still some people will argue that they don't see it that way, but I think it is racism and it is discrimination.

Are you seeing the same contradictions and discriminations in the European Union response to Ukraine?

Yes, of course and it's becoming such a clear example of discrimination and racism that exposes the reality. It also really shows that these decisions are ultimately political, and when there is political will, then there is power, and things happen. And that's a great solution. Why can we not have this for all refugees? So this hypocrisy, I think it has really helped us make the case, because those governments involved can't tell me anymore what they used to tell me about why they are not accepting and admitting refugees and giving them legal status. You can't tell me that your systems cannot manage more asylum seekers, or that there is no visa category, or they don't have a residency category in particular situations [when] what they actually did

3 In May 2023, the US ended three years of Covid-related restrictions on asylum. These were known as Title 42 because the authority comes from Title 42 of a 1944 public health law allowing curbs on migration in the name of protecting public health. See, for example, Long, C. (2023) [Title 42 has ended. Here's what it did, and how US immigration policy is changing](#). AP.

4 Ibid; Isacson, A. (2023) [10 Things to Know About the End of Title 42](#). WOLA.

5 Montoya-Galvez, C. (2023) [U.S. to extend legal stay of Ukrainian refugees processed along Mexican border](#). CBS News.

Interview

Sana Ali Mustafa

was create new categories and policies to accept Ukrainians and created them from scratch. For example, Canada created the Canada-Ukraine authorisation for emergency travel measures to help get Ukrainians to Canada as quickly as possible and provide them with the ability to work and study. I also mentioned the EU's Temporary Protection Directive earlier. And this is all amazing, and that's how it should be. And so if anything, it's a clear example of course of racism, but this exposed racism helps us when we are advocating for refugees. But racism has existed within refugee communities and settlement selection long before this.

For example, after I fled Syria, I went back to Greece when lots of different communities were fleeing to Greece. Many Afghan asylum seekers wanted to learn Syrian Arabic because there was favouritism for Syrians to be given settlement and pass through Greece. Of course the realities for Syrian refugees in Greece are horrible, too. But back then there was a bit more processing of Syrians as Europe had no chance to deny that there was a war in Syria at the time. And I personally believe there was an underlying perception by Europeans of Syrians being a bit more "educated" and "civilized", which is obviously an extremely racist and colonial perception and distinction.

Most rights-based organisations, including Asylum Access, would be against a wall between the US and Mexico. And yet, on what legal basis should a country like the US allow people to enter their country undocumented each year? The number of prevented crossings in fiscal year 2022 was 2.76 million. Why should the US not try to control irregular migration?

First, if you are a country who claims that you are a promoter of human rights globally, and you have signed onto conventions that protect people's rights to asylum and to flee for protection, you're violating your own values and the international rights for people to seek asylum in the US. Second, people deserve to be heard.

“ If the US wants to hold itself up as a human rights leader, we need to respect the rights of people seeking safety in our country, and ensure we match resources to needs so we can uphold our values and fulfil our international obligations. ”

Why don't people have access to existing "legal" systems? Because these systems are exclusive of marginalised communities by design. A very obvious example is all the visa requirements to enter the US "legally", such as having a bank account with "sufficient" amount of money and other means and documents to travel. The conversation should really be

focused on our values as a country and making sure there are adequate resources for processing asylum claims so that we aren't pushing people back into dangerous situations. Again, if the US wants to hold itself up as a human rights leader, we need to respect the rights of people seeking safety in our country, and ensure we match resources to needs so we can uphold our values and fulfil our international obligations.

You personally have championed the notion of refugees and displaced people reclaiming the narrative around forced migration and being very involved in that. Can you give us any concrete examples of positive impacts of this approach?

I think the concrete difference is dignity versus no dignity, solutions versus band-aids. And I think that is important. For example, because of what we've been doing, we have unlocked \$12.2 million to 17 refugee-led organisations in five countries through the ICONIQ Impact award and other funding sources. And that's the first time that the communities who have experienced forced displacement received significant resources like that. And that meant that those communities have been able to formalise themselves more and organise themselves more and serve the communities that they work with with dignity, with long-term solutions. And it's a local-to-local. You're actually empowering the communities that have the lived experience, versus taking power from them in that name. I think that's very powerful and a very concrete example of impact.

We can't take away the importance of the how. This constant condescending, patronising dynamic between global actors and local actors is problematic. There is little to no trust, and there is a deep history of trauma. And this has always been overlooked. The how is important. It matters how you and I exist in this, and it matters how I am part of this, how I'm co-designing this, how I'm co-leading this, because I can inform you. And so the change in the impact in terms of resources, it's shifting power, and a change in the how gives people dignity. And if we want to think about even closing the gap more and more around xenophobia, I think we need to humanise people and empower them. And I think one of the main issues of xenophobia, the main narrative that fuels xenophobic philosophies and mentalities, is that people are disempowered, weak, and they are coming to take our resources, and they are uneducated, and they are unemployed, and all of that. Whereas if we empower the communities and give them the resources, we're also counteracting that narrative and we're showcasing that, "No, I don't need you to come solve my issues. I need the resources so I can solve my issues." So there is also a narrative impact here.

Syrian President Bashar al-Assad recently attended and spoke at the Arab League summit, as you know. He seems to be being incrementally brought in from the cold and rehabilitated somewhat in the

international community. To others, he remains a war criminal and must be held accountable. Can you see a role by Asylum Access in contributing to the pursuit of someone like Assad, bringing him to account?

No, that's not Asylum Access's mandate. But it's my own personal mandate. As for my family and I, we've been involved in many different initiatives, and especially my sister, in terms of bringing justice and accountability towards the Assad regime and bringing justice to the detainees and forcibly disappeared. My father has been forcibly disappeared for 10 years on July 2nd this year, since July 2nd, 2013. We don't know if he's alive or dead. And everything in Syria has been very painful. But we're now seeing also the normalisation of a president who used chemical weapons to kill his own people and forcibly displaced millions and forcibly disappeared hundreds of thousands, and the rest of the world is celebrating his re-entry into international politics. This is like nations participating in celebrating a war criminal.

“ We're now seeing the normalisation of a president who used chemical weapons to kill his own people and forcibly displaced millions and forcibly disappeared hundreds of thousands, and the rest of the world is celebrating his re-entry into international politics.”

Biden’s approach to migration management in the Americas: a medley of pathways, asylum restrictions and unceasing transit

The current US administration has not broken as sharply from its predecessor’s border asylum policies as the president’s campaign promises and early executive orders indicated. In 2023, however, Washington announced a new “carrot and stick” approach to managing mixed migration in the Americas and at the southern US border. The approach has kept migrants and refugees in waiting, transit, danger and limbo throughout the region and needs to be reformed to achieve its political goal of reducing the number of unauthorised crossings at the US border.

By Yael Schacher¹

Introduction

When he was running for president, Joe Biden criticised Trump administration policies that returned asylum seekers to Mexico and, upon entering office, he issued an executive order promising to restore access to asylum at the US border and to address the root causes of migration from Central America.² Policy changes followed suit over the next six months: the new administration established a process to allow people previously forced to wait in Mexico to pursue their asylum claims in the United States. It also ended safe third-country agreements with El Salvador, Guatemala and Honduras and, in their stead, put forward a plan to promote economic development, the rule of law and human rights in those countries.³

But, by the summer of 2021, there was a marked shift. Large numbers of migrants and refugees from places other than the northern triangle of Central America made their way to the US-Mexico border, frequently after transiting the Darién Gap. From the fall of 2021 through the spring of 2022, the Biden administration deported and expelled—using a section of public health legislation known as Title 42 that the Trump administration invoked during the coronavirus pandemic—over twenty thousand

Haitians.⁴ In early 2022, the Biden administration enrolled over 12,500 asylum seekers, mostly from Nicaragua but also from Venezuela, Cuba, Colombia and Ecuador, into its own version of a Remain in Mexico program.⁵ Further, the administration neglected to issue a regulation (called for in the executive order) specifying the circumstances under which a person should be considered a member of a “particular social group”—criteria crucial to the claims of many asylum seekers coming to the US border.

In the summer of 2022, the administration convened a Summit of the Americas in Los Angeles. Discussions at the summit did not address the root causes of increased out-migration from countries of origin such as Cuba, Nicaragua and Venezuela, whose leaders were not in attendance and whose interests are not aligned with those of the United States. Discussions on migration at the summit focused rather on how transit and host countries in the Americas with which the United States had better relations could do more to integrate migrants and refugees and crack down on smugglers.⁶ But, in the second half of 2022, US support for migration enforcement and “stabilization” in other countries in the region did not have much of an impact on the number of arrivals at the US border. The “border crisis” was kept politically ever-present for the Biden administration by

1 Yael Schacher is the Director for the Americas and Europe at Refugees International.

2 The White House (2021) [Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration... and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border.](#)

3 Blinken, A. (2021) [Suspending and Terminating the Asylum Cooperative Agreements with the Governments El Salvador, Guatemala, and Honduras](#); National Security Council (2021) [US Strategy for Addressing the Root Causes of Migration from Central America.](#)

4 Isacson, A. (2022) [A Tragic milestone: 20,000th migrant deported to Haiti since Biden Inauguration.](#) Washington Office on Latin America.

5 Department of Homeland Security (2023) [Migrant Protection Protocols Cohort—December 2022.](#)

6 The White House (2022) [Fact Sheet: The Los Angeles Declaration on Migration and Protection US Government and Foreign Partner Deliverables.](#)

the Republican governor of Texas, who regularly sent buses of asylum seekers to the vice president's residence in Washington.⁷

A new approach

On January 5, 2023, President Biden gave his first speech about immigration to the United States.⁸ But his focus was much narrower: a new approach to “better manag[e]” the situation at the southwest border, where Cubans, Nicaraguans, Venezuelans and Haitians made up an increasing percentage of arriving asylum seekers.

The president acknowledged that the “comprehensive” reform he proposed to Congress upon assuming office—which included the regularisation of undocumented immigrants and increasing the number of visas available—would not pass a newly-divided legislature. Indeed, the president accused lawmakers of not appropriating funding for an adequate number of asylum officers and judges to handle asylum claims at the border. But, even if Congress did appropriate funds for a sufficient number of adjudicators, and even if the adjudication of claims were speedy, most people from Cuba, Venezuela, Nicaragua and Haiti not granted asylum could not be removed from the US because of the conditions on the ground in their home countries and the absence of readmission agreements with their governments. This is not the case for nationals from the northern triangle of Central America, who are rapidly and frequently deported to their home countries or returned to Mexico, by agreement with the Mexican government.

President Biden did not suggest any “root cause” strategy or foreign policies that might address out-migration from the four countries; he merely said that people from there were fleeing “oppressive dictators” and “gangs”. Unstated but implied was that the United States cannot influence the conditions that drive people to migrate from Cuba, Venezuela or Nicaragua through the use of economic investment, the promotion of anti-corruption efforts and the rule of law, or the provision of security support as it does elsewhere. Rather than adopting a root causes approach or arguing—as the Trump administration did—that building a wall on the US southern border was the answer, President Biden asserted that migration to the United States from the four repressive and failing countries—and indeed from all countries where opportunity and security were lacking—is inevitable. As he put it in his speech: “We can’t stop people from

making the journey, but we can require them to come here...in an orderly way.”

The new approach focuses on diverting migrants away from smugglers and towards new pathways to ports of entry at the land border and at airports. President Biden did not detail what, under the new approach, would happen to those who crossed without authorisation, beyond saying they would be barred from future entry and subject to removal to Mexico, which newly agreed to accept returns of the four nationalities. The new approach also involves making most of those who cross the border without authorisation ineligible for asylum.

Carrots and sticks

Despite assertions to the contrary by both supporters and opponents, nothing about the “carrot and stick” approach is completely new.⁹

A regulatory stick

The “stick” is a regulation that went into effect on May 12, 2022, when the Title 42 policy ended.¹⁰ The regulation makes most migrants who have transited third countries without seeking refuge there and who cross the border between designated ports of entry ineligible for asylum. It is very similar to restrictions put in place by the Trump administration. Then, as now, the transit and entry bans have been challenged successfully in court as violations of US asylum law.¹¹ This is because, under US law, asylum can be sought regardless of mode of entry and transit so long as asylum seekers are not firmly resettled in a transit country or that country has a bilateral “safe third country” agreement with the United States. In addition, as during the Trump administration, the Biden administration is putting migrants subject to the new regulation through speeded-up and telephonic screenings from within Border Patrol tents, which means that conditions are primitive and they have very limited access to counsel.¹² Unlike during the Trump administration, adults travelling with children are not being put through this process but can be placed in a speeded-up non-detained version of screening under the regulation.¹³ With very few exceptions, everyone who crosses into the United States from Mexico other than at official ports of entry is ineligible for asylum and is instead screened to determine if they are eligible for a more limited, temporary form of protection after proving they are likely to be persecuted or tortured if removed from the United States. In short, under the regulation, asylum seekers are punished if they cross between ports.

7 Edelman, A. (2022) [Migrants from Texas dropped off outside VP Harris' home on freezing Christmas Eve](#), NBC News.

8 The White House (2023) [Remarks by President Biden on Border Security and Enforcement](#).

9 Selee, A. (2023) [The Border Crisis That Wasn't: Washington Has Found a Formula for Managing Migration—and Now Must Build on It](#). Foreign Affairs; America First Legal (2023) [America First Legal & Texas File For Emergency Injunction To Block Biden's Most Extreme Open Borders Decree In Lawsuit Joined by Twenty States](#).

10 United States Citizenship and Immigration Services, et al (2023) [Circumvention of Lawful Pathways](#).

11 National Immigrant Justice Center (2023) [East Bay Sanctuary Covenant v. Biden](#).

12 Erfani, A. (2023) [Explainer: Biden Administration Plans For Rapid Deportation Of Asylum Seekers Detained At The Border](#), National Immigrant Justice Center.

13 US Immigration and Customs Enforcement (2023) [Statement regarding the Family Expedited Removal Management Program](#).

The Biden administration has gone further than previous administrations in getting the Mexican government to accept Cubans, Haitians, Nicaraguans and Venezuelans who are removed after unauthorised entry and are legally barred from coming back to the United States. Formerly, Mexico only agreed to be a migrant “waiting room” for future entry to the United States. Under the Trump and Biden administration versions of Remain in Mexico programmes, asylum seekers returned to Mexico had future appointments in US immigration courts. Both the Obama and Trump administrations had tried to meter or limit the processing of asylum through land border ports of entry via ad hoc waiting lists that were run differently at different ports. The Biden administration’s form of metering is more complicated and high tech: asylum seekers must make appointments to approach a port of entry via a smartphone app called CBP One.¹⁴ Some asylum seekers who simply walk up to ports of entry and ask for asylum are being processed by Customs and Border Protection (CBP) officers, while others are not and are instead being told to wait or to get a CBP One appointment. Such turning away at ports of entry of asylum seekers because they lack CBP One appointments is, like previous turnback policies, being challenged in federal court.¹⁵ There have already been documented fatal consequences for some asylum seekers who have been turned away because they lacked a CBP One appointment.¹⁶ The policy has left many more asylum seekers stranded without provision for their basic needs just on the other side of the US border.

Queues as carrots

The “carrots”—which the administration calls “lawful pathways”—are various queues that different migrants are eligible to join as they wait for possible processing so that they can enter the United States through a port of entry.

New mobile app

CBP One is one of these queues. The Biden administration claims the use of the app has allowed the CBP to speed up processing through land border ports of people waiting in northern Mexico. The app can be used by people of any nationality—there are no passport or visa requirements or special eligibility criteria—but appointments can only be made within a geofenced area north of Mexico City. A particular number of appointments are available per day, depending on the port and are allotted mostly randomly and selectively to those who have been registered the longest without getting an appointment.¹⁷ At the designated appointment time, the vast majority of migrants not deemed a security risk and with no

record of criminal or immigration violations are granted two-year parole (temporary permission to remain in the United States), a notice to appear in immigration court where they can have their asylum claim considered, and the ability to immediately apply for work authorisation.

The other carrots are processing queues that fewer migrants are eligible to join from countries of origin or certain countries of transit. These pathways allow those eligible to enter the United States through airports rather than the land border.

Parole scheme for nationals of four countries

One such pathway, which the president referenced in his speech and which began in January 2023, is the CHNV parole programme.¹⁸ This allows supporters (i.e. sponsors) with legal status in the United States to apply online for nationals of Cuba, Haiti, Nicaragua and Venezuela to be considered for travel authorisation to the United States from their home countries or from countries of transit, with the exception of Panama or Mexico, if entered without authorisation after the start date of the programme. (The latter restriction is designed to deter migration through the Darién Gap and the southern border of Mexico). Applications submitted online are chosen for processing in part randomly and in part based on time since the application was filed. Department of Homeland Security officers remotely vet supporters for public safety and national security concerns and for their financial ability to support the parolee. Potential parolees must similarly pass public safety and security screening and must also have a valid passport. They are ineligible if they have been deported from the United States or crossed the US border unauthorised or were interdicted at sea, have refugee status or permanent residency in another country, or are a minor not accompanied by a parent or legal guardian. The programme allows up to 30,000 people each month to fly into US airports where they can be paroled into the United States. At airports upon arrival, CBP does additional vetting and registers biometric data. Those granted parole can remain in the United States for two years and apply for work authorisation. Because of a previous law applicable to Cubans and Haitians, parolees of only those two nationalities can apply to receive food and cash support, health insurance, and support with job placement.¹⁹ Only Cuban parolees can adjust to permanent status after one year; parolees of other nationalities must apply for asylum if they want to gain permanent status, unless they have a relative or employer who can sponsor them for a permanent visa.

14 Customs and Border Protection (2023) [CBP One™ Mobile Application](#).

15 Center for Constitutional Rights (2023) [Groups Sue Over Government Turnbacks of Asylum Seekers](#).

16 Lind, D. (2023) [CBP's Continued 'Turnbacks' Are Sending Asylum Seekers Back to Lethal Danger](#). American Immigration Council.

17 Customs and Border Protection (2023) [CBP One™ Appointments Increased to 1,450 Per Day](#).

18 United States Citizenship and Immigration Services (2023) [Processes for Cubans, Haitians, Nicaraguans, and Venezuelans](#).

19 Office of Refugee Resettlement (n.d.) [Factsheet: Benefits for Cuban and Haitian Entrants](#).

The CHNV programme is larger than other parole programmes created in the last decade or two, and the Biden administration's creation of new migration pathways to the United States marks a departure from the policies of the previous administration, which ended parole programmes, tried to terminate other discretionary and temporary statuses, and dramatically reduced refugee resettlement. The CHNV programme is also innovative in that it is mostly handled electronically: a supporter fills out an application online and, once it is reviewed, the potential parolee submits their information and received travel authorisation electronically. Unlike refugee resettlement, the process involves no in-person interviews by Department of Homeland Security personnel abroad. Officers assess whether an applicant's parole is justified based upon "urgent humanitarian reasons or significant public benefit." Approval rates for parole are much higher than refugee status, which requires applicants to prove they have a well-founded fear of persecution based upon their race, religion, nationality, political opinion or membership in a particular social group. Unlike refugees, though, parolees, as already mentioned, are not accorded permanent status, but only temporary permission to stay in the United States.

The Biden administration's promised increase in refugee resettlement from the region is still mostly aspirational: as of July 2023, 715 refugees from Latin America and the Caribbean had arrived in the US in fiscal year 2023 (6 Cubans, 70 Hondurans, 36 Nicaraguans, 370 Guatemalans, 136 Salvadorans, 107 Venezuelans and 90 Colombians).²⁰ But setting the target for resettlement at 15,000 refugees from the Americas region is an historical departure because, since 1980, the region has contributed fewer refugees to the US Refugee Admissions Program than any other.²¹

New family unification pathways

In the summer of 2023, the Biden administration announced new family unification parole pathways for Guatemalans, Salvadorans, Hondurans and Colombians with close US resident or US citizen relatives in the United States who have sponsored them for family-based permanent immigration visas. These programmes allow beneficiaries (typically older children and siblings of US citizens and spouses and children of permanent residents) to wait within the United States for their visas to become available.²² The United States has an annual cap on family-based immigration visas so the wait for can last several years. The Biden administration

assumes that some who are fed up with waiting travel to the United States border, so this new parole programme is expected to reduce such irregular migration.

Safe Mobility Offices

On June 12, 2023, the Biden administration announced the opening of "Safe Mobility Offices" (SMOs) in Latin and Central America where certain people are screened for their eligibility for pathways to the United States.²³ At the time of writing, SMOs had been set up in Colombia for the screening of Cubans, Haitians and Venezuelans who have a regular status or are in the process of regularisation in Colombia; in Costa Rica for the screening of Venezuelans and Nicaraguans; and in Guatemala for Guatemalan nationals.²⁴ The US negotiated eligibility for screening by these offices bilaterally with the Colombian, Costa Rican and Guatemalan governments. Negotiations to set up a somewhat similar office in southern Mexico where Cuban, Haitian, Nicaraguan and Venezuelans would be screened were being held at the time of writing.²⁵ The goal of these offices is not to "pull" new migrants to them but rather to screen migrants already in the country with the SMO as of the date of the start of the programme so as to prevent them from turning to smugglers to travel irregularly from there to the US-Mexico border.²⁶ Depending on how they answer initial screening questions, applicants are interviewed by IOM or UNHCR. UNHCR refers those who may be eligible for resettlement to US officials for refugee status determination. Those deemed not to qualify as refugees can also be considered for parole.

The Biden administration's approach of bilateral and regional collaboration to prevent irregular migration through the use of legal pathways is an updated version of a strategy used by the United States in the 1990s to address irregular Vietnamese and Cuban migration.²⁷ In the 1990s, US policy required irregular migrants to return to their home countries (Cuba and Vietnam) if they wanted to be considered for a resettlement or parole pathway to the United States. In 2023, the Biden administration's pathways are accessible from home countries and from certain countries of transit, where the administration is also funding local integration (particularly in Colombia) and migration and border enforcement (particularly in Guatemala and Mexico) to prevent further movement northward over land.

20 Refugee Processing Center (2023) [Refugee Admissions Report as of July 31, 2023](#).

21 Refugee Processing Center (2022) [Refugee Admissions by Region Fiscal Year 1975 through September 30, 2022](#).

22 Department of Homeland Security (2023) [DHS Announces Family Reunification Parole Processes for Colombia, El Salvador, Guatemala, and Honduras](#).

23 Movilidad Segura (n.d.) [General information on the 'Safe Mobility' initiative](#).

24 ACNUR/IOM (2023) [Safe Mobility Initiative](#).

25 US Department of State (2023) [Secretary Antony J. Blinken and Mexican Foreign Secretary Alicia Bárcena at a Joint Press Availability](#).

26 US Department of State (2023) [Conferencia de prensa virtual con Blas Núñez-Neto, subsecretario de Política Fronteriza e Inmigración en el Departamento de Seguridad Nacional y Marta Youth, subsecretaria de Estado Interina de la Oficina de Población, Refugiados y Migración](#).

27 Schacher, Y (2023) [Expert Declaration in Texas et. al. v. Biden et. al.](#), Civil Action No. 6:23-CV-00007. US District Court for the Southern District of Texas.

Effects of the new approach

Researchers have found that many migrants at the US border do not understand the consequences of the new asylum regulation.²⁸ The result is that it does not deter further unauthorised crossings—one of the chief aims of the new approach. Further, the stated assumption in the transit and entry regulation that people who cross irregularly are less likely to have meritorious asylum claims²⁹ is not being borne out in the statistics that show irregular crossers are passing their initial credibility screening.³⁰ And so they are released to pursue their cases in immigration court, as will most people coming into the United States on parole without paths to permanent residency. Thus, two (hypothetical) Nicaraguans who had fled their country for the same reason would now be eligible for different forms of protection, and subject to different standards of proof in immigration court, if one crossed the border without authorisation and the other entered with a CBP One appointment.

Challenges with mobile app

The demand for CBP One appointments outstrips supply and the app's high-tech format also limits its accessibility and has led to new forms of abuse. The "geofencing" aspect of the app that allows migrants and asylum seekers to make appointments only when in northern Mexico has led to scams involving the selling of fake appointments and the use of VPNs to apply for appointments further south. Mexican immigration authorities and bus companies have also taken advantage of the process by demanding payments of migrants with CBP One appointments who are trying to make their way north to the US border.

The app is accessible only on certain brands of phones, is available only in limited languages, and registration requires taking a live picture. The application frequently crashes, uses photo technology that has difficulty capturing Black faces, requires literacy and tech-savvy and is inaccessible to those without access to the internet. Migrants and asylum seekers wait from a few weeks to a few months to get an appointment, frequently in dangerous and precarious conditions in northern Mexico where they lack access to shelter, services and employment. Some of the most vulnerable migrants in northern Mexico—such as families who speak indigenous

languages—have been unable to access the app and so have desperately crossed the US border without authorisation, thereby becoming ineligible for asylum under the new regulation.

Mixed results for CHNV programme

By August 2023, over 1.5 million supporters had applied to sponsor beneficiaries through the CHNV programme and over 200,000 parolees had arrived in the US through the programme.³¹ The existence of the CHNV programme since January 2023 has correlated with a reduced number of irregular crossings of the US-Mexican border by Cubans, Haitians, Nicaraguans and Venezuelans. But there is significant variation in how the programme is working for the different nationalities.

Haitians have a large diaspora in the United States and had not been crossing the border without authorisation in significant numbers just before the CHNV programme began. Between January and August 2023, about 68,000 Haitians arrived in the United States through the CHNV programme, more than double the number of Nicaraguans paroled through it during the same period. The number of single adult Haitians encountered by CBP after crossing the border without authorisation in September 2022, three months before the CHNV programme started, was 116,³² and in April 2023, three months after the programme had gotten underway, it was 117.³³ Almost 60,000 Venezuelans had entered the US through the programme as of August 2023. The number of single adult Venezuelans encountered by CBP after crossing the border without authorisation declined dramatically at the beginning of the parole programme but began increasing in the spring of 2023. At the start of the programme, Venezuelans were stranded in transit countries and were subject to enforcement by Mexican authorities and pushbacks by Guatemalan authorities.³⁴ As the wait time for approval for parole through the CHNV programme has increased with the growing number of applications, some applicants may have set off irregularly. Many Venezuelan migrants have never heard of the CHNV programme and lack the valid passports (and the means to procure them) or sponsors in the United States required for it. If processing through the SMOs in Colombia remains limited to those who arrived by June 2023, Venezuelans will continue migrating northward via the Darién Gap through which

28 Human Rights First (2023) [At Two Months, Biden's Asylum Ban Threatens Lives](#).

29 As the explanation for the rule states: "The proposed lawful pathways condition is expected to increase asylum processing efficiency by increasing to some degree the percentage of meritorious asylum claims that are considered. It rests in part on the understanding ... that those who would circumvent orderly procedures and forgo readily available options may be less likely to have a well-founded fear of persecution than those individuals who do avail themselves of an available lawful opportunity." Department of Homeland Security and Executive Office of Immigration Review (February 23, 2023). [Proposed Rule—Circumvention of Legal Pathways](#). 8 Federal Register 11737.

30 United States Citizenship and Immigration Services. July and August 2023. [Congressional Semi-Monthly Report Credible Fear and Reasonable Fear Receipts and Decisions](#).

31 Montoya-Galvez, Camilo (August 24, 2023) [Biden policy that has allowed 200,000 migrants to enter the US faces key legal test](#). CBS News.

32 US Department of Justice (October 18, 2022). [Defendants' monthly report for the month of September pursuant to the court's preliminary injunction](#). Louisiana et. al. v. CDC et. al., Civil Action No. 6:22-CV-00885-RRS-CBW. US District Court for the Western District of Louisiana.

33 US Department of Justice (May 16, 2023). [Defendants' monthly report for the month of April 2023 pursuant to the court's preliminary injunction](#). Louisiana et. al. v. CDC et. al., Civil Action No. 6:22-CV-00885-RRS-CBW. US District Court for the Western District of Louisiana.

34 Schmidtke, Rachel (October 31, 2022). [Pushbacks of Venezuelans on the Guatemalan Border](#). Refugees International.

more migrants had passed in the first seven months of 2023 than the whole of 2022, itself a record year.³⁵ Just as in 2022, so far this year more Venezuelans have transited the Darién Gap than migrants of any other nationality, undeterred by their ineligibility for the CHNV programme after unauthorised crossings into Panama.

Diverting asylum seekers onto parole pathways helps them after arrival in the United States in some ways but not others. Unlike asylum seekers, who must wait six months, parolees can immediately apply for work authorisation. But parole just pushes off adjudication of asylum claims; all but Cuban parolees remain uncertain as to what their status will be within two years of arrival. Most sponsors of CHNV parolees are extended family members (rather than churches, organisations, employers or strangers). Not all relatives are equally supportive after arrival, finding housing is particularly difficult and, just like asylum seekers, Venezuelan and Nicaraguan parolees are ineligible for federal benefits that would help them integrate.

Conclusion

Unlike the “build the wall” approach of the Trump administration and the Illegal Migration Act passed by the UK’s Parliament in 2023,³⁶ the Biden administration’s approach pairs restrictions on the asylum eligibility of those who migrate irregularly with substantial alternative pathways. The goal of the Biden administration is to reduce border crossings. Its strategy is not tied to particular foreign policy goals, does not clarify how to adjudicate certain common asylum claims from people in the region, nor does it address the causes of increased forced displacement or provide a long-term solution for parolees to the United States. The pathways the Biden administration has created are imprecise. They recognise that people migrating to the US border have mixed motives. But the reasons people migrate vary not only by country of origin, but also according to class and diaspora networks. The Biden administration’s nationality-based approach offers pathways to all people coming from very different contexts and with different resources. Pathways are not available to newly displaced migrants, the most vulnerable of migrants, or those most likely to migrate towards the border irregularly. And parole does not distinguish between people migrating in order to work, to unite with family, or to seek asylum, but rather lumps them together.

Requiring CHNV parolees to have valid passports and sponsors makes the programme more like an extension of some aspects of the US family-based immigration system than geared to those who are most vulnerable. In

Haiti, procuring a passport to use the CHNV programme is difficult and has fuelled corruption and violence. Haitian parents in the United States would like to bring over their minor children through the CHNV programme but cannot because the children must travel with a parent or legal guardian to access it. Relatives and friends with whom a child was left in Haiti might, in their desperation to leave, find CHNV sponsors of their own and leave the children behind.

The SMOs and CBP One are not currently set up to stop irregular migration. Eligibility for access to the SMOs in Colombia favours putting on pathways to the US migrants who have more stability in Colombia than new arrivals, who will keep migrating. There are no pathways at SMOs for people from Ecuador, where rising violence is fuelling out-migration.³⁷ Though the Biden administration has made additional temporary guest worker visas available specifically to Guatemalans and Haitians, SMOs are not currently linking potential migrants to these visas (which require a job offer from a US employer) nor to Canadian foreign labour programmes.³⁸ Recognising that CBP One is drawing people to northern Mexico, some officers at ports of entry are choosing to deny parole to those who do not fear returning to their home country or who managed to enter or travel through Mexico by paying bribes or using smugglers or organised crime actors. CBP also frequently updates the CBP One app in a bid to thwart the use of VPNs to circumvent geofencing limitations. Mexican bus companies are also increasingly refusing to sell bus tickets to migrants heading north. There has been no effort to assess whether enforcement and barriers to migration through Mexico alone account for most reduction in U.S. border crossings.

To be effective in managing migration and to serve as models for use elsewhere, pathways to the United States need to be refined so that they serve both more and fewer people—more people with particular needs that don’t currently have a pathway (like those displaced by the impacts of climate change) and fewer people who wouldn’t have otherwise migrated (like those who just happen to know someone willing to sponsor them in the United States). Migrants will wait in queues, but not if they are in extreme danger, if they lack information about (or lose hope in) the process, or if the queue is simply too long or if eligibility is limited in important ways. Paths for the most vulnerable must be faster and should not penalise those unable to wait. Nevertheless, the US is making an effort to stop irregular, mixed migration early on, and to some extent replace it with legal pathways. This is also what Europe wants—or at least claims to want—to do, but there’s a chance that through this programme the US is coming up with alternatives, some of them quite progressive. But it is complicated, as we have seen, and

35 Suarez, Karol and Tara John (2023) [Number of people crossing Darien Gap hits new record, officials say](#). CNN.

36 See Normalising the extreme on [page 22](#) of this review.

37 Loza León, C. (2023) [Ecuador’s rapid descent from regional haven to gang-ridden cauldron of fear](#). The New Humanitarian.

38 USAID (2023) [Joint Commitment to Expand Equitable Access to Labor Pathways from Latin America](#).

Essay

it is too early to judge how successful these policies are or will be, although experience cautions us to be circumspect.

In conclusion, this essay has aimed to assess the impact of the current 'carrot and stick' approach of the Biden administration, which combines well-trying and innovative policies. The United States continues to be a destination for migrants and refugees from the Americas and beyond, where forced displacement and out-migration are increasing. Whether the government is led by Republicans or Democrats the management of mixed migration on such a large and continuous scale will continue to test policy-makers.



Finding hope in Chile

“Life has taught us that we must adapt.”

Had we stayed in Venezuela we would have died of hunger. Even though my husband was a university professor of electrical engineering, and I worked as a sales supervisor, we didn't earn enough to feed ourselves. Plus, I was pregnant and had a six-year-old daughter and faced expensive medical issues. That's why we decided to migrate. This was in July 2018. The original plan was to go to Chile, but we didn't have enough money for the journey and the government there began requiring visas, so we went to Peru, entering regularly with passports. We were given the right to stay for 180 days. Starting a new life in Peru was very difficult, but we stayed for four years. My second daughter was born there, which helped us regularise our status and gave us some peace of mind.

In 2020, the pandemic came. It was a very difficult time because my husband had been working cleaning and fixing things and giving karate classes (he has never exercised his own profession since we left Venezuela). For the first few months we couldn't go out. It was a very severe pandemic that changed everyone's life. When Pedro Castillo won Peru's presidential election in July 2021 we decided to move. For us, socialism means misery. I got a part-time job, and we started saving, set a date for the first week of January 2022, sold everything and set off for Paraguay. Since my brother was heading to Chile we travelled together by bus to Bolivia where we separated. We had to pass through Brazil to get to Paraguay.

We arrived in Brazil as irregular migrants, and it was a very ugly experience. We felt like criminals. We didn't understand Portuguese, and so it wasn't easy to communicate. In Brazil, we had to take a taxi and a bus to get to the border with Paraguay, but it was horrible and took more than 24 hours. We were charged a lot—more than \$250—for taking a taxi. They took advantage of us, which we did not realise at the time.

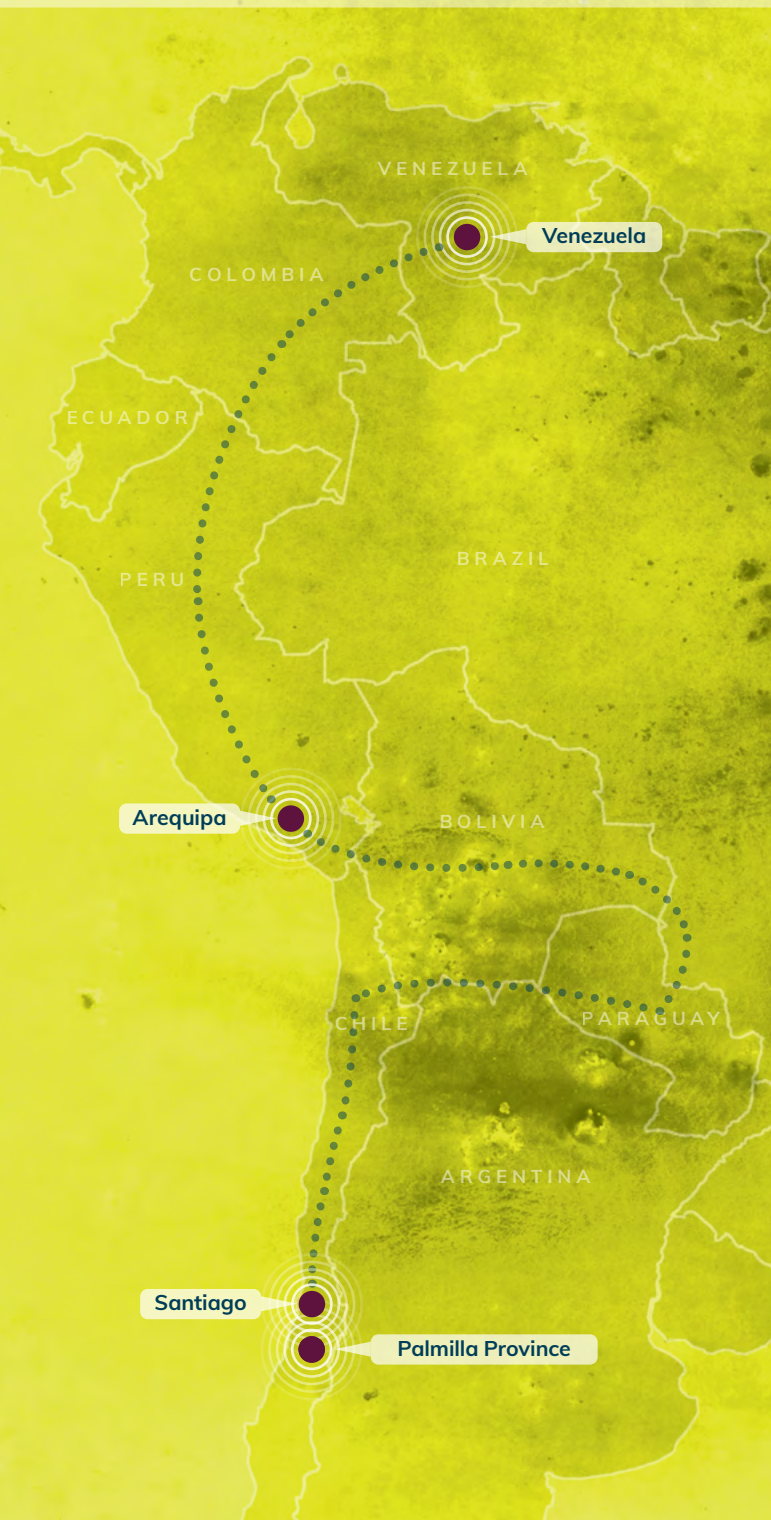
We only stayed in Paraguay for six months. I didn't like it. Even with the weather: the heat was killing me! We came from the cold of Arequipa, in Peru, to temperatures of 40 degrees celsius with a thermal sensation of 45 degrees. I felt like I was in hell, it was horrible. At one point, my husband met a Venezuelan man who was traveling to Chile. That trip is difficult because you must walk through the Andes mountains. It's cold: there is snow. And we had to be responsible because we were going to travel with the girls. We had to take a lot of precautions. So again we sold all our possessions except three sets of clothes each and used the money to pay for transportation. We got wet and couldn't move our fingers. But there are still people with empathy, and in one village, people helped us, they let us change in their homes. I cried because it was very moving to see that there are still very good people in the world. Just as there are bad people, there are also very, very good people.

Despite not having regular documents, a month after arriving in Santiago, my husband got a job in a private company with a salary that is not bad. Then his boss changed his work location, and so three months ago we all moved to a village in Palmilla province. I like Chile because my daughters are getting a very high-quality education, and this is the part that pleases me. And the other thing is that these people [the Chileans] are economically progressing. Here in the village, I feel accepted. That's the beautiful part of where we live, because here people are more empathetic. And when they see that you are with your family and that you're not a bad person, they can give you a lot of affection.

I would like to go back to Venezuela. Actually, I would like to go back now because my mom says that she has been alone for so many years and I know she has suffered a lot. But I think we will stay here in Chile for a while, because I know Chile has opportunities and we can fulfil some of the dreams we have to be able to return eventually to Venezuela, my country.

Life has taught us that we must adapt, whether we like it or not, because there are situations we can't control. When you migrate, you will live in cultures very different from your own, and you can't expect people from other countries to adapt to your culture. We, the migrants, are the strangers. You have to migrate with an open mind, willing to do whatever it takes, because in these countries you'll have to do everything, even cleaning bathrooms. If you don't come with that disposition, you'll suffer, life will hit you hard.

Everyone has dreams. Sometimes we want many material things, but the most important things are health, to work, and to feel happy. You can't buy health, so I want to make an effort to take care of myself and my family.



Running the gauntlet: migrant risks and ‘disappearances’ in Mexico

Mexico has long been and continues to be a dangerous country for migrants and asylum seekers. Recently, those on the move have faced a lethal combination of violence, poverty and climate change in the Northern Triangle (comprised of El Salvador, Nicaragua and Guatemala); the restrictive Trump- and Covid-era border policies that hindered access to the United States; and the prevalence of criminality in Mexico. These threats represent the push from Central America (and beyond), impediments to the lure of the United States and the unavoidable gauntlet they must run that is Mexico.

Since 2017, migrants and asylum seekers have been moving in large “caravans” (also known in Spanish as *viacrucis del migrante*)—a phenomenon unique to Central America—in an effort to support each other, protect themselves through security in numbers and to make their migratory demands harder to ignore. The last large caravan, in June 2022, numbered over 11,000 people.¹ But those travelling in such caravans account for just a small portion of the estimated 400,000 to 1 million undocumented irregular migrants that typically cross from Mexico to the US each year. In a record spike, US officials recorded 2.76 million migrant border crossings in fiscal year 2022.² For predators, these relentless movements of unprotected people make for easy prey.

Not only do caravans of hopeful migrants cross Mexico, but in their wake come smaller “Caravans of Mothers of Missing Migrants”. Desperately searching for lost loved ones, these women demand justice from the Mexican authorities. In 2015, Mexico established the Foreign Support Mechanism for Search and Investigation, which allows victims and families of migrants to file reports about crimes committed in Mexico from outside the country. Not only are thousands of migrants detained *incommunicado* in Mexico but, under pressure from the US to stop northward movement, the Mexican National Guard has become increasingly violent in its response to migrants transiting their country. Additionally, migrants have become more vulnerable to kidnapping-

for-ransom, forced disappearances, sexual violence, press-gangings to join cartels’ ranks and outright murder.

Published figures are fragmentary but indicate sustained high risks in the last decade: over a six-month period in 2010, Mexico’s National Human Rights Commission reported that more than 11,000 migrants had disappeared due to kidnappings.³ In 2014, Amnesty International said that as many as 20,000 migrants were being kidnapped every year in Mexico—earning criminals an estimated \$50 million annually—and that, according to health professionals, as many as six in ten migrant women are raped during their journey, and that abducted women and girls were especially vulnerable to trafficking, including sex trafficking.⁴ Others have estimated that 80 percent of women and girls crossing into the US and transiting Mexico are sexually assaulted.⁵ Mexico’s national immigration agency said authorities had freed 2,115 migrants of all nationalities who had been kidnapped by gangs in 2022—presumably just a small fraction of the unknown total number.⁶ According to the Missing Migrants Search Programme of the Jesuit Migrant Service, between 2020 and 2021, the number of migrants who went missing on Mexican territory nearly tripled and many of those eventually located had been detained by state authorities.⁷ With so many migrants and asylum seekers being detained for both short and long periods in Mexico’s growing detention network, it is hard for those searching for their missing loved ones to know their fate. They have few means of communication, given that phones are often confiscated or stolen, or connectivity is unavailable. More than 300,000 people were reportedly detained in 2021.⁸

Those working closely with relatives of the disappeared say that what is urgently needed is the implementation of a publicly consultable national registry of immigration detention. Under the 2019 National Detention Registry Law, the Mexican state is obligated to establish such a registry, but has yet to do so. Although the continued vulnerability those in mixed migration movements face from state detention and pushbacks to criminal

1 Perlmutter, L. (2022) [Up to 15,000 may join largest ever migrant caravan to walk through Mexico to US](#). The Guardian.

2 Ainsley, J. (2022) [Migrant border crossings in fiscal year 2022 topped 2.76 million, breaking previous record](#). NBC.

3 Coralli, A.S. (2021) [Mexico’s Search for Disappeared Migrants Has Evolved, but Challenges Remain](#). MPI.

4 Amnesty International (2014) [Most Dangerous Journey: What Central American Migrants Face When They Try to Cross the Border](#).

5 Schmidt, L. & Buechler, S. (2017) [“I risk everything because I have already lost everything”: Central American Female Migrants Speak Out on the Migrant Trail in Oaxaca, Mexico](#). Journal of Latin American Geography.

6 Associated Press (2023) [Over 2,000 migrants kidnapped by cartels, smugglers in Mexico in 2022](#). Alarabiya News.

7 SJES ROME (2022) [Mexico – Report On The Disappearance Of Migrants](#). Social Justice and Ecology Secretariat.

8 Aldana, R. (2023) [Migrant deaths in Mexico put spotlight on US policy that shifted immigration enforcement south](#). The Conversation.

violence, Mexico has also been active in establishing commissions and authorities to search for missing persons along with forensic teams to investigate and identify deceased migrants. As long as the push from Central America and elsewhere is high, and the pull of the US's mostly porous border remains strong, migrants and asylum seekers will continue to face harsh dangers as they transit Mexico.

How Chile’s welcome turned sour

The past five years have seen a marked cooling in the Chilean state’s previously open-armed response to arrivals of people fleeing Venezuela as their numbers increased dramatically. Public sentiment has also soured, providing fuel for far-right parties ahead of key elections.

By Cristián Doña-Reveco¹

Introduction

Immigration to Chile has grown considerably since the end of Augusto Pinochet’s dictatorship in 1990. Until mid-2017, political debates about immigration—including refugees and asylum seekers in mixed migratory movements—lacked a sense of urgency, but that began to change in the second half of the year with the rapid increase of arrivals from Venezuela. Chile initially welcomed Venezuelan refugees and migrants, more so than other recent immigrant groups, but the five-fold growth of this population led to major changes in policy and increasingly negative public attitudes.

These attitudes have been fomented amid a continuing triple-headed crisis: the political fallout of the national wave of violent protests that started in 2019; the effects of the Covid-19 pandemic; and the economic disruption wrought by the pandemic.

While anti-immigration movements and adverse media portrayals of immigration are not new to Chile, the current climate is especially hostile to Venezuelans and immigration in general. This does not bode well for a country where immigrants are increasingly needed in the labour market and where, ahead of key elections in the next two years, right-wing politicians capitalise on such xenophobia.

Table 1. Chile’s foreign-born population by country of birth (%)

Country of birth	Census				
	1992	2002	2012	2017	2021 (est)
Venezuela	2.1	2.4	2.3	11.1	30.0
Peru	6.7	20.5	30.5	25.1	16.6
Haiti	0.0	0.0	0.5	8.4	12.2
Colombia	1.5	2.2	8.1	14.1	11.7
Bolivia	6.7	5.9	7.4	9.9	8.9
Argentina	30.0	26.1	16.8	8.9	5.2
Ecuador	2.0	5.1	4.8	3.7	2.8
Dominican Rep.	0.1	0.2	1.0	1.6	1.3
Spain	8.6	4.9	3.3	2.2	1.3
Brazil	4.0	3.7	2.9	1.9	1.3
Other countries	38.3	28.9	22.5	13.0	8.7
Total	100.0	100.0	100.0	100.0	100.0
	(114,634)	(184,464)	(339,536)	(783,282)	(1,482,390)
Percentage of total population	0.9	1.2	2.0	4.5	7.6

Sources: [Instituto Nacional de Estadísticas](#) (ENI) for all years except 2012, when the census was [deemed flawed](#) as it reportedly failed to account for almost 10 percent of Chile’s inhabitants.

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Background: migration trends

Chile became a popular destination country in the early 1990s, having been an emigration nation at least since the 1950s. Its attraction stemmed from its growing reputation as a “good neighbour in a bad neighbourhood.”² Chile enjoyed continuous economic growth—particularly between 1990 and 1998—as well as political stability and low rates of criminality.

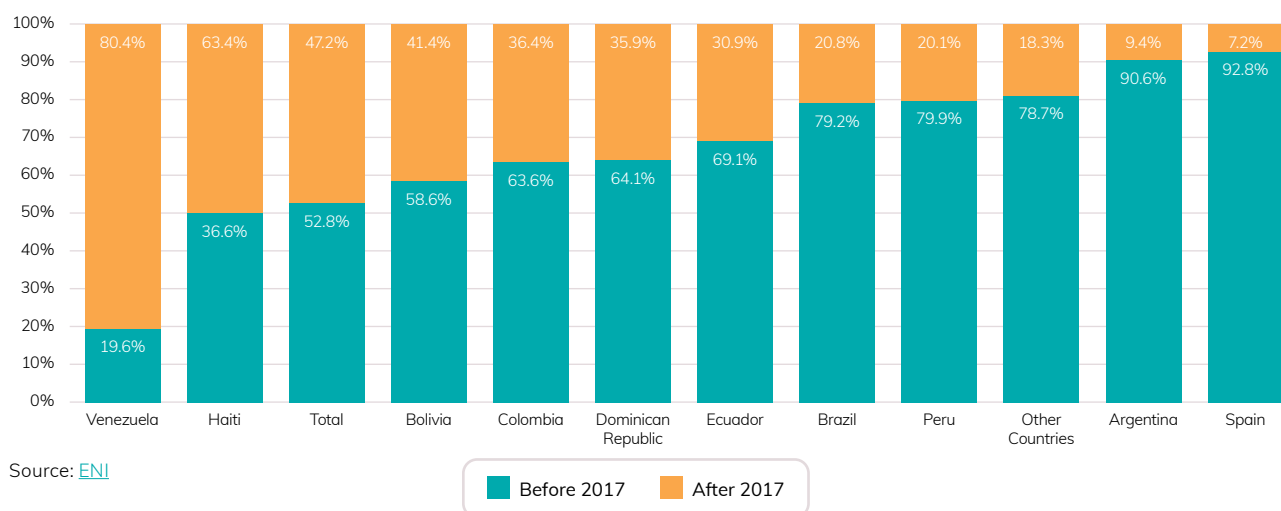
For most of this period, migrants (and refugees) came mainly from Chile’s three neighbours: Argentina, Bolivia and Peru. In 2012, a non-adjacent South American country—Colombia—surpassed Bolivia in terms of arrivals for the first time (see Table 1). By 2017, Colombians and Venezuelans were the second and third largest immigrant communities after Peruvians. Haitians grew from less than one percent of Chile’s foreign-born population in 2012 to more than eight percent in 2017, becoming the sixth-largest community.

Arrivals from Haiti and Venezuela

The most significant changes occurred since the second half of 2017. According to Chile’s National Institute of Statistics (ENI), almost half of all immigrants present in the country as of December 2021—including 80 percent of Venezuelans and 63 percent of Haitians—had arrived after the 2017 census (see Graph 1).

Haitian immigration to Chile took off after the 2010 earthquake, growing almost a hundredfold between 2012 (when there were fewer than 2,000 Haitians in Chile) and late 2021.³ The reasons for this increase are multiple. First, Chile received a significant number of Haitians who had originally emigrated to Brazil but then left as Brazil’s economy stagnated and Chile’s remained attractive.⁴ Second, unlike Haiti, Chile was seen as a peaceful country, with good security.⁵ Third, immigration networks developed and solidified as Haitians established in Chile began inviting friends and family to join them. Last, this immigration was facilitated by the inauguration of non-stop, low-cost flights between Port-au-Prince and Santiago.⁶

Graphic 1. Arrivals of foreign nationals in Chile before and after 2017



2 Doña-Reveco, C. (2022) *Immigrant Invasions to the South American Tiger: Immigration Representations in Chilean Newspapers (1991–2001)*. Journal of Immigrant & Refugee Studies.

3 McDonnel, P. & Poblete, J. (2021) *Haitians in Chile: Rough going for many prompts large-scale migration toward U.S.* Los Angeles Times.

4 Yates, C. (2021) *Haitian Migration through the Americas: A Decade in the Making*. Migration Policy Institute.

5 The participation of Chilean troops in MINUSTAH, the UN stabilisation mission deployed in Haiti in 2004, also contributed to Chile’s attraction.

6 Ugarte, S. (2022) *Skilling race: Affective labor and “white” pedagogies in the Chilean service economy*. American Anthropologist.

7 Vega, F. (2018) *La aerolínea de Mongolia que disparó el aterrizaje de haitianos: en enero llegaron 5 mil*. CIPER Chile.

Chile was among the leading destinations during the large-scale exodus from Venezuela that began in the mid-2010s, ranking fifth among Latin American states.⁷ Until about 2018, most Venezuelans travelling to Chile flew directly to Santiago but, thereafter, land routes through the northern border city of Arica, and most recently through unauthorised entry points, predominated. Overall, this immigrant group has a lower poverty level compared to the total immigrant group (11% versus 17%) and has significantly higher levels of education than other immigrants, with 68 percent having a post-secondary degree.⁸ Chile's attractions as a destination for migrating Venezuelans are similar to those of other countries in the region: considerably better security and basic services than Venezuela; the opportunity to reunite with family members; and job prospects.⁹

This rapid increase in Haitian and Venezuelan immigration caught the Chilean state unprepared and led to significant changes in immigration policy that centred mainly on Venezuelans and Haitians. Immigration was a major campaign topic ahead of general elections in 2017, when right-wing presidential candidate Sebastián Piñera warned that a victory by his centre-left rival Alejandro Guillier would lead to "Chilezuela", a pejorative term based on the supposedly negative effects of Venezuelan migration.¹⁰ (Piñera, who had previously served as president between 2010 and 2014, won the election).

Three post-Pinochet periods of immigration policy

Until 2021, Chile's visa regime and immigration management had been defined by a law created during the Pinochet dictatorship, two aspects of which came to dominate immigration debates in the late 2010s. First, the law allowed the government to create and issue a range of temporary visas for different categories of migrants. Second, it allowed most foreigners to enter Chile with a six-month tourist permit and then change their status under one of various temporary visa regimes. Such was the laxity of the system that it was not uncommon for foreigners, especially those from the Global North, to repeatedly renew their tourist permit by spending a few days in Argentina every six months, thereby avoiding the considerable cost and red tape of applying for a visa.

Between the end of Pinochet's dictatorship in March 1990 and the culmination of President Piñera's second term in March 2022, Chile's migration policy can be delineated into three distinct periods.

Stage one (1990-2002): policy by default

The initial stage can be characterised as "policy by default" or, colloquially, the "policy of no policy." The relatively slow increase in arrival numbers, coupled with a focus on managing the transition from military rule to democracy, relegated immigration to a secondary position on the political agenda.

Stage two (2002-2017): disjointed reactivity

The subsequent stage has been described as the "politics of the state of mind" era.¹¹ During this period, successive governments reacted to a more rapid rise in arrival numbers by intensifying efforts to formulate immigration-related policies. These policies, however, constituted a collection of significant yet disjointed endeavours, marked by limited and unsuccessful efforts to establish a comprehensive immigration framework. As a consequence, they manifested as provisional measures, susceptible to alteration, retention, or disregard, depending upon the inclinations of who was in power at the time.¹² Notwithstanding these developments, it's worth noting that Michele Bachelet's first presidential administration (2006-2010) officially labelled Chile as a "welcoming country" for immigrants.

2010 saw the enactment of the Law for the Protection of Refugees, which established a legal protection framework and incorporated Chile's obligations as a signatory to the Refugee Convention.¹³ But the legislation has not had the expected effects, nor has it been applied consistently. The awarding of refugee status remains rare: one NGO reports that barely three percent of asylum seekers receive it and that most foreign-born people in Chile are processed as immigrants, regardless of why they left their country of origin.¹⁴ This is because asylum seekers entering Chile are rarely informed of their rights by the border police; others are arbitrarily denied entry, leading them to use unauthorised entry points, which prevents them from having a proper evaluation process.¹⁵

7 R4V (n.d.) [Refugiados y migrantes de Venezuela](#). This can be partly explained by a historical connection between the two countries: after the coup in 1973 that brought Pinochet to power, many Chileans fled to Venezuela.

8 Margarit, D. et al. (2022) [Migración venezolana en Chile: desafíos para su integración](#). Revista Ideele.

9 Testa, G. (2019) [Waning welcome: The growing challenges facing mixed migration flows from Venezuela](#). Mixed Migration Centre.

10 El Mostrador (2017) [Bloomberg y las presidenciales: alarmismo venezolano surge en Chile en la previa de reñida elección](#).

11 Thayer, L. E., Stang, F. & Dilla, C. (2020) La política del estado de ánimo. Derechos limitados, institucionalidad débil y reconocimiento parcial en las políticas migratorias locales en Santiago de Chile. Perfiles Latinoamericanos.

12 Thayer, L.E. (2021) [Closed Doors and Open Footprints: Undocumented Migration, Precarious Trajectories, and Restrictive Policies in Chile](#). Migraciones Internacionales; Doña-Reveco, C. (2018) [Amid Record Numbers of Arrivals, Chile Turns Rightward on Immigration](#). Migration Policy Institute.

13 UNHCR (2010) [Chile passes landmark domestic legislation on refugees](#).

14 Servicio Jesuita a Migrantes (n.d.) [Migración en Chile portal - Refugio](#).

15 Liberona, N. & López, E. (2018) [Crisis del sistema humanitario en Chile. Refugiadas colombianas deslegitimadas en la frontera norte](#). Estudios atacameños.

This second stage lasted up to the end of Bachelet's second administration (2014-2017) and the rapid growth in arrivals from Venezuela and Haiti that caught her government by surprise. In the absence of a comprehensive immigration policy, this growth gave rise to rumours and media reports alleging that Bachelet had made a secret agreement with the United Nations to receive Haitians and Venezuelans.¹⁶

Stage three (2018 onwards): closing doors

Less than a month after his second term in office began in March 2017, Sebastián Piñera unveiled his “cleaning up the house” migration doctrine. This included a set of policy changes to make immigration more difficult, particularly from Haiti and Venezuela. First, he revived and beefed up the Plan Frontera Norte, a comprehensive initiative his previous administration had launched in 2011 to strengthen security and combat drug trafficking along the northern border, saying it would focus on the “mafias operating in the area” and that it was “key to reducing crime and illegal immigration to Chile”.¹⁷ While focused mostly on Venezuelans and Haitians, this plan also affected Colombian, Peruvian, and Bolivian immigrants.

New visa rules

Second, Piñera unveiled a new set of visas required by people coming from Haiti and Venezuela in a bid to reduce immigration from those countries and to end the common practice of entering Chile on a tourist permit before applying for a temporary visa. These four visas—the democratic responsibility visa for Venezuelans, the family reunification visa for Haitians, and consular tourist visas for both countries—were only available from the Chilean consulate in the country of origin, and rejection rates, especially in the case of Haiti, were high.¹⁸ Those who entered Chile without one of these visas became liable to deportation. Consequently, legal migration from both countries declined significantly.

While the creation of a specific visa regime for Venezuelans might be construed as a step toward accepting more immigrants from that country, in practice, lack of information, the low availability of Venezuelan passports, the cost of the visas, and understaffing of Chilean consulates meant that few Venezuelan applicants were awarded democratic responsibility visas (or any other Chilean visa).¹⁹

The new visa rules for Venezuelans defied a 2018 InterAmerican Court of Human Rights resolution that urged members of the Organization of American States to recognise the refugee status of people fleeing Venezuela, both as individuals and as a group.²⁰ They also went against the Mercosur Residency Agreement, under which residents of member states of the Southern Common Market, including Venezuela, are allowed to live and work visa-free in other member states. Chile, an associate member of Mercosur, has not domesticated this agreement.

By making it harder to enter Chile through legal channels, the new rules had the effect of rerouting immigrants to unauthorised border crossings points and increasing their vulnerability to and dependence on coyotes and smuggling groups.²¹

Piñera's administration continued participating in non-binding regional consultative processes, such as the South American Conference on Migration, and was a founding member of the Quito Process.²² But contrary to expectations, in 2018 his administration decided at the last minute to not sign the Global Compact for Migration—although it did sign the Global Compact on Refugees—claiming that the instrument promoted “illegal” immigration, diminished national sovereignty regarding migration, and established obligations on the Chilean state that went against his migration policy.²³ Piñera was thus seen as allowing domestic politics to trump Chile's international responsibilities.²⁴

Covid-19 and “forced immobility”

Like many countries all over the world Chile closed its borders in early 2020 in response to the Covid-19 pandemic. This added to an already complex situation by creating “forced immobility”, or what some analysts termed “mobility in immobility.”²⁵ The closures led to a concentration of migrants along the Peru-Chile border, increased unauthorised entries and prevented foreigners in Chile from returning to their countries safely amid growing threats to their health and employment opportunities.²⁶

Legislative revamp

In 2021, Piñera's administration enacted Chile's first new migration law in almost 40 years. The new legislation

16 Such rumours endured: in 2021, far-right presidential candidate José Antonio Kast alleged on the campaign trail that Bachelet had allowed “thousands of illegal immigrants” to enter Chile.

17 Bakit, M. (2018) [Legada de inmigrantes por mar, el nuevo fenómeno que preocupa al Gobierno](#). El Mercurio.

18 Venezuelans were later able to obtain the democratic responsibility visa from any Chilean consulate worldwide.

19 SJM (2022) [Migración en Chile: Aprendizajes y Desafíos Para los Próximos Años](#).

20 Inter American Court of Human Rights (2018) [Resolution 2/18 Forced Migration of Venezuelans](#).

21 Thayer, E. (2021) [Closed Doors and Open Footprints: Undocumented Migration, Precarious Trajectories, and Restrictive Policies in Chile](#). Migraciones Internacionales.

22 Established in 2018, the Quito Process comprises meetings and commitments established among Latin American countries to coordinate responses to the Venezuelan refugee and migrant crisis.

23 Prensa Presidencia (2018) [Presidente Piñera defiende posición de no sumarse al Pacto Mundial para la Migración](#)

24 Doña-Reveco, C. (2018). [El Pacto Global sobre Migraciones ¿qué más podemos decir?](#) La Tercera.

25 Vera Espinoza, M., Zapata, G. & Gandini, L. (2020) [Mobility in immobility: Latin American migrants trapped amid COVID-19](#). Open Democracy.

26 Freir, F. & Jara Castillo, S. (2021) [Human Mobility and Covid-19 in the Andean Region](#). E-International Relations.

uses human rights language but expands government power to deport migrants and limit their protections. It promises to respect migrants' rights "regardless of their migration status" yet curtails movement for those without legal status. Equal benefits are assured, but only for immigrants who have been in Chile for over two years. A court challenge has delayed the law's full enforcement and its implantation. Regulations were only published in February 2022, so it remains to be seen what impact it will have on future immigration and immigrant experiences.²⁷

New government, same stripes

Also in 2021, when Chile was embroiled in interrelated socio-political, public health and economic crises, voters elected a left-wing candidate, Gabriel Boric, as their new president. Even though his campaign took a liberal approach to international migration and promised a regularisation programme,²⁸ since coming to power his government has in fact maintained some of its predecessor's most controversial policies, including deportations and the militarisation of the northern border. Nor did Boric make good on his campaign pledge to ratify the Global Compact for Migration.

During the first semester of 2023, Boric's administration unveiled its own migration policy.²⁹ While described as having a focus on human rights and gender equality—it incorporates programmes on gender violence, family reunification and the protection of immigrant minors—the policy maintains and even reinforces the securitisation tenor of immigration control that has been part of Chile's immigration policy for almost 50 years. Examples of this include the introduction of biometric registration of foreign residents, the creation of a committee to handle deportations of irregular migrants, the broadening of deportation criteria (to include people charged with misdemeanours), the expansion of control zones to 10 kilometres from the border; and the imposition of fines for those who transport undocumented immigrants from border zones.

At the time of writing, Chile's National Congress was debating measures promoted by the Boric administration that would criminalise the irregular entry of anyone ineligible to claim asylum or who comes from a safe third country. The proposals clash with existing refugee laws which state that those seeking asylum are protected from, inter alia, being rejected at the border, being punished for irregular entry, and even from non-refoulement. And they

run counter to Chile's international obligations, notably those under the Refugee Convention.³⁰

Visa conundrums

One of the stated ambitions of Boric's migration policy is to introduce sufficient visa flexibility to meet domestic labour requirements, especially in the agricultural sector, which is facing a shortage of close to 150,000 workers.³¹ But this is another example of where policy objectives run up against the fine print of legislation.³² The 2021 migration law includes two types of visas that could be used for agricultural labourers. One is a seasonal workers' visa, which needs to be requested in the country of origin and signed in the Chilean consulate there. It allows workers to stay in Chile for a maximum of six months per year for a total of five years and does not lead to permanent residency. The second is a visa for border residents that allows people from Bolivia and Peru to work in agriculture in northern Chile. However, farm workers in the centre of the country, where most agriculture takes place, are not from neighbouring countries but from Haiti.³³ Considering the current conditions in Haiti, and the low rate of visa approval for Haitians, agrobusiness and seasonal migrants alike will struggle to benefit from these arrangements. Instead, employers will have to rely on immigrant workers already in Chile—an option that fails to address the labour shortage—and/or go abroad to different countries to hire seasonal workers.³⁴ There is thus a risk of incentivising the hiring of unauthorised immigrants, while increasing migrants' vulnerability to labour abuses, hampering their integration into Chilean society, and fuelling negative attitudes towards them.

Migration in the media

Previous analyses have shown that, depending on the country of origin, the Chilean press has tended to present immigrants as either the source of socio-cultural and economic development or as the culprits of almost every social problem in Chile, categorising them as either "good immigrants" or "bad immigrants". Such portrayals have also evolved over time: while people of German origin are today the quintessential good immigrants, this was not the perception in the late 1800s. Syrian, Lebanese and Palestinian immigrants were discriminated against in the early part of the 20th century, but now are seen as important economic and business communities. Peruvian and East Asian immigrants were mostly negatively portrayed in the early 1990s, while today they are all but invisible in the Chilean press.³⁵

27 Doña-Reveco, C. (2021) [Chile's Retooled Migration Law Offers More Restrictions, Less Welcome](#). Migration Policy Institute.

28 Boric, G. (2021) [Plan de Gobierno Aprueba Dignidad 2022 – 2026](#).

29 Servicio Nacional de Migraciones (n.d.) [Política Nacional de Migración y Extranjería](#).

30 [Official Communication](#) sent from the United Nations' Office of the High Commissioner for Human Rights to the Chilean Government regarding the congressional debates over modifications to Law 21,325, 24 May 2023.

31 Infomigra (2023) [Sector agrícola dialoga con Gobierno por entrega expedita de visas](#).

32 Doña-Reveco, C. (2021) [Chile's Retooled Migration Law Offers More Restrictions, Less Welcome](#). Migration Policy Institute.

33 Micheletti, S. et al. (2019) [Inserción laboral de migrantes en los territorios agrarios de Chile: el caso de la región del Maule](#). Cultura-hombre-sociedad.

34 Servicio Nacional de Migraciones (n.d.) [Política Nacional de Migración y Extranjería](#).

35 Doña-Reveco (2022) op cit; Martínez Alarcón, G., & Doña Reveco, C. (2022) ["¡Estos inmigrantes!" Un análisis de la memoria colectiva de la inmigración europea en la prensa chilena, 1850-1920](#). Périplos: Revista de Estudios sobre Migraciones.

Haitians bear the brunt

The tone of the media's coverage of immigration is often determined by country of origin. Similarly, a given immigrant group's "visibility" is more important than its numerical size. For example, Haitian immigrants—being black and not Spanish speakers in a predominantly mestizo (mixed race) society—have been usually portrayed as embodying the perceived characteristics of their country of origin: poor, violent and backward, regardless of an individual's educational level and economic status. While in the early 2010s the press reported Haitians being welcomed by Chilean society—albeit in a paternalistic and racialised way—more recently Haitians have become overrepresented in negative news articles in comparison to other national groups. They are often used as stereotypes, especially when the more negative aspects of immigration are being discussed.³⁶

Haitians now are portrayed in Chilean news media as the type of visitors who overstayed their welcome and as emblematic of the perceived abuse of tourist permits (discussed above). As immigration from Haiti and other countries increased, news media began highlighting this situation as a form of "gaming the system." The inauguration of direct flights from Port-au-Prince to Santiago by previously unknown airlines and chartered flights helped reinforce this perception.³⁷ Thus, Haitians became the "non-tourists", a concept that quickly became a shorthand for alleged illegality and a justification for Piñera's "clean up the house" doctrine. Haitians have also become the exemplar of integration difficulties, since they are presented as incapable of understanding Chilean laws and customs.³⁸

Changing attitudes to Venezuelans

Warmer reception before 2017

Venezuelan immigrants can be divided between those who arrived before and after 2017. While both groups are part of the Venezuelan displacement associated with the crisis in their home country, there are some important differences between how each is characterised in the press. The first group arrived mostly by plane, benefiting—like Haitians and other foreigners—from their entitlement

to enter Chile as tourists and then request a temporary visa. Unlike Haitians, however, this group was presented as "legal" in the press, as part of a political emigration to which Chile felt compelled to respond in the same way that Venezuela had received thousands of Chilean exiles during Pinochet's dictatorship. These immigrants are described, usually in positive terms, as victims of a dictatorial regime, and were used by right-wing politicians deriding the failures of left-wing governments. Even Piñera, shortly after his second presidential term began, spoke favourably about the possible reception of Venezuelan immigrants.³⁹

Attitudes sour as numbers rise

This positive attitude towards Venezuelan migrants began to change as the numbers of arrivals increased sharply starting in mid-2017. Those then leaving Venezuela amid the country's economic collapse generally had lower levels of education, were from a lower socioeconomic status and tended to travel by land.⁴⁰ Like Haitian immigrants, they have been portrayed as people who are "gaming the system" and as entering, or trying to enter, the country illegally.

The representation of Venezuelans became "bipolar": on one hand they were still the political emigrants of a dictatorial state, on the other they increasingly became associated—despite the attempts of some newspapers—with rising levels of crime, especially after the Estallido Social, a series of massive demonstrations (against the soaring cost of living and growing inequality) and riots that mostly took place between October 2019 and March 2020, first in Santiago before spreading to the rest of the country.⁴¹ Some media reported that Venezuelans were among the instigators of the initial protests; two days after they began the then defence minister presented Piñera with an intelligence report—debunked by recent judicial investigations—which stated that there were 600 Venezuelan agents in Chile "who had entered the country as refugees."⁴²

Piñera's administration also alleged that Venezuelan President Nicolás Maduro was an instigator of the uprising, describing the unrest as payback for Piñera's support for Venezuela's opposition. But although Maduro was vocally supportive of the Chilean protests (and for some South American politicians the revolts in Chile, Colombia

36 Bello Arellano, D. (2023) [Del rechazo a la aceptación: la nacionalidad como rasgo de diferenciación de los inmigrantes en el discurso de opinión en Chile \(2017-2019\)](#). Revista Pueblos y fronteras digital.

37 Vega, F. (2018) [La aerolínea de Mongolia que disparó el aterrizaje de haitianos: en enero llegaron 5 mil](#). Ciper Chile; Cifuentes, G. (2018) [La verdad tras el video de avión sin logo que llegó al aeropuerto de Pudahuel con haitianos](#). Radio Bio-Bio Chile.

38 Bello Arellano, 2023: 20

39 Piñera stated shortly after his inauguration in 2018 that "We will continue to receive Venezuelans in Chile, because we have a duty of solidarity and I never forget that when Chile lost its democracy, Venezuela was very generous with Chileans who were looking for new opportunities." Bustos, A. (2021) [¿Por la boca muere el pez? La solidaridad a migrantes venezolanos que el Gobierno prometió y olvidó por las expulsiones](#). Diario U de Chile.

40 Testa, G. (2019) [Waning welcome: The growing challenges facing mixed migration flows from Venezuela](#). Mixed Migration Centre.

41 Diario Antofagasta (2022) ["Vamos a seguir recibiendo venezolanos en Chile": La invitación de Piñera que terminó con el líder del Tren de Aragua ingresando al país con visa y por paso habilitado](#).

42 Cossio Lopez, H. (2020) [El «Plan Zeta» de Piñera: El informe de la DINE sobre la amenaza extranjera que hizo que el Presidente hablara de guerra](#).

and other countries were part of a larger plan to depose neoliberalism and create Bolivarian revolutions throughout the region) there is no information that supports any direct involvement of the Venezuelan government in the Estallido Social.⁴³ Nevertheless, the allegations, reported uncritically in some newspapers, led new Venezuelan immigrants to be (unfairly) linked to Caracas's purported plans to foment further social unrest in Chile.⁴⁴

The Covid-19 effect

The coronavirus pandemic heightened racist and xenophobic media attacks against immigrants, mostly Haitians and Venezuelans, who had been already constantly covered in the press. Haitian immigrants, who in a previous era had been associated with the spread of HIV in Chile, were reported to be possible sources of Covid-19 contagion as they were more likely to share living spaces. Newspapers also covered the large number of camps formed by immigrants in front and around their embassies in the expectation of repatriation. More sympathetic reporting covered the heightened risk migrants faced of losing their jobs because of the pandemic as well as their role as providers of medical care in public hospitals and deliverers of food and other essential goods.⁴⁵

The hostility continued in 2021 and 2022, leading newspapers to focus their reporting on anti-immigration protests, especially in the north of Chile. Residents and leaders of urban centres in the north criticised the central government for attempting to establish Covid-19 reception areas in their communities, and immigrants were associated with increasing levels of criminality.⁴⁶ This acrimony reached a nadir with the burning of a makeshift immigrant camp in the northern city of Iquique and growing protests in other parts of the country.⁴⁷ At the same time, newspapers also began reporting on a significant increase in the number of immigrants trying to enter Chile through different points of the northern border, especially via Colchane in the highlands next to Bolivia. Newspapers continuously called this a major “crisis” and cited local authorities describing the situation as being “out of control”.⁴⁸ Consequently, more

troops were deployed at the northern border.⁴⁹ The (domestic and international) media's alarmist framing of immigration in the north, and the spurious association between crime and immigration, have continued since Boric's inauguration in March 2022.⁵⁰

Public opinion also hardens

There appears to be a clear correlation in Chile between the extent of negative press coverage of immigration and the hostility of public opinion towards foreign-born residents, which seems to be less influenced by changes in the number of arrivals.

Opinion polls conducted over the past three decades show that Chileans have developed increasingly strong feelings against undocumented immigrants.⁵¹ In recent surveys, more than half of respondents said that the state should prohibit all immigration, and almost half consider that irregular immigration is one of the three main causes of crimes in Chile. Such anti-immigration opinions have become more prevalent and more overt and can be plausibly associated with the country's political, economic and public health crises and with the negative representation of immigrants—mostly Venezuelans, but also Haitians and Colombians—in the Chilean press.⁵² Other destination countries of Venezuela's exodus, such as Colombia, Ecuador, and Peru, have a negative attitude towards all immigrants. Chileans, however, are unique in having both a mainly positive attitude towards receiving immigrants from outside Latin America and a predominantly negative attitude towards those from within the region.

43 Dammert, L., & Sazo, D. (2020). [Scapegoats of the 2019 Chilean Riots: From Foreign Intervention to Riff-Raff Involvement](#). SAIS Review of International Affairs.

44 Romo Pontiga, G. (2020) [¿Están llegando venezolanos para un nuevo estallido social en Chile?](#) El Dínamo.

45 Andrade, E. (2020) [Brigada Migrante de Salud: médicos extranjeros para enfrentar la crisis sanitaria](#). Radio Universidad de Chile; Pizarro, J.C. (2020) [Pandemia económica: Migrantes intentan subsistir en medio de la crisis sanitaria](#). Diario El Día.

46 Iquique Vision (2020) [Movilización en Huará por migrantes](#).

47 Deutsche Welle (2021) [“¿Cómo se explica el odio?”: Crónica internacional analiza la marcha antiinmigrante que mostró “el lado más inhumano de Chile.”](#); Menéndez, C. (2021) [Estallido social contra los inmigrantes indocumentados en Iquique](#). Euronews; Menéndez, C. (2021). [Protestas antiinmigración en Chile y choques en Santiago](#). Euronews.

48 BBC (2022) [El inédito bloqueo en el norte de Chile en protesta contra la inseguridad y la crisis migratoria](#).

49 El Mercurio Antofagasta (2021) [Crisis: más de mil inmigrantes ingresan por frontera norte, pese a intervención del Ejército](#).

50 The numerous examples of this trend include: Zuñiga, J. (2022) [Socióloga Carolina Stefani y la crisis migratoria del norte: “El desastre que está dejando este gobierno no es fácil de resolver.”](#), The Clinic; and Sanhueza, A. M. (2022) [El Ejército chileno se despliega en la frontera norte ante la crisis migratoria](#). El País.

51 Findings of various polls can be found at: [Estudio Nacional de Opinión Pública N°46, Diciembre 2003](#); [Estudio Nacional de Opinión Pública N°79, Abril-Mayo 2017](#); [Estudio Nacional de Opinión Pública N°86, Abril-Mayo 2022](#); and [Encuesta CEP N° 89, Junio-Julio 2023](#).

52 Author's analysis of data from [Estudio Nacional de Opinión Pública N°86, Abril-Mayo 2022](#); [Encuesta CEP N° 89, Junio-Julio 2023](#).

Conclusion

Until fairly recently, Chile took a somewhat liberal approach to the entry of foreign-born people, which facilitated the arrival of new immigrants. Chile's participation in regional migration fora was based on the protection and defence of immigrants' human rights. At the same time, regardless of the political leanings of the government in power, the Chilean state opted to use its visa regimes to manage a wide range of arrivals with varying protection needs—some seeking asylum, others better economic opportunities, some both of the above—from countries such as Venezuela, Haiti, Peru, Argentina, and even Global North states such as (former colonial power) Spain and the United States.⁵³

In 2021, the president of the Association of Venezuelans in Chile complained of a “media campaign to blame immigration for all of Chile's structural problems.”⁵⁴ But newspaper coverage and public opinion during this era of “new immigration” to Chile have been very mixed in tone. The recent rapid increase of immigrants from Venezuela and Haiti, however, has brought to light a constant but underlying anti-immigrant sentiment among the public. This sentiment most likely will affect the integration of immigrants, especially immigrant minors, who comprise around a third of schoolchildren in some areas of the country.

This anti-immigrant sentiment is set to play a key role in campaigns ahead of next year's municipal and gubernatorial elections and the 2025 presidential election. Support for the far-right Partido Republicano, led by likely presidential candidate José Antonio Kast, is growing faster than that for any other political party.⁵⁵ The Partido Republicano won the largest number of seats (23) in this year's election for the Constitutional Council, which is tasked with drafting a new basic law for Chile.⁵⁶ Kast and his party have repeatedly signalled their intention to limit immigration, take a more authoritarian approach to fight crime, and restore “traditional moral values”.⁵⁷

The rapid increase of immigration from Venezuela and Haiti since 2017 has influenced the development of more restrictive approaches to immigration policy in Chile. Since becoming an immigration country in the early 1990s, Chile's governments' have struggled to define a comprehensive immigration policy. Regardless of the governments ideology and their intentions, every formal and informal attempt to deal with immigration has been more driven by changes in the (rising) number of immigrants entering the country. Their characteristics,

and the governments' perception of public opinion and actual public opinion compounded by the media shape policy more than careful analysis of the opportunities that immigration might bring to a country like Chile, particularly in the face of significant labour shortages in the country. Lastly, despite President Boric's public calls for a regional response to Venezuelan displacement, Chile's policies seem to be following the example of the Global North's more restrictive approaches while attempting a quick fix for a long-term issue.

53 Doña-Reveco, C. (2018) [Amid Record Numbers of Arrivals, Chile Turns Rightward on Immigration](#). Migration Policy Institute.

54 Paúl, F. (2021) [¿El fin del 'sueño chileno'? los migrantes que luchan por permanecer en un país que les cierra las puertas](#). BBC.

55 Kast won the first round of the 2021 presidential election but lost to Gabriel Boric in the run-off.

56 Another right-wing party, Unidad por Chile, won 16 seats, meaning that the right-wing bloc has a majority large enough to push through its draft of a new constitution.

57 Radio Cooperativa (2023) [Un ministro ad hoc y centros de detención provisorios: Las propuestas de Kast contra la inmigración ilegal](#).

Photo credit: Anita Schneider / iStock

Across the world, extreme weather events have direct and measurable impacts on mobility. Here in Pakistan's Swat Valley, severe floods washed away houses and livelihoods in May 2023. Large-scale mobility, both national and international, is predicted to rise as the effects of climate change escalate. (See Interviews with Gaia Vince, [page 48](#); Ingrid Boas, [page 53](#) and Filippo Grandi, [page 16](#)).



Photo credit: izanbar / iStock

An NGO's maritime rescue vessel moored in the Italian port of Syracuse in May 2023. Italy has continued to obstruct NGOs' rescue efforts in the Mediterranean without incurring censure from other European states. Italy claims it is shouldering responsibility for a disproportionate number of irregular arrivals to Europe. In a single week in September 2023 more than 10,000 mainly African refugees and migrants arrived at the island of Lampedusa. (See Normalising the extreme, [page 22](#); Keeping track in Europe, [page 168](#); Interview with Jan Ribbeck, [page 202](#)).



Section 5: Europe

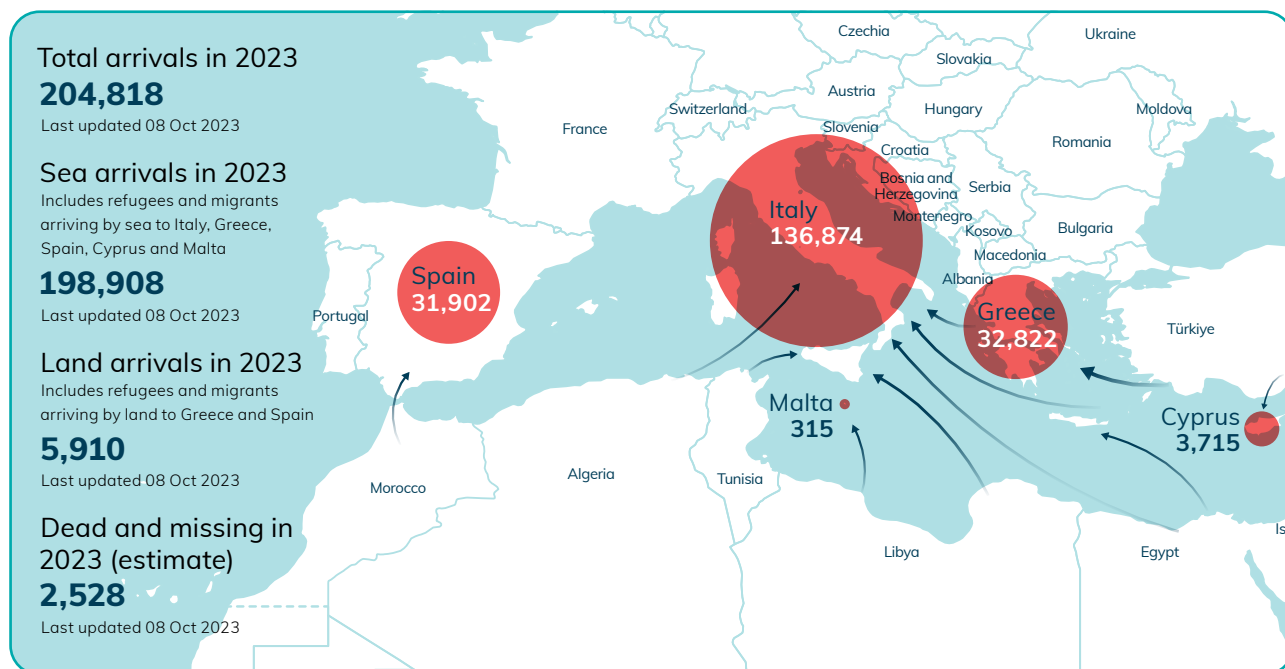
Overview

There have been some recent breakthroughs in agreements around migration among EU member states, including one in early October 2023 over a preliminary framework for sharing responsibility for the arrival of large numbers of displaced people in the event of conflict or a natural disaster. Nevertheless, in general, policy discussions have focused on containing refugees, migrants and asylum seekers (for example, in memorandums of understanding with Libya and Tunisia to intercept crossings before they reach Europe) rather than protecting their fundamental rights. The broad shift in EU policy has continued to move towards fortification and containment: although the bloc has yet to directly fund the construction of border walls, it is channelling large sums of money into surveillance technologies and other aspects of border management.¹

The Central Mediterranean route to Italy remains the most popular entry point into Europe, followed by the Western Mediterranean and Atlantic routes into Spain

and then the Eastern Mediterranean route into Greece, and the cost in terms of deaths and disappearances along this route remains high. This was demonstrated by the capsizing in Greek waters of a trawler on 24 June 2023 that resulted in the death or disappearance of 596 people on their way to Italy, an incident that may have been caused in part by the actions of the Greek coast guard. Though this was one of the worst incidents of its kind to occur for years, it exists on a lethal continuum encompassing dozens of boats, large and small, sinking or vanishing at sea. The tragedy was not only caused by overcrowding and the callous disregard by smugglers of the lives of those on board, but it was also enabled by the increasing hostility of the EU's migration policy, including the rollback of effective search and rescue operations and abusive practices such as pushbacks by some member states. This approach is markedly different to the collective solidarity that has characterised the response to the crisis in Ukraine and the millions displaced since the Russian invasion.

Graphic 1. Mediterranean mixed migration situation 2023



Source: UNHCR [Mediterranean situation](#). (Due to rapidly evolving situations in the Mediterranean the figures displayed in the above graphic differ from those mentioned in the text, due to the different dates of accessing the source for developing the text and the graphic).

1 Lynch, S. & Barigazzi, J. (2023) [EU vows more cash for frontier policing as border fence debate revives](#). Politico.

The Eastern Mediterranean route

The Eastern Mediterranean remained the least travelled route into Europe in 2023, with a total of 19,676 arrivals (15,540 by sea and 4,136 by land) as of 3 September. This is just a fraction of the estimated 861,630 who arrived in Europe from the Eastern Mediterranean in 2015, when it was by far the most used entry point for refugees, migrants and asylum seekers.² Among registered arrivals in 2023, 22.7 percent were Palestinian, while others came from Afghanistan (11.7%), Somalia (10.4%), Syria (9.1%), Eritrea (8.7%) and Democratic Republic of Congo (7.3%).³

Despite the reduced numbers of people attempting the journey through the Eastern Mediterranean, the death toll has risen in recent years, with a total of 378 dead and missing in 2022—the highest recorded figure since 2016. The first months of 2023 appear to have seen a slight reduction in deaths, with 53 dead or missing recorded between January and the end of August, compared to 101 the year previously.⁴

Deaths and deportations put a spotlight on Greece

Though the EU has itself been repeatedly criticised for failing to hold the government of **Greece** to account for violent beatings, illegal pushbacks and other abuses carried out by security guards against refugees, migrants and asylum seekers, reports emerged in late June 2023 that the EU border agency Frontex might withdraw its personnel and resources from Greece due to its repeated human rights violations.⁵ This was shortly after the capsizing of a boat off the coast of Messenia, Greece, with around 750 passengers on board.⁶ The scale of the tragedy—one of the deadliest such incidents ever recorded—brought renewed attention to the dangers faced by those travelling through Greek waters and to how the government's hostile policies may have exacerbated these risks. This incident, and reports of illegal pushbacks from the island of Lesbos to Türkiye, prompted Frontex to seek “clarifications and information” at the end of June.⁷ As described later in this section, evidence has emerged in the wake of the sinking that suggests Greek authorities not only failed to respond in an adequate and timely manner to the situation, but may have contributed

to the sinking by attempting to tow the trawler and subsequently attempted to cover up their involvement by pressuring survivors to alter their testimonies.

Since March 2020, when cooperation with Türkiye around border management began to break down, Greece has been accused of carrying out a systematic policy of violent pushbacks of refugees, migrants and asylum seekers seeking to enter the country by sea, bolstered by new technologies and the use of unidentified armed men, including masked migrants recruited as proxies to carry out these abuses.⁸ Both Greece and Türkiye have blamed each other for the deteriorating humanitarian and protection environment refugees, migrants and asylum seekers face when attempting the crossing. While Greece has accused Türkiye of “push-forwards”, with people allegedly forced out to sea on dinghies into Greek waters,⁹ Türkiye in turn has accused Greece of repeatedly forcing arrivals back by land and sea. On 3 July, for instance, Turkish authorities claimed to have rescued 95 people on board three boats who had apparently been pushed back by Greek border forces.¹⁰ Though the Greek government has long denied pushbacks occur, on 19 May, footage filmed by an activist was released showing men in balaclavas forcing 12 asylum seekers, including children and a baby, onto a dinghy and left them there before Turkish coastguards picked them up.¹¹

Greece has also attracted criticism for the squalid and degrading “prison-like” conditions of the camps it operates on its islands for refugees, migrants and asylum seekers.¹² This has been an issue for years, as evidenced by a ruling by a June 2023 European Court of Human Rights: the court awarded damages to 67 migrants for the mistreatment they received while being held in centres on Lesbos in 2017 and 2018 in conditions described as “inhumane and degrading”.¹³ Following the destruction of the notorious Moria camp by a fire in September 2020, Greek authorities and the EU committed to the construction of a “new generation” of “closed controlled access centres” to replace the tented settlements used before them. However, despite promises of improving living conditions and smoother asylum procedures, reports have emerged that suggest an array of problems have yet to be resolved, including violence, lack of services such as running water, disease outbreaks and allegations of sexual assault.¹⁴

2 UNHCR (2023) [Mediterranean situation: Greece](#).

3 Ibid.

4 IOM (2023) [Missing Migrants Project: Eastern Mediterranean route](#).

5 Bathke, B. (2023) [Frontex mulls exit from Greece as re-elected government vows to continue migration policy](#). InfoMigrants.

6 Al Jazeera (2023) [Timeline: How the migrant boat tragedy unfolded off Greece](#).

7 Gatopolous, D. & Paphitis, N. (2023) [Europe's border agency seeks answers from Greece on alleged illegal deportations of migrants](#). AP.

8 MMC (2022) [Mixed Migration Review 2022](#).

9 AP (2023) [Greece says it's investigating claim migrants were illegally deported back to Turkey](#).

10 InfoMigrants (2023) [Turkey accuses Greece of pushbacks after saving migrants from three boats](#).

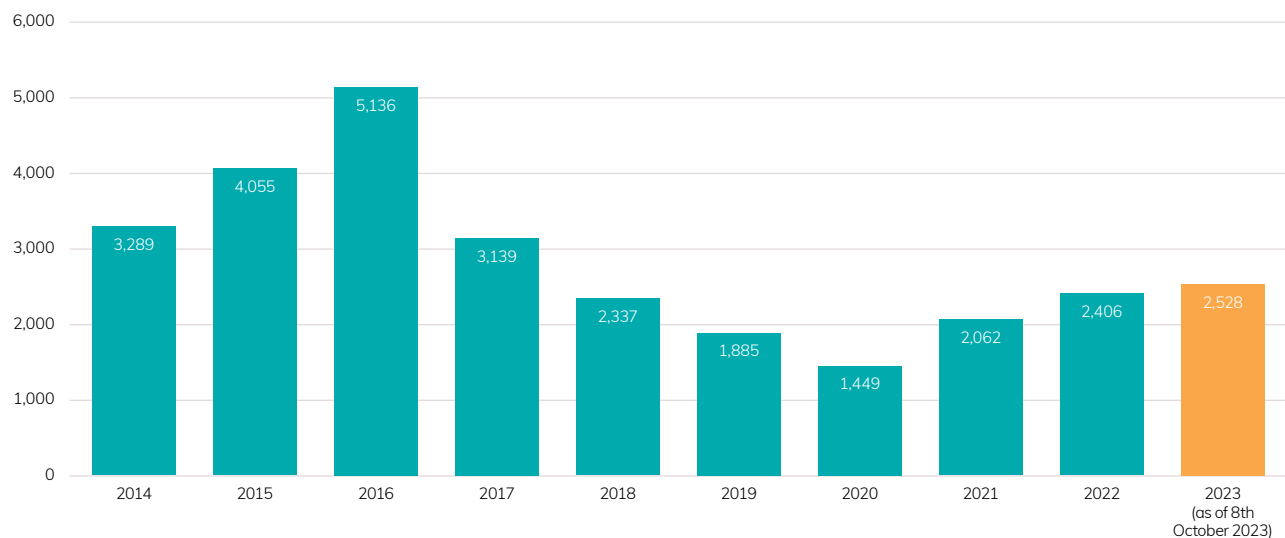
11 Smith, H. (2023) [Greece government under fire after video shows 'pushback' of asylum seekers](#). The Guardian.

12 MMC (2022) [Mixed Migration Review 2022](#).

13 ANSA (2023) [European court rules in favor of 67 ill-treated migrants](#). InfoMigrants.

14 Emmanouilidou, L., Stavinoha, L. & Fotiadis, A. (2023) [EU details violations at Greece's 'model' refugee camps](#). Al Jazeera.

Graphic 2. Mediterranean missing migrants 2014-2023



Source: IOM / Statista [Mediterranean Migrant Deaths on the Rise](#) / UNHCR [Mediterranean Situation](#).

Returns up, applications down in Cyprus

For years, **Cyprus** has received the largest volume of asylum applications in proportion to its overall population of any country in the EU: in May 2023 alone, for instance, it received 1,092 first-time applications per million people. This figure compares to just 0.2 in Hungary, the lowest of any country in the EU, but is also around four times the proportion of Germany (with 275 first-time applications per million people the same month), where the largest number of applications overall are received.¹⁵ The situation in Cyprus has resulted in a backlog where some asylum applicants have been waiting several years for their claims to be processed.¹⁶ Most new arrivals reach Cyprus from Türkiye or Lebanon, where increasing numbers of both Lebanese nationals and Syrians attempt to cross by boat.

Nevertheless, while the volume of first-time applications in the EU in the first months of 2023 was significantly higher than the previous year, the net volume of applications in Cyprus has reduced significantly.¹⁷ At the same time, the number of returns carried out also rose sharply. While 5,563 applications were received between January and the end of June 2023, less than half the number (12,048) recorded in the first half of 2022, 4,370 asylum seekers were returned—almost double the total (2,353) during the same period in 2022.¹⁸ In some cases, authorities in Cyprus have been deporting arrivals back to Lebanon, with UNHCR expressing its concern in August following the return of more than 100 Syrians back to Lebanon

without screening for potential protections risks.¹⁹

‘Historic’ agreement between EU member states on migration, but divisions remain

The longstanding friction within the EU on how to share responsibility for the reception and hosting of arrivals has been a sticking point between countries such as Italy and Spain, which currently receive a disproportionate number of refugees, migrants and asylum seekers entering from the Central Mediterranean, and Hungary and Poland which have adopted an intransigent position on resettlement in their territory.²⁰ The issue has only become more pressing with the recent rise in asylum applications in the EU, with almost 1 million filed in 2022—an increase of more than 50 percent compared to the total in 2021.²¹

On 8 June 2023, however, the majority of member states agreed to a radical package of reforms that sought to reach a compromise between the different camps through various measures, including a two-tier asylum application process with accelerated procedures for those deemed less likely to be eligible (for example, those originating from countries with an asylum

15 Eurostat (2023) [Over 80,000 asylum seekers in May 2023](#); Eurostat (2023) [Population on 1 January](#).

16 Jego, M. (2023) [Cyprus, a dead end for migrants seeking asylum in Europe](#). Le Monde.

17 Frontex (2023) [Central Mediterranean accounts for more than half of irregular crossings into EU](#).

18 Theodoulou, N. (2023) [No room for complacency on immigration issue says interior minister](#). Cyprus Mail.

19 Hadjicostis, M. & Sewell, A. (2023) [Cyprus is sending Syrian migrants back to Lebanon. The UN is concerned but Cypriots say it's lawful](#). The Independent.

20 Sorgi, G. & Barigazzi, J. (2023) [What's actually in the EU's migration deal?](#) Politico.

21 European Union Agency for Asylum (2023) [Almost 1 million asylum applications in the EU+ in 2022](#).

recognition rate of less than 20 percent, or who are believed to have withheld information or to have been intentionally misleading). At the same time, the agreement would impose a flexible system of “mandatory solidarity” that would require member states to either receive a quota of asylum seekers, pay €20,000 for each person they refused to accept or provide a financial contribution to operational activities related to migration management and returns. Individual countries would also have more leeway in determining the eligibility of arrivals and where those refused asylum could be removed to.²² Only two countries—Hungary and Poland—voted against the agreement (though a number of countries chose to abstain), meaning the proposed provisions could be approved by a majority without Hungary and Poland being able to veto the text.²³

However, despite being praised at the time as a “historic” breakthrough, in practice the agreement has not secured universal support. Alongside concerns from human rights groups that the protection of refugees, migrants and asylum seekers will be weakened and lead to the return of people in need of protection,²⁴ Hungary and Poland have continued to publicly denounce the provisions of the agreement. In June, at a high-profile EU summit, both countries refused to endorse the relevant sections on migration in a proposed joint statement by the EU Council, a largely symbolic gesture that nevertheless demonstrates the persistent tensions around the issue and which led the provisions relating to migration to be removed from the text.²⁵ The agreement needs to be approved in the European Parliament before it comes into force.²⁶

These divisions were also evident when another significant agreement was reached on 4 October among EU member states around how to respond to sudden arrivals of large numbers of displaced people in the wake of conflict, natural disaster or a climate emergency. The pact, the result of three years of protracted negotiations, outlines how frontline receiving countries such as Italy and Spain can accelerate asylum processing and resettle refugees in other EU countries to share the responsibility of hosting between countries. Significantly, Italy

and Germany—both countries who have generally adopted opposing positions around EU migration policy—were able to resolve their impasse. However, both Hungary and Poland again opposed the deal, while Austria, the Czech Republic and Slovakia abstained. This agreement will also need to be approved by the European Parliament before it comes into force.²⁷

Western Balkans

The Western Balkans has been a popular area of transit for refugees, migrants and asylum seekers from Afghanistan, the Middle East and South Asia since 2015, with numbers now having returned to pre-pandemic levels.²⁸ According to Frontex, it remains the second-most used route into the EU, with 52,232 detected entries between January and the end of July 2023. Nevertheless, this represents a 26 percent reduction from the numbers in the same period of 2022,²⁹ when movement through the region peaked at its highest levels since 2015/16 with more than 144,000 attempted crossings (predominantly by Afghans and Syrians) between Western Balkan countries and the EU.³⁰ This decline may be largely attributable to various countries in the region adjusting their visa restrictions and putting in place other restrictive measures, including forced returns, in line with EU policies and political pressure.³¹ In terms of nationalities, the most represented countries of origin along this route are Syria, Afghanistan and Türkiye.³²

Pushbacks and returns from Croatia

Returns from **Croatia** to Bosnia and Herzegovina have been increasing since the beginning of 2023, coinciding with Croatia’s formal entry into the Schengen zone on 1 January, under the terms of an agreement brokered between the two countries back in 2011. While Croatian authorities attribute the uptick to Bosnia finally implementing its side of the agreement, the Bosnian government has rejected this interpretation, pointing to the almost 3,500 people who had been returned under the agreement since 2017.³³ Even so, Croatia continues to receive a significant number of asylum applications: in terms of the ratio of asylum seekers to its overall population, Croatia had the second-highest proportion of new applicants in February 2023 after Cyprus.³⁴

22 Liboreiro, J. (2023) [EU countries strike major deal on migration rules, delivering the first breakthrough in years](#). EuroNews.

23 Liboreiro, J. (2023) [EU summit ends with a whimper as Poland and Hungary resist migration reform](#). EuroNews.

24 Sunderland, J. (2023) [New EU migration deal will increase suffering at borders](#). Human Rights Watch.

25 Liboreiro, J. (2023) [EU summit ends with a whimper as Poland and Hungary resist migration reform](#). EuroNews.

26 Liboreiro, J. (2023) [Poland and Hungary hijack EU summit with anti-migration demands](#). EuroNews.

27 O’Carroll, L. (2023) [Historic EU deal reached on how to manage sudden rise in asylum seekers](#). The Guardian.

28 Sito-sucic, D. (2023) [Western Balkans states discuss how to improve migration governance](#). Reuters.

29 KNews (2023) [Cyprus sees sharp drop in asylum applications](#).

30 MMC (2023) [Western Balkans: Mixed migration trends and dynamics](#).

31 Frontex (2023) [Half of arrivals to the EU through the Central Mediterranean](#).

32 Ibid.

33 Kurtic, A., Siviero, T. & Tesija, V. (2023) [Bosnia data contradicts Croatian claim about migrant, refugee “Readmissions”](#). Balkan Insight.

34 Eurostat (2023) [Over 76,000 asylum seekers in February 2023](#).

A report by Human Rights Watch, published in May, also highlighted the continued practice of violent pushbacks and illegal deportations by Croatian authorities. For years, Croatian police and security officials have been accused of undertaking systematic expulsions of refugees, migrants and asylum seekers into Bosnia and Herzegovina. These incidents have frequently been accompanied by physical violence, enforced humiliation and theft of money, phones and identity documentation, with children among the victims.³⁵ The EU has been accused of being complicit in these crimes for failing to prevent them; this inaction is illustrated by its formal acceptance of Croatia into the Schengen area in December 2022 despite the repeated pattern of human rights abuses carried out against refugees, migrants and asylum seekers at the border.³⁶ Systematic pushbacks, often involving violence, also continued to be reported from Hungary to Serbia.³⁷

Balkan states commit to cooperate with stronger restrictions around migration

Representatives from all six countries in the Western Balkans region (North Macedonia, Montenegro, Serbia, as well as Albania, Kosovo and Bosnia and Herzegovina) convened on 8 June 2023 at the Third Sarajevo Migration Dialogue to discuss a shared commitment to greater cooperation around migration governance, in partnership with the United Nations and the EU.³⁸ The Western Balkan states, which are all seeking accession to the EU, have imposed more restrictive policies towards refugees, migrants and asylum seekers in alignment with Schengen policies and in exchange for financial and technical assistance. For example, due to amendments imposed in 2022 and early 2023, nationals of Burundi, India and Tanzania are no longer able to enter Serbia without visas.

Central Mediterranean route

According to UNHCR, the number of people detected travelling to **Italy** from January to 28 August 2023 (112,862) is more than double the total recorded during the same period in 2022.³⁹ Between 1 January and 31 July 2023, the most represented countries of origin among arrivals in Italy were Guinea (13.2%) and Côte d'Ivoire (13.0%), followed by Egypt (8.8%), Tunisia (8.0%), Bangladesh (7.8%) and Pakistan (6.9%).⁴⁰

The number of dead and missing (2,066) on the Central Mediterranean route in the first eight months of 2023 had already far exceeded the annual total for 2022 (1,417), due in part to the tragic shipwreck off the coast of Greece on 14 June that resulted in almost 600 people dying or going missing (see box below for more details).⁴¹ The high number of fatalities is attributable not only to the large volume of vessels attempting the crossing, but also the active rollback of rescue operations by EU member states and the shift towards interceptions and returns by Libya.

Almost 600 dead or missing in tragic sinking of trawler near Pylos, Greece

On 14 June, *Adriana*, a trawler carrying as many as 750 individuals, predominantly from Pakistan, Egypt, Syria and Afghanistan, capsized off the coast of the southwestern Peloponnese region of Messenia. It is estimated that 596 people died or went missing, making it one of the most lethal incidents ever to occur in the Mediterranean.⁴² Having set sail from Eastern Libya on 8 June, on the fourth day at sea, around 80 kilometres from the Messenia town of Pylos, *Adriana's* engine failed. What happened next, and the extent to which actions by the Greek coastguard may have contributed to the tragedy, remains contested. While Greek authorities have argued that the passengers repeatedly refused assistance, making it difficult to launch a rescue prior to the sinking, activists have challenged this narrative, saying that those on board were clearly in a state of distress.⁴³

In the weeks following the accident, the official account was repeatedly called into question. For instance, Greek authorities claimed that the boat was steadily heading towards Italy until it capsized. However, tracking data reviewed by the BBC found that the boat remained stationary for

35 HRW (2023) ["Like we were just animals": Pushbacks of people seeking protection from Croatia to Bosnia and Herzegovina.](#)

36 HRW (2022) [EU admits Croatia to Schengen without regard to abuses at the border.](#)

37 Protecting Rights at Borders (2023) [What we do in the shadows.](#)

38 Sito-sucic, D. (2023) [Western Balkans states discuss how to improve migration governance.](#) Reuters.

39 UNHCR (2023) [Italy weekly snapshot – 28 August 2023](#); UNHCR (2022) [Italy weekly snapshot – 29 August 2022.](#)

40 UNHCR (2023) [Mediterranean situation: Italy.](#)

41 IOM Missing Migrants Project (2023) [Migration within the Mediterranean: Central Mediterranean route.](#)

42 Ibid.

43 Brito, R. (2023) [Did migrants reject help before deadly Greek wreck, or beg for it? Coast guard, activists disagree.](#) AP.

at least seven hours before capsizing.⁴⁴ Questions were also raised around delays to the Greek coastguard's rescue operations and the absence of video footage documenting their actions.⁴⁵ Most damningly, there were suggestions that the Greek coastguard may have contributed to the trawler capsizing by attempting to tow the vessel. Though this interpretation was rejected by the Greek authorities, subsequent investigations by British, German and Greek media outlets in partnership with the organisation Forensis uncovered evidence that contradicted the official account of the tragedy.⁴⁶ Besides discovering other incriminating details, including evidence that Greek authorities had been offered assistance by Frontex on three separate occasions and suggestions that survivor testimonies may have been tampered with, evidence also emerged that the Greek coastguard had indeed attempted to tow the trawler into Italian waters shortly before it capsized.

As with other deadly incidents, Greek authorities were quick to blame the tragedy on human smugglers, with nine people arrested shortly after the sinking occurred. It is clear that the smugglers responsible for organising the crossing were indifferent to the lives and wellbeing of those on board: the trawler was dangerously overloaded beyond its 400-person capacity, and food and water supplies had reportedly run out before the sinking.⁴⁷ Perhaps most disturbingly, Pakistani nationals were apparently singled out (along with women and children) to be confined in the lower hold, the most hazardous part of the vessel, and subjected to mistreatment by the crew when they attempted to come on deck.⁴⁸ Nevertheless, the failure of Greek authorities to prioritise the protection of those on board appears to have also been a major factor in how events unfolded. Survivors have also reported that they were pressured to incriminate the Egyptians on board as smugglers, and were forced to remain silent on the role that the coastguard may have played in the tragedy.⁴⁹

No sign of a softer Italian policy on migration

Without a dramatic shift in policy from the EU, in particular **Italy**, more tragedies will likely occur along the

Central Mediterranean route. The far-right government of Giorgia Meloni has made migration a centrepiece of its policy since coming to power in October 2022, further entrenching the hostile policies of “non-assistance” (reflected in successive restrictions on search and rescue operations in Italian waters, as well as slow and half-hearted responses from Italian authorities to vessels in distress) that have contributed to the rise in deaths and disappearances. This is illustrated by its response to other incidents that have occurred in Italian waters. On 26 February, for instance, less than four months before the *Adriana* tragedy, a boat carrying around 200 passengers sank off the coast of Cutro in the southern region of Calabria, claiming the lives of at least 94 people on board.⁵⁰ In the wake of these deaths, a number of suspected smugglers were arrested, and new emergency legislation announced—though, crucially, the latter has focused on further undermining the rights of refugees, migrants and asylum seekers (for example, through reduced access to basic services, extended detention times and the introduction of accelerated border procedures) rather than strengthening rescue operations.⁵¹ This is despite suggestions that the slow response of Italian authorities may have meant a valuable opportunity to save the lives of those on board was missed.⁵²

It is important to note that the underlying problems with Italy's migration strategy long predate the current government and its continuation of many policies first enacted years ago. For instance, February 2023 saw Italy's Memorandum of Understanding (MoU) with Libya renewed for another three years despite repeated reports of human rights abuses by Libyan coastal guards. Under the terms of the MoU, in exchange for financial and technical support from the Italian government, Libyan authorities intercept and bring back refugees, migrants and asylum seekers attempting the crossing to Italy. Tens of thousands of people have been forcibly returned to Libya under this arrangement, where many have suffered torture, sexual assault, extortion and murder by guards and militias. Despite widespread evidence of what the International Criminal Court has ruled could amount to crimes against humanity, this cooperation has continued.⁵³

The implications for those travelling along this route are plain, as evidenced by another deadly incident that occurred just two weeks after the *Cutro* sinking. Another boat, loaded with 47 passengers, spent 27 hours in

44 BBC (2023) [Greece boat disaster: Tracking data sheds light on migrant shipwreck](#).

45 Smith, H. & Chrisfakis, A. (2023) [Nine die in Greek court over shipwreck as Pakistan holds day of mourning](#). The Guardian.

46 Forensis (2023) [The Pylos shipwreck](#); Fallon, K., Christides, G., Busch, J. & Emmanouilidou, L. (2023) [Greek shipwreck: hi-tech investigation suggests coastguard responsible for sinking](#). The Guardian.

47 InfoMigrants (2023) [Greece: Questions continue mounting over final hours before migrant ship sank](#).

48 Smith, H., et al (2023) [Pakistanis 'were forced below deck' on refugee boat in Greece disaster](#). The Guardian.

49 BBC (2023) [Greek coastguard "pressured" disaster survivors to blame Egyptian men](#).

50 Reuters (2023) [Italy ends search for dead after Feb. 26 migrant shipwreck](#).

51 Autin, A. (2023) [Disastrous clamp down on migrants rights in Italy](#). Human Rights Watch.

52 Lighthouse Reports (2023) [The Crotona cover up](#).

53 Tranchina, G. (2023) [Italy reups funding to force migrants back to Libya](#). HRW.

distress while waiting to be rescued. Italian authorities not only chose not to act but also prohibited other boats in the area from intervening, instead calling on them to liaise with the Libyan coastguard so they could intercept and return the vessel. However, the Libyan rescue never materialised and eventually the boat capsized, resulting in the deaths of 30 people on board.⁵⁴

New agreements brokered with North African countries to manage migration

The EU's controversial policy of externalising migration management by bolstering border control to other countries, particularly in North Africa, has continued with a number of new agreements. This approach has long raised protection concerns, given the situation in many partner countries and the fact that the provisions of these deals externalise migration management at the expense of human rights.⁵⁵ Perhaps the most divisive of these arrangements is the EU's ongoing partnership with **Libya**, despite the latter's well-documented patterns of violence, mistreatment and discrimination against refugees, migrants and asylum seekers.⁵⁶ The financial and technical assistance provided to Libya has evolved through multiple iterations, with the most recent package of funding from the EU Border Assistance Mission in Libya amounting to €85 million over a two-year period from July 2021 to June 2023.⁵⁷ The mission's mandate was subsequently extended until June 2025.

The agreement with Libya has provided a model for cooperation with other countries in the region. In March 2023, the EU announced details of a new series of cooperation programmes with **Morocco** amounting to €624 million, including €152 million earmarked specifically for border management, return and reintegration of migrants to their countries of origin.⁵⁸ This is the latest phase in a relationship around migration that extends back to 2004. There are also plans, following on from an €80 million agreement on strengthened border control agreed in October 2022,⁵⁹ to expand cooperation with **Egypt** around curbing irregular migration and trafficking.⁶⁰

In addition, the EU has sought to deepen its engagement with **Tunisia** in response to the growing number of refugees, migrants and asylum seekers embarking from there, driven in part by the economic and political instability in the country. In June 2023 the EU released details of a controversial €1 billion package of financial and technical assistance that included support for increased border control by Tunisia. Despite President Kais Saied stating that Tunisia would not act as Europe's border guard by taking on responsibility for the interception and return of boats,⁶¹ on 16 July a Memorandum of Understanding was formally agreed.⁶² Among other provisions, it envisions increased cooperation around maritime search and rescue operations, strengthened border management and the disruption of smuggling networks in Tunisia. It also outlines agreement on the return and readmission of Tunisian nationals who have entered the EU irregularly, alongside expanded opportunities for legal migration and seasonal employment.⁶³ While the EU has announced that it could serve as a blueprint for future agreements with other countries exchanging financial assistance for increased border control,⁶⁴ there are concerns that the partnership could undermine migrant protections and serve to "whitewash" President Kais Saied's government policy against refugees, migrants and asylum seekers.⁶⁵

Western Mediterranean route and Atlantic route

According to UNHCR, 22,165 refugees, migrants and asylum seekers reached **Spain** between 1 January and 3 September, the majority in the Canary Islands (11,690) and mainland Andalucía (6,513), with others entering at various points on Spain's eastern Mediterranean coastline (1,979), Ceuta (722), the Balearic Islands (917) and Melilla (344). Almost all of these arrivals (21,777) were by sea.⁶⁶

54 Tranchina, G. (2023) [More migrant deaths in the Mediterranean](#). HRW.

55 Oxfam (2020) [The real common interest: The converging EU and North African migration agendas – where do people's interests come in?](#)

56 Amnesty International (2022) [Libya/EU: Conditions remain 'hellish' as EU marks 5 years of cooperation agreements](#).

57 European Council (undated) [Migration flows on the Central Mediterranean route](#).

58 European Commission (2023) [EU launches new cooperation programmes with Morocco worth €624 million green transition, migration and reforms](#).

59 Lewis, A. (2022) [EU funds border control deal in Egypt with migration via Libya on rise](#). Reuters.

60 O'Carroll, L. (2023) [EU looks to Egypt partnership to tackle people-smuggling networks](#). The Guardian.

61 Reuters (2023) [Tunisia will not be Europe's border guard, president says](#).

62 Al Jazeera (2023) [Tunisia and EU finalise deal on migration](#).

63 European Commission (2023) [Memorandum of Understanding on a strategic and global partnership between the European Union and Tunisia](#).

64 Fox, B. & Vasquez, E. (2023) [Tunisia pact a 'blueprint' for new 'cash for migrant' deals, says EU chief](#). EuroActiv.

65 Holleis, J. & Guizani, T. (2023) [EU-Tunisia migration proposal ignores human rights concerns](#). DW; Wintour, P. (2023) [EU accused of whitewashing Tunisian regime in bid to stem migration](#). The Guardian.

66 UNHCR (2023) [Mediterranean situation: Spain](#).

According to IOM, the number of dead and missing on the Western Mediterranean route was 205 between January and the end of August 2023, lower than the number recorded during the same period in 2022 (314).⁶⁷ Along the Western Africa–Atlantic route to the Canary Islands, meanwhile, 396 people died in the first eight months of the year.⁶⁸ Fatalities rose sharply during the summer months in particular, with some blaming Spanish and Moroccan authorities for their slow response.⁶⁹ This situation is discussed in more detail in the Keeping track in Africa section in this volume.

Living conditions for arrivals in the Canary Islands remain difficult

Since late 2019, when the number of refugees, migrants and asylum seekers attempting to reach the Canary Islands increased significantly—it has remained high ever since—the capacity of local authorities to house arrivals in adequate conditions has been severely strained. Though the situation has improved since the autumn of 2020, when thousands were confined in Arguineguín harbour without adequate shelter or access to basic services, reports of substandard living conditions in facilities continue to emerge. In March 2023, media coverage of the Las Raíces camp in Tenerife—a former military barracks that has been repeatedly criticised for its dangerous and demoralising living conditions⁷⁰—reported that vulnerable residents were allegedly being exposed to sexual exploitation by locals in return for clothes and money.⁷¹ In the meantime, there has been a reported surge in the number of attempted crossings from Senegal due to the unrest that erupted there in June 2023. While only three rafts reached the Canary Islands in the entirety of 2022 from Senegal and Gambia, 19 reportedly arrived six weeks between the start of June and mid-July 2023.⁷²

Still no justice in sight for those who died at Melilla

On 24 June 2022, around 2,000 refugees, migrants and asylum seekers attempted to scale the barrier into Melilla—an autonomous Spanish city bordering Morocco—resulting in at least 37 fatalities. These deaths were attributed in part to the brutal response by both Moroccan and Spanish security forces, with the former accused of physically assaulting

people as they climbed the barrier while the latter deployed tear gas against them.⁷³ One year on, with 76 others still missing and 22 bodies held in a morgue in Morocco, no officials have yet been held accountable for what Amnesty International has described as a “deliberate and concerted cover up” by both countries.⁷⁴ A number of migrants, on the other hand, were handed lengthy prison sentences in August 2022 (subsequently extended in January 2023) by Moroccan authorities for allegedly participating in the stampede.⁷⁵

A cold welcome in North and Central Europe

While much of the focus on migration to Europe is on the situation in southern countries such as Greece, Italy and Spain, many northern and central European countries have imposed measures to restrict or reduce migration. In the **UK**, the government has responded to the growing number of arrivals by boat with the Illegal Migration Act, passed by parliament in July 2023. In what UNHCR has described as a de facto “asylum ban”,⁷⁶ the legislation prohibits anyone who enters the UK irregularly from applying for asylum and mandates their removal to a third country, even unaccompanied minors, separated children and survivors of trafficking or modern slavery, and regardless of the merit of their claim for asylum (see box below).⁷⁷ **Denmark**, meanwhile, in March 2023 expanded its designation of which parts of Syria could be classified as “safe” for return to include Tartous and Latakia, meaning that Syrians from those regions could have their temporary protection status revoked and be forced to return to the areas they previously fled.⁷⁸ **Sweden**, following national elections in September 2022 where the far-right, anti-immigration Sweden Democrats won 20 percent of the vote, has also hardened its migration policy.⁷⁹

Other countries with longstanding anti-migration agendas, such as **Hungary**, have expanded on these further. In June 2023 the European Court of Human Rights ruled that the asylum policy put in place by the

67 IOM Missing Migrants (2023) [Migration within the Mediterranean: Western Mediterranean](#).

68 IOM (2023) [West and Central Africa — Irregular Migration Routes to Europe — Western African Atlantic Route \(January – June 2023\)](#).

69 Hairsine, K. (2023) [Canary Island migrant route to Spain proves deadly again](#). DW.

70 Vega, G. (2021) [Las Raíces, el campamento 'maldito' para los migrantes en Canarias](#). El País.

71 De Vera, N.B. & Bargas, N. (2023) [Ropa y dinero a cambio de sexo: una asociación denuncia explotación sexual a migrantes en Tenerife](#). El Diario.

72 Martín, M. & Narango, J. (2023) [Political crisis in Senegal triggers influx of migrants to Spain's Canary Islands](#). El País.

73 MMC (2022) [Mixed Migration Review 2022](#).

74 Amnesty International (2023) [Morocco/Spain: 'Deliberate cover up' of migrant carnage at Melilla border continues](#).

75 Bathke, B. (2023) [Morocco raises migrants' jail time over Melilla stampede](#). InfoMigrants.

76 UNHCR UK (2023) [UK asylum and policy and the Illegal Migration Bill](#).

77 UNHCR (2023) [UK Illegal Migration Bill: UN Refugee Agency and UN Human Rights Office warn of profound impact on human rights and international refugee protection system](#).

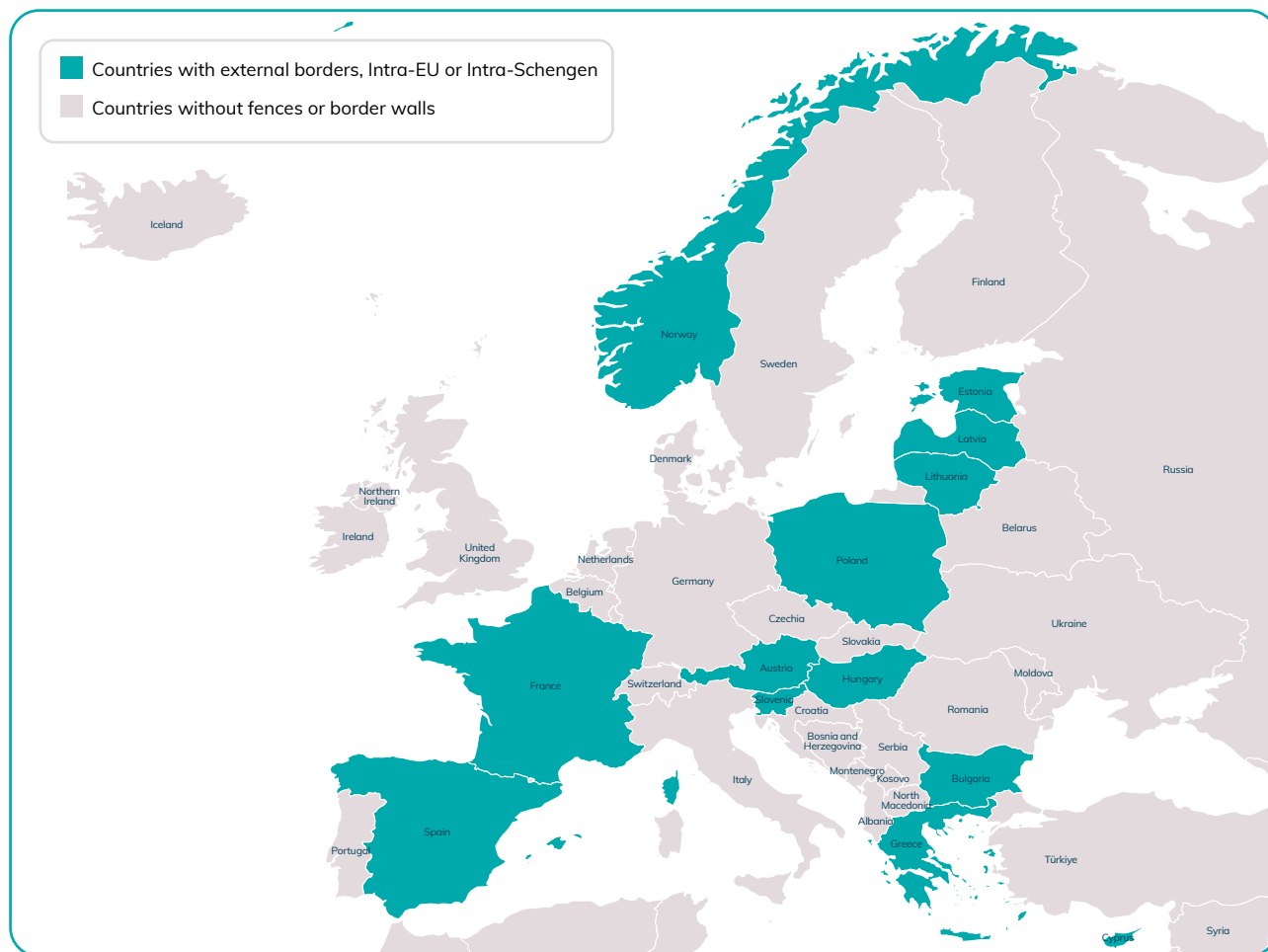
78 Bernild, M. (2023) [Syrian refugees in Denmark at risk of forced return](#). HRW.

79 Cisenik, S. (2022) ['Sweden as we know it is dying': From welcoming migrants to discouraging them](#). InfoMigrants.

government of Viktor Orbán in 2020 during the Covid-19 pandemic, compelling prospective asylum seekers to leave the country and apply from the Hungarian embassies in Serbia or Ukraine, was a violation of EU

law. The policy has played an important part in the Hungary’s exclusionary asylum policy: only 44 people were able to apply during the whole of 2022 due to these restrictions.⁸⁰

Graphic 3. Map of European countries with fences or border walls



Source: [Walls and fences at EU borders](#), European Parliament.

Trapped at the Belarus-Poland border

Beginning in the summer of 2021, authorities in **Belarus** have allowed thousands of refugees, migrants and asylum seekers to travel to the Polish border where many have ended up trapped, barred from either continuing into Poland or returning to Belarus. Trapped in deep forest without adequate access to food, shelter or medical supplies, the situation has proved deadly for many, with IOM reporting at least 30 deaths or disappearances at the border in the first half of 2023, almost as many as the total in 2021 (22) and 2022 (11) combined.⁸¹ Other organisations, such as the human rights group Grupa Granica, have produced even higher estimates, reporting that since the beginning of the crisis in 2021 and the

end of May 2023 at least 45 people have died and more than 300 others are missing.⁸² While Belarus has been accused of weaponising the desperation of people on the move, the unreceptive stance of Poland—reflected in the construction a 190-kilometre-long wire border fence—has also contributed to the protracted humanitarian crisis. Despite the difficult circumstances, around 150 refugees, migrants and asylum seekers still attempt to cross the border every day, many of them having originally reached Europe with Russian visas.⁸³ The apparent uptick in arrivals during 2023 prompted calls in some regions of Germany to tighten border control with Poland.⁸⁴

80 Sorgi, G. (2023) [Hungarian law forcing migrants to seek asylum abroad is illegal, top EU court rules](#). Politico.

81 IOM Missing Migrants Project (2023) [Migration within Europe: Belarus-EU border](#).

82 ECRE (2023) [Eastern Borders: Poland continues restricting access to asylum](#); Ciobanu, C. (2023) [Vigils held in Poland after migrants' bodies found at Belarus border](#). Balkan Insight.

83 VOA (2023) [Migrants with children stuck at Poland's border wall: activists say Belarus won't let them turn back](#).

84 Chodownik, M. (2023) [Influx in migrant crossings at Poland-Belarus border raises concerns in Germany](#). Euronews.

UK appeals court rules Rwanda plan illegal

On 29 June the UK's Court of Appeal ruled that the government's so-called "Rwanda plan" was unlawful.⁸⁵ Originally announced in April 2022 as a deterrent to the increasing numbers of refugees, migrants and asylum seekers entering the UK on small boats from France, the agreement with Rwanda, alongside the Illegal Migration Act, means that anyone who enters the UK irregularly can be transferred to Rwanda to have their asylum claims processed there. Even those whose claims are approved would not be permitted to return to the UK because it would be Rwanda, rather than the UK, that would offer asylum. Some 24,000 asylum seekers in the UK received letters in the first three months of 2023 warning them they were being considered for forcible removal to a safe third country—and Rwanda is the only country in the world with which the UK has a relevant agreement.⁸⁶ Though the Rwanda policy was approved as lawful by the High Court in December 2022, the Court of Appeal, in a case backed by UNHCR, reversed this decision on the basis that Rwanda could not be deemed a safe third country and because of the risk that applicants with credible asylum claims could be returned from Rwanda to their countries of origin, where they could risk facing persecution or other mistreatment.⁸⁷ The government is appealing this ruling at the Supreme Court, which began its deliberations on 9 October.⁸⁸ Even if it loses, the government might persist with the plan by withdrawing from the European Convention on Human Rights, upon Article 3 of which the Court of Appeal based its ruling.⁸⁹ In the meantime, the boats continue to cross the Channel to the UK: by early October government figures show that more than 25,000 people had arrived in UK on small boats since the start of the year.⁹⁰

Crisis and conflict in Ukraine

Continued displacement for civilians in Ukraine

The shifting battlelines of the conflict in **Ukraine** and the targeting of civilian infrastructure by Russian forces have led to repeated displacements. During 2022, around 16.9 million conflict-related movements took place in the country, many of them people who experienced displacement multiple times. This represents around 60 percent of all movements due to conflict worldwide that year.⁹¹ As of the end of May 2023, there were almost 5.1 million IDPs in Ukraine, with the largest concentration in the east of the country and around Kiev, though most oblasts contain a significant internally displaced population.⁹² The destruction of the Kakhovka Dam on 6 June, apparently by Russian forces, displaced around 2,200 people in the immediate aftermath, and there are concerns that the long-term environmental, economic and health implications of the catastrophe could lead to larger numbers leaving the area permanently.⁹³

... and an uncertain future for refugees abroad

At present, there are more than 6.33 million registered Ukrainian refugees globally, including 5.97 million in Europe. The largest populations are present in Poland (1.63 million), Russia (1.28 million), followed by Germany (1.08 million) and the Czech Republic (350,000).⁹⁴ The resettlement of millions of Ukrainians across Europe, including in countries with markedly hostile policies in place towards refugees, migrants and asylum seekers in general, is due to the activation of the EU's Temporary Protection Directive (TPD) to provide immediate protection and access to social services, education, health care, accommodation and other needs.⁹⁵ Launched within a week of the invasion, the TPD has currently been extended to March 2024.

This response to the crisis is an extraordinary departure from the general thrust of EU asylum policy towards other refugee populations. In particular, it is in marked contrast to the continued deterrence and mistreatment of refugees, migrants and asylum seekers from Africa, Asia and the Middle East fleeing violence and persecution, in countries such as Afghanistan and Syria. Critics of the exclusionary approach favoured by most European

85 For a detailed analysis of the Rwanda plan and its genesis, see Trilling, D. (2023) '[Incoherence and inconsistency: the inside story of the Rwanda deportation plan](#)'. The Guardian.

86 Taylor, D. (2023) [Over 24,000 UK asylum seekers could be sent to Rwanda despite court ruling](#). The Guardian.

87 Taylor, D. & Quinn, B. (2023) [Braverman plan to send asylum seekers to Rwanda unlawful, appeal court rules](#). The Guardian.

88 Holden, M. & Tobin, S. (2023) [UK's Rwanda migrant plan under scrutiny at highest court](#). Reuters.

89 Dathan, M. (2023) [Rwanda block could force Britain to leave ECHR, says minister](#). The Times.

90 UK Government (2023) [Migrants detected crossing the English Channel in small boats – Time Series](#).

91 IMDC (2023) [Overview](#).

92 IOM (2023) [Ukraine internal displacement report – General population survey: Round 13](#).

93 UN Ukraine (2023) [Potential long-term impact of the destruction of the Kakhovka Dam](#).

94 UNHCR (2023) [Ukraine refugee situation](#).

95 European Commission (2023) [Temporary protection for those fleeing Russia's war of aggression against Ukraine: one year on](#). For an analysis of the TPD see the essay – The temporary protection of Ukrainian refugees: a model for the future or a case of discriminatory exceptionalism? on [page 196](#) of this review.

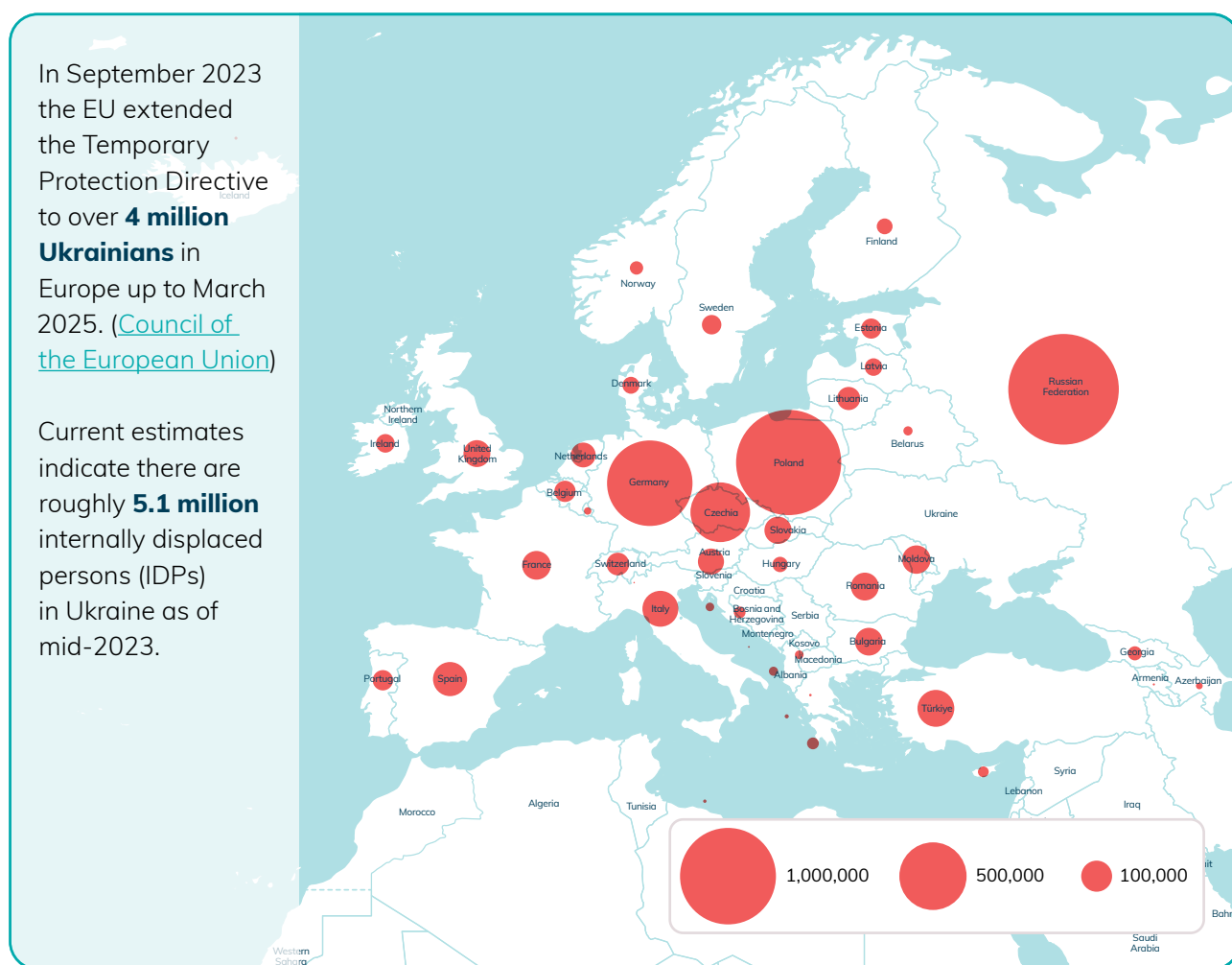
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governments have called for the success of the TPD to be extended to include other refugee populations to support a more effective and humane way to manage the realities of conflict-induced displacement across the world.⁹⁶

Despite the ongoing conflict, there have been a significant number of returnees (4.8 million) in Ukraine since the beginning of the conflict, some of whom have returned from abroad.⁹⁷ Most respondents to UNHCR's

most recent survey on the intentions and perspectives of Ukrainian refugees and IDPs (conducted in April and May 2023), envisioned returning to their place of origin in the long term, but not immediately. Around 15 percent said they planned to return permanently in the three months following their interview and more than 60 percent expressed a desire to return at some point in the future. Just 6 percent of refugee respondents and 12 percent of IDPs had no intention of returning at all.⁹⁸

Graphic 4. Ukrainian refugees in Europe 2023



Source: UNHCR [Ukraine Situation | Refugees from Ukraine across Europe](#).

96 Hernandez, J. (2022) [The EU should treat all refugees like it is treating Ukrainians](#). The New Humanitarian.

97 IOM (2023) [Ukraine internal displacement report – General population survey: Round 13](#).

98 UNHCR (2023) [Lives on hold: Intentions and perspectives of refugees and IDPs from Ukraine #4](#).

The integration of Ukrainian refugees into employment markets

One positive outcome for Ukrainian refugees, due in large part to the supportive and enabling reception policies in countries across Europe, is the relatively high levels of employment they enjoy compared to other refugee populations. Ukrainian refugees across Europe have above-average educational attainment, exceeding that of most other refugee communities as well as the general Ukrainian population as a whole. According to one estimate based on self-reported data in a number of European countries, 71 percent of Ukrainian refugees have university degrees, with the majority holding a Master's degree or higher.⁹⁹ This has helped many transition into alternative employment in their host countries.

Nevertheless, Ukrainian refugees continue to face considerable challenges. As a large proportion of refugees are women and children (with the passage of martial law in Ukraine preventing most men aged between 18 and 60 from leaving the country), most working-age refugees are having to balance their need for employment with childcare responsibilities. Limited language skills are a further barrier. As a result, many Ukrainian refugees end up taking on part-time or low-skilled jobs far below their professional skills, creating the potential for long-term overqualification and a mismatch between their experience and education and the work available to them.¹⁰⁰ In this context, even where overall levels of employment are high, Ukrainian refugees still contend with considerable challenges.

This mixed picture is reinforced by research undertaken by MMC in three different cities—Berlin, Bern and Warsaw—through interviews with Ukrainians who had settled there. In Warsaw, for instance, more than 70 percent of respondents were in paid employment, yet despite this and the additional assistance they received, many reported still struggling with pressing needs in terms of income, housing, health care and other areas.¹⁰¹ In Bern, meanwhile, the representation of interviewees in the job market was much lower, with fewer than 20 percent in paid employment and only 10 percent with a regular paid job; most were employed as cleaners or restaurant workers (among women) or construction and transport (among men).¹⁰² The proportion with regular paid work was even lower among respondents in Berlin.¹⁰³

99 EUAA, IOM and OECD (2022) [Forced displacement from and within Ukraine: Profiles, experiences, and aspirations of affected populations](#).

100 OECD (2023) [What we know about the skills and early labour market outcomes of refugees from Ukraine](#).

101 Giraudet, M. (2023) [Displaced from Ukraine to Warsaw: A case study on journeys, living conditions, livelihoods and future intentions](#). MMC.

102 Jucker, J-L., Forin, R. and Giraudet, M. (2023) [Displaced from Ukraine to Bern: A case study on journeys, living conditions, livelihoods, and future intentions](#). MMC.

103 Forin, R. and Giraudet, M. (2023) [Displaced from Ukraine to Berlin: A case study on journeys, living conditions, livelihoods and future intentions](#). MMC.

The chill factor: the changing politics of immigration in Nordic countries

2023 saw immigration at the top of the political agenda in many countries in Europe and beyond. The salience of immigration in politics and the push for more restrictive immigration policies is illustrative of a greater swing to the right, even if right-wing parties do not have a monopoly on these kinds of policies. Instead, this push offers further evidence of the mainstreaming of anti-immigration and nativist attitudes affecting those in mixed migration – not least in Nordic countries.¹

By Chris Horwood²

In Nordic countries, including Scandinavia, there is strong evidence of a continuing trend towards more restrictive immigration and integration policies over the last two decades, more remarkable perhaps because up until recently, and more intensely in particular countries, such changes have clashed with these countries' previous reputation as being welcoming liberal welfarist societies.³ Nevertheless, in most Nordic countries, including Iceland as a late-comer, the extent of the increasing normalisation of anti-immigration public sentiment and policy is striking. It not only questions the success of past integrationist approaches, but also exposes concerns around national identity and party-political dynamics and suggests that more recent changes are likely to remain entrenched in the medium term.⁴ How did the warm Nordic welcome become the colder embrace of today?

Population growth fuelled by immigration

Between 1990 and 2016, the population of the Nordic countries grew by 15 percent due to a combination of births exceeding deaths (natural increase) and positive net immigration (see Graphic 1). Over this period, immigration into the Nordic countries reached historical highs and net immigration accounted for about two-thirds of the total population growth, while natural increase accounted for one third. Net immigration into Norway, Sweden, Finland and Denmark specifically, increased considerably and became the major source of population increase, far exceeding that of natural increase.⁵

1 Lynch, S. (2023) [Europe swings right — and reshapes the EU](#). Politico.

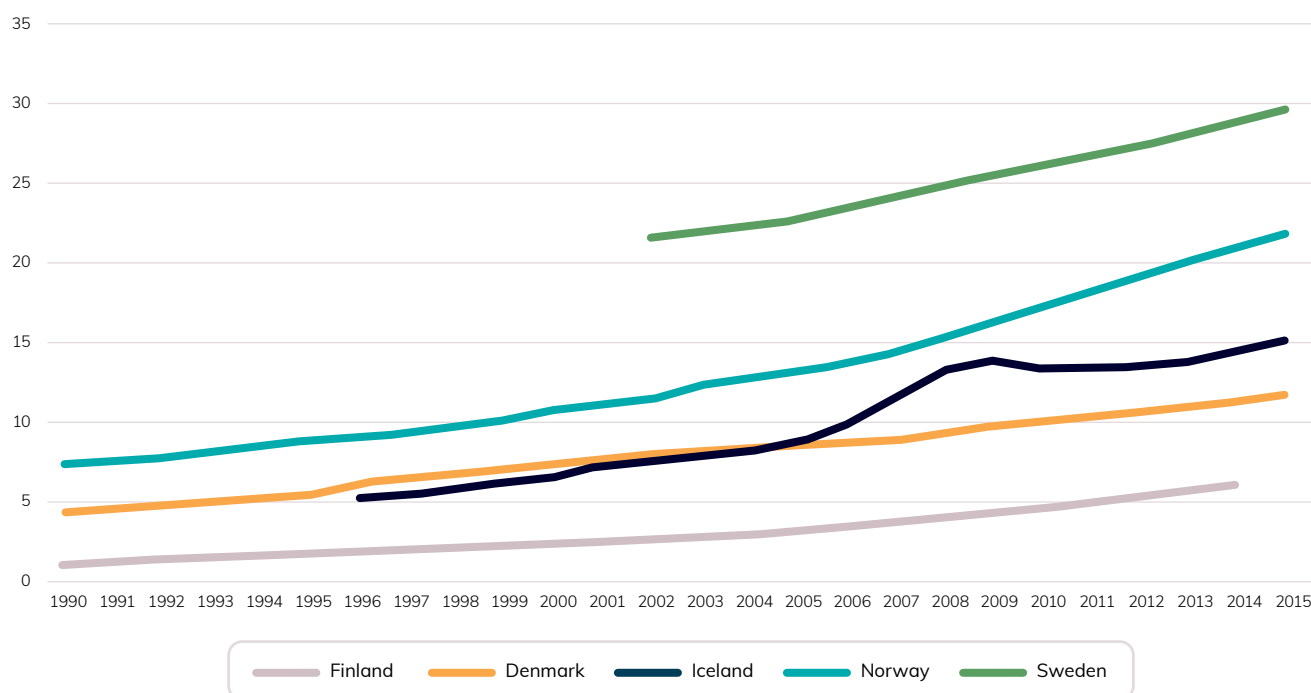
2 Chris Horwood is a migration specialist and Director of Ravenstone Consult.

3 The Nordic countries are a geographical and cultural region in Northern Europe and the North Atlantic. They comprise the sovereign states of Denmark, Finland, Iceland, Norway and Sweden; the autonomous territories of the Faroe Islands and Greenland; and the autonomous region of Åland. In this essay, Scandinavia refers to Denmark Norway and Sweden.

4 Simonsen, K. (2019) [Political approaches to immigration in Scandinavia since 1995](#). Nordics Info/Aarhus University; Bailey-Morley, A. & Kumar, C. (2022) [The rise of the far right in Denmark and Sweden – and why it's vital to change the narrative on immigration](#). Overseas Development Institute.

5 Statistics Norway (2022) [Immigration and Immigrants in the Nordic Countries 2016-2020](#).

Graphic 1. Foreign-origin population in the Nordic countries 1990-2016



Source: [Heleniak \(2016\)](#)

All told, by 2019, the Nordic countries had approximately 3.6 million immigrants as well as 1 million second-generation migrants among an overall population of 27.2 million. Immigrants and their descendants therefore represented 16.9 percent of the Nordic region’s population, with just over half living in Sweden. These figures will not have changed significantly in the last five years except for the hosting of Ukrainian refugees in 2022/3. These immigrants include people from other Nordic countries, other EU countries and non-EU countries, and many originally arrived as refugees or as guest workers or labour migrants (see Graphic 2). For example, although Syrians (who number more than 260,000, not all of whom are refugees) make up the largest group of foreign nationals in the Nordic countries as a whole, Poles are the most numerous immigration group in Denmark, Iceland and Norway, but important also for Sweden. Meanwhile, Estonians comprise the largest national group of immigrants in Finland.

Table 1. Number of immigrants per 1,000 of population in Nordic countries (2019) (first generation only)

Country/Region	Immigrants per 1,000 inhabitants
Denmark	10.8
Finland	6.6
Iceland	24.1
Norway	10
Sweden	8.7
Nordic country average	12
European Union average	5

Source: [Eurostat](#).

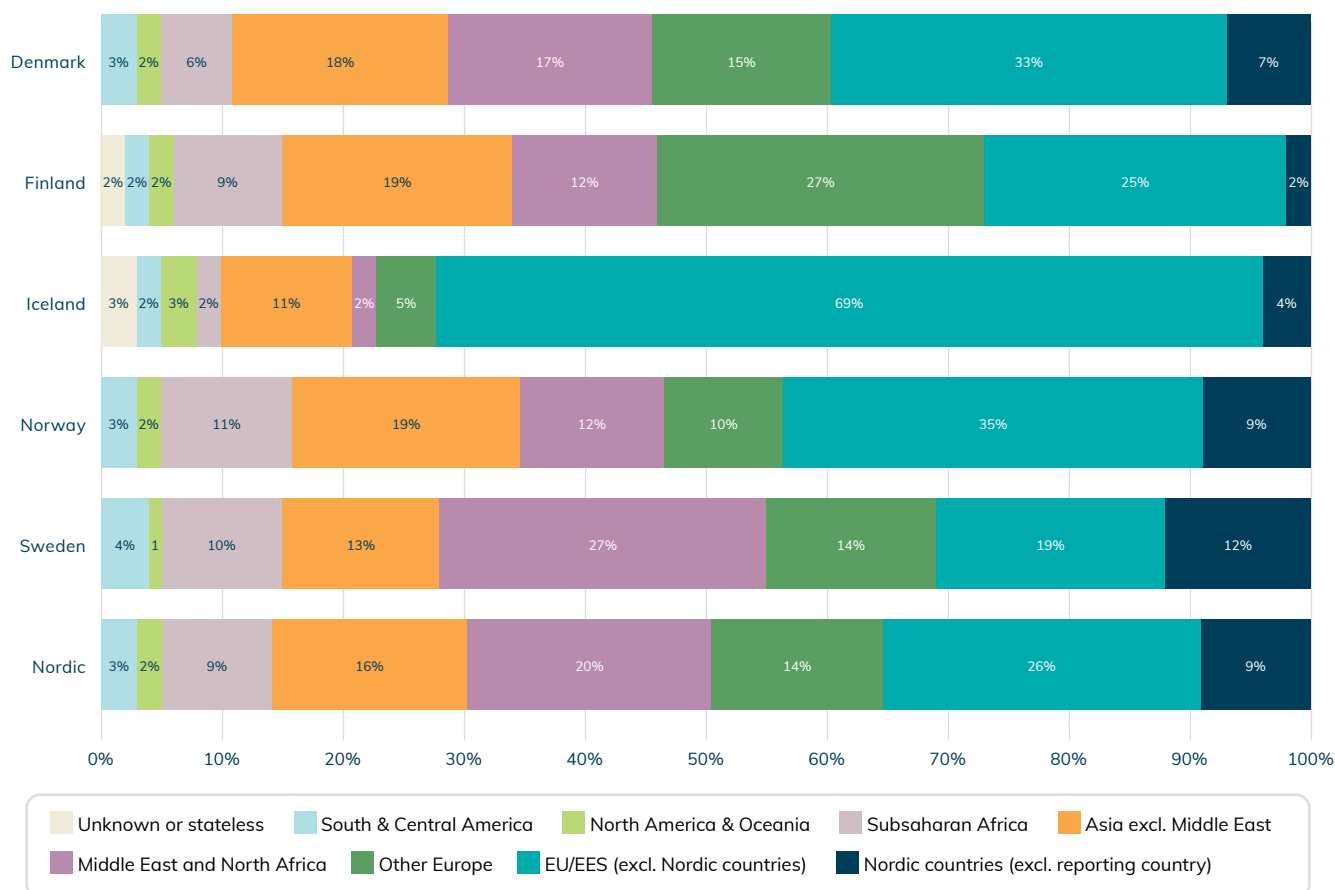
One important aspect of the changes that occurred in Nordic countries prior to 2015/2016—when large numbers of refugees and migrants, primarily from the Middle East, arrived in Europe prompting the so-called “migration crisis”—is their pace. Nordic countries (and especially the Scandinavian countries of Norway, Sweden and Denmark) have had highly homogenous societies with shared and overlapping languages, culture, trade and history. Since 1954 there has been a common Nordic labour market, and since 1994, all the Nordic states have been part of the open European labour market within the EU/EEA area. Previously they were countries of emigration, but as their societies thrived and developed after the Second World War, their

Essay

shared egalitarian, welfarist and liberal values became increasingly attractive to immigrants and especially asylum seekers. Particularly in the 1980s, they opened their doors to outsiders and especially offered settlement to refugees from Asia, the Middle East, Africa and South America. Scandinavian countries had some of the most generous refugee and asylum policies in Europe while

also enjoying higher than average living standards.⁶ They deployed different approaches to managing rising immigrant populations, with Sweden broadly adopting an integrationist, multiculturalist approach, while Denmark sought assimilation and Norway combined aspects of both approaches.⁷

Graphic 2. Nordic countries' immigrants by region of origin (2019)



Source: www.norden.org/en/statistics/origins-immigrants.

The 2015 migration 'crisis' as a watershed event

2015, when a sharp rise in the number of irregular arrivals to Europe led to a so-called "migration crisis", was an important watershed year for immigration and asylum in Europe with implications and outcomes that continue to impact the EU as an entity, as well as its member states (and the non-EU Nordic states of Norway and Iceland).⁸ The "crisis" spilled over into 2016 and continues to be presented as such even though numbers have declined thanks to hardened borders. This essay

identifies 2015/2016 as a useful period for its analysis of the specific politics and policy environments relating to immigration in all Nordic countries, except for Iceland which followed a somewhat different trajectory but may end up in a similar position (see below). Sweden has taken in more asylum seekers per capita than any other European Union member state in 2015. Norway and Finland also saw high arrival numbers of asylum seekers. Denmark had significantly lower numbers, as it barred entry to most, or directed arrivals to transit Denmark and head to Sweden.

6 Tanner, A. (2016) *Overwhelmed by Refugee Flows, Scandinavia Tempers its Warm Welcome*. Migration Policy Institute.

7 Borevi, K., Jensen, K. & Mouritsen, P. (2017) *The civic turn of immigrant integration policies in the Scandinavian welfare states*. CMS; Tawat, M. (2018) *Multiculturalism: Is Denmark a den of intolerance and Sweden a land of political correctness?* LSE.

8 Some 1.3 million people arrived at Europe's borders seeking asylum in 2015, the highest annual figure since the Second World War. The majority were Syrians, but they included significant numbers of Afghans, Nigerians, Pakistanis, Iraqis, Eritreans, and nationals of Balkans states.

Table 2. Asylum applications filed in Scandinavian countries by top countries of origin, 2015

Country	Total asylum applications	Top country of origin	Second country of origin	Third country of origin
Sweden	162,877	Syria (51,338)	Afghanistan (41,564)	Iraq (20,857)
Finland	32,476	Iraq (20,485)	Afghanistan (5,214)	Somalia (1,981)
Norway	31,145	Syria (10,536)	Afghanistan (6,987)	Iraq (2,991)
Denmark	7,162	Syria (3,515)	Eritrea (1,276)	Stateless (702)

Source: Tanner, A. (2016) [Overwhelmed by Refugee Flows, Scandinavia Tempers its Warm Welcome](#). Migration Policy Institute.

The sudden surge of asylum seekers at the borders of most European countries in 2015 acted as a catalyst, exacerbating existing anxieties, changing national and European immigration policies and impacting voting priorities. As confidence in the overwhelmed EU fell, political polarisation increased, with right-wing populist parties capitalising on public concerns resulting in most countries tightening their asylum laws.⁹

The aftermath

The last seven or eight years can be regarded as the aftermath of the “migration crisis” insofar as many of the reactions to growing and ever-politicised immigration questions and changing public attitudes still define the political context in Nordic countries, as they do in other parts of Europe.¹⁰ The following country sections offer insights into more recent anti-migration trends but despite the long-standing earlier reputation of Nordic countries as welcoming, a history of xenophobic and anti-migrant sentiments (especially against Muslim immigrants) also rose in parallel with the rise in immigration over the last three decades or more.¹¹

As such, recent developments should be seen in the context of long-standing reflections, critiques and political activism within Nordic countries and not only as a result of the 2015/2016 “migration crisis”. The same could be said of many other European countries, each with its own journey and level of intensity and popular support over the years and each with its own contemporary iteration of policy and public attitudes. Therefore, this essay does not make a case for “Nordic exceptionalism” but suggests instead greater convergence with other Europe-wide trends. However, what is remarkable—and possibly less

expected—is the degree to which the restrictive policy re-direction in Nordic countries stands in contrast with their own past approaches and, therefore, now appears far more stringent than in some other parts of Europe.

Country focus

Denmark

In 2022, the number of immigrants in Denmark (excluding Danish-born descendants of immigrants) stood at approximately 652,000, representing more than 10 percent of the country’s total population of almost 6 million. In 2022, Denmark received 67,772 refugees, representing an 88 percent increase over 2021, a rise due in large part to the arrival of Ukrainians after Russia’s invasion, who between February 2022 and July 2023 numbered more than 41,000.¹²

Denmark’s relationship with migration and asylum, and especially non-EU migration, has been both polemical and restrictive for many years and certainly long before 2015. However, a significant paradigm shift has emerged since 2015, when Danish immigration policy “moved from a focus on settlement and integration to detention and return”.¹³ Graphic 3 illustrates how a raft of restrictive policies came into force in Denmark in 2002. The nationalist and right-wing Danish People’s Party (DPP) has enjoyed rapidly rising popularity since its establishment in 1995. The DPP has had significant influence on the policies of coalition governments for the last 20 years and its support peaked in 2015 when it won 21 percent of votes cast in that year’s general election (earning it 37 of the 179 seats in parliament). However, since then, its power and support have

9 Connor, P. (2018) [A majority of Europeans favor taking in refugees, but most disapprove of EU’s handling of the issue](#). Pew Research Centre.

10 Davis, E. (2023) [How Immigration Is Roiling Governments Across Europe](#). US News; Hagelund, A. (2020) [After the refugee crisis: public discourse and policy change in Denmark, Norway and Sweden](#). CMS; Lynch (2023) op cit.

11 Moore, H. (2010) [Immigration in Denmark and Norway: Protecting Culture or Protecting Rights?](#) Scandinavian Studies.

12 Macrotrends (n.d) [Denmark Refugee Statistics 1960–2023](#); Statista (2023) [Estimated number of refugees from Ukraine recorded in Europe and Asia since February 2022 as of July 11, 2023, by selected country](#).

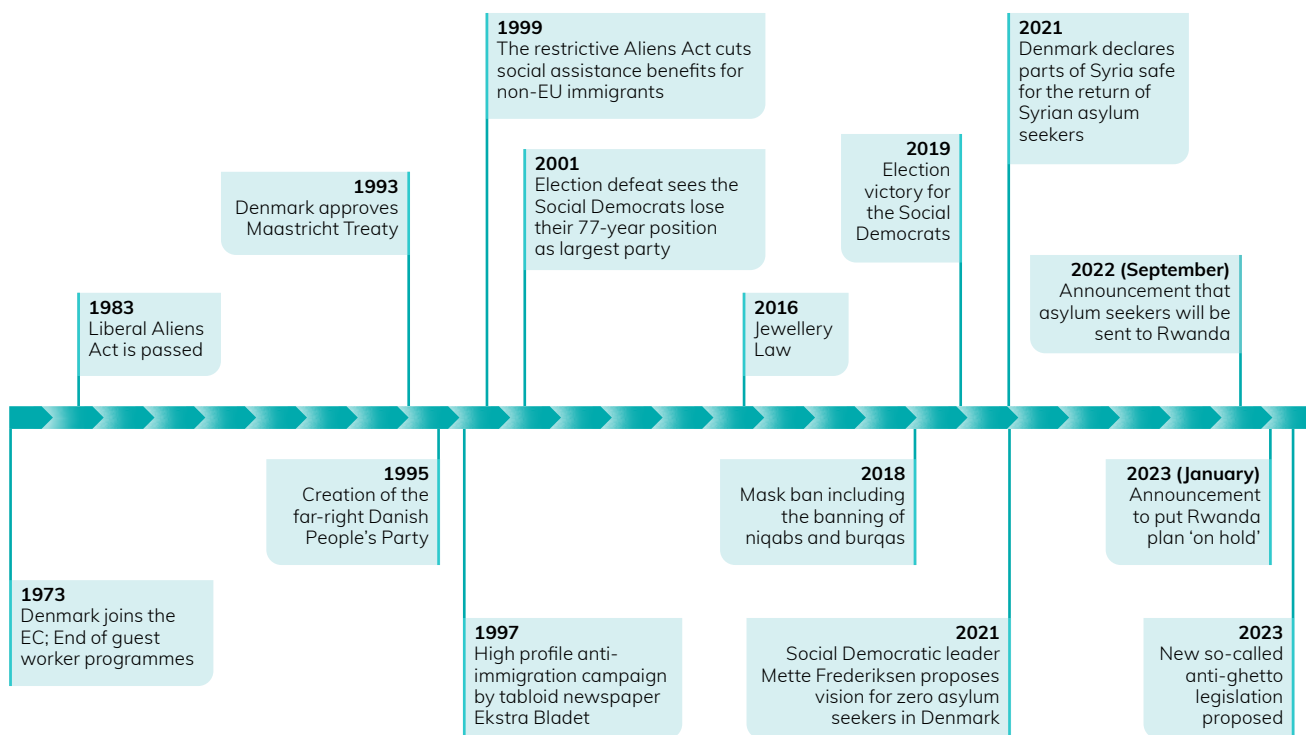
13 Bailey-Morley, A. & Kumar, C. (2022) [The rise of the far right in Denmark and Sweden – and why it’s vital to change the narrative on immigration](#). Overseas Development Institute.

declined considerably, with the election in 2022 marking its weakest-ever performance.

Recently, another populist right-wing party, the Denmark Democrats (formed in 2022), appeared to step into the role previously held by the DPP, although it only managed to obtain 8 percent of the vote. As

other parties, including the Social Democrats (which has been in ruling coalitions since 2015), maintain firm management of immigration and restrict refugee intake, they arguably steal the thunder of the far right. The Danish left's new aversion to immigration, globalisation and multiculturalism is a far cry from its traditional internationalism and solidarity.

Graphic 3. Migration and asylum policy timeline, Denmark



Adapted from: Bailey-Morley, A. & Kumar, C. (2022b)

Denmark's Social Democratic prime minister, Mette Frederiksen, shocked observers in 2021 when she announced a shift to a "zero refugee" policy.¹⁴ For the 38 years up to 2015, Denmark accepted around 500 refugees per year. In the early 2000s, Frederiksen had denounced Denmark's immigration policy as one of the "toughest in Europe" but, like much of the country's political establishment, she has since changed her views. Her support in the 2022 election had never been higher amongst voters. As well as advocating a "zero refugee" policy, her government has pursued their own controversial project to relocate asylum seekers to Rwanda while their applications are processed.¹⁵ (Although a memorandum with Rwanda was signed in September 2022, in January 2023 the Danish government announced it was putting that option on hold).¹⁶ Denmark has also revoked residence permits for Syrians hailing from regions it considers safe. This measure passed

by 70 votes to 24 in parliament, emphasising the large consensus among Danish political parties on immigration and asylum policy.

The 2016 "Jewellery Law", the 2018 law to ban facial coverings (niqabs/burqas) and the 2021 declaration that parts of Syria were safe for refugees to return to (or be removed to), are all symptomatic of the unwelcoming environment Denmark is deliberately creating to deter immigration, especially from cultures/societies deemed to be less compatible with Denmark's professed liberal progressive values.¹⁷ In 2023, new so-called anti-ghetto legislation dictated that social housing in high-migrant areas must not exceed 40 percent of total housing. This was seen as an attempt to limit the proportion of "non-western" people in certain neighbourhoods and to force local housing associations to sell up to private developers.¹⁸ A recent opinion poll indicated that

14 European Commission (2021) [Denmark: Lowest number of asylum seekers ever.](#)

15 Bailey-Morley, A & Kumar, C (2022a) op cit.

16 Schengenvisa (2023) [Denmark Puts on Hold Plans to Transfer Asylum Seekers to Rwanda.](#)

17 The "Jewellery Law", which came into effect in February 2016, allows police to confiscate cash and valuables with a value above 10,000 kroner (about \$1,400) from arriving migrants and asylum seekers.

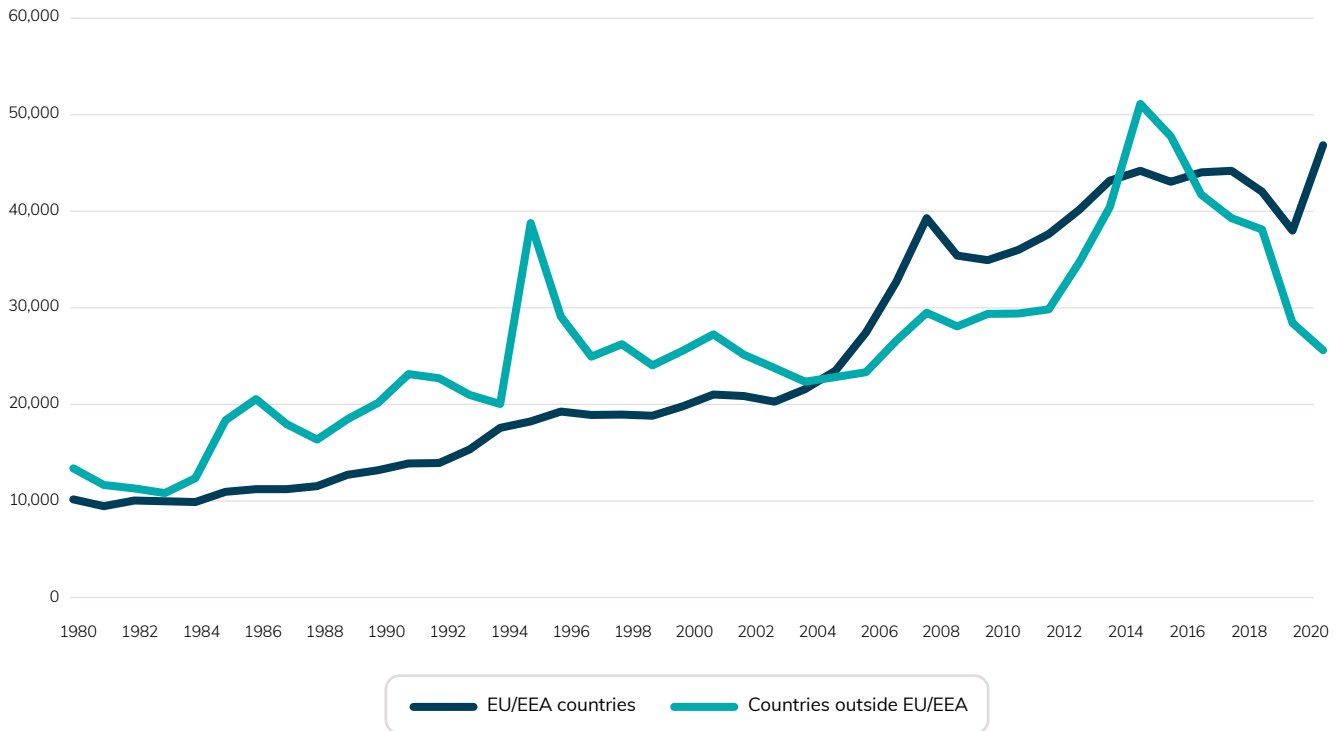
18 Boffey, D. (2023) ['World's coolest neighbourhood' threatened by Danish ghetto law.](#) The Guardian.

46 percent of Danes think that “no more, or only a few, Muslims should be allowed to emigrate to Denmark”.¹⁹ While on the campaign trail in 2019, Frederiksen promised to stop immigration from “non-western countries” and to send asylum seekers to reception centres in North Africa.²⁰ By contrast, as mentioned above, Denmark took

in more than 41,000 people displaced from Ukraine in the 18 months following Russia’s invasion.²¹

A correlation between the policies described above and the recently diverging trajectories of immigration from EU vs non-EU countries can be seen in Graphic 4 below.

Graphic 4. Danish immigration by region of origin (1980-2020)



Source: Bailey-Morley, A. and Kumar, C. (2022b)

In response to the hardening attitudes in Denmark, the UNHCR wrote to the government in early 2021 to decry the “intense political and public debate in Denmark over the past decade—a politicisation that has led to an increasingly restrictive climate and, regrettably, at times has been accompanied by a harsh rhetoric and measures that have undermined the public support for the protection and integration of refugees”.²²

has made Denmark a better country.²⁴ They appear, however, to resist the prospect of Denmark’s traditionally homogenous society becoming even more multicultural and therefore support continuing the long-standing assimilation approach to immigrant integration.²⁵ Inclusivity and equality are predicated on assimilation before “deserving” immigrants and refugees can benefit from Denmark’s generous social welfare system.

A 2022 report on Danes’ perceptions found that “anti-immigrant stances have been embraced across the political spectrum. Increasingly negative rhetoric and hostile immigration policies are a feature of both left- and right-wing parties, with Muslims and asylum seekers particularly impacted”.²³ While most Danes support strong border controls, almost half also agree that immigration

Given how long Denmark has been adopting an increasingly hard-line approach to immigration, and amid evidence of a growing preference for certain groups of refugees and migrants over others, its current position represents not so much a break from a recent and more idealist past as a progression along a continuum of severity.

19 Bailey-Morley, A & Kumar, C (2022a) op cit.

20 Wiggen, M. (2021) [10 Years on from 22 July: Norway follows Denmark’s lead on Anti-Immigration](#). Centre for Analysis of the Radical Right.

21 European Commission (2023) [Denmark: Lessons learnt from the reception of refugees from Ukraine](#); Statista (2023) [Estimated number of refugees from Ukraine recorded in Europe and Asia since February 2022 as of July 11, 2023, by selected country](#).

22 UNHCR (2021) [UNHCR recommendations to Denmark on strengthening refugee protection in Denmark, Europe and globally](#).

23 Bailey-Morley, A. & Kumar, C. (2022b) [Public narratives and attitudes towards refugees and other migrants: Denmark country profile](#). ODI.

24 Ibid.

25 Ibid.

Finland

Like other Nordic countries, Finland has journeyed from being a country of emigration to a country of immigration in recent years. As in Denmark, there are a wide variety of immigrants living in Finland today, including those from Russia and Estonia as well as other Nordic countries (mainly Sweden), the EU, the UK, as well as Somalia, Iraq, China and Vietnam.²⁶ As with other Nordic states, 2015 saw a steep rise in the number of people seeking asylum in Finland from non-Western countries, causing anxiety and political change in the country. Over 32,000 asylum seekers submitted applications in 2015, ten times the number in 2014. Most came in from the border with Sweden and some others from Russia in what some described as an “out of control” situation for Finland’s well-developed welfare system, giving rise to some anti-migrant activism.²⁷ The number of refugee reception centres grew from 24 in 2014 to 212 in 2015, evidence of the country’s fast adaptation to an evolving situation.²⁸ Reportedly there are long-standing problems with refugee integration into Finnish labour markets that were exacerbated by the sudden additions in 2015.²⁹ The rise also gave fuel to Eurosceptics and nativists concerned about Finnish participation in the EU quota system of shared responsibility. Authorities (former government) in Finland have announced that the country will open its doors to a total of 1,050 refugees following the United Nations’ quota requests in 2023. However and by contrast, it accepted over 55,000 Ukrainians in the last year (2022 and 2023) and authorities have stated that this figure may reach 100,000.³⁰

Finland shares lengthy borders with Sweden and Norway, but its longest border (1,340 km) is with Russia and this mainly runs through forest and sparsely populated areas. It is an external border of the EU and NATO, which Finland joined in April 2023, following Russia’s invasion of Ukraine. That same month, in line with plans made in 2022, Finland began building a fence and increasing surveillance along the southern stretch of this border in response to fears that Russia might replicate Belarus’s 2021 facilitation and encouragement of large-scale irregular migration to the EU.³¹

On the political front, the anti-immigration Finns Party (formerly the True Finns) grew out of the anti-establishment populist Finnish Rural Party and recorded its strongest-ever electoral win in the 2023 parliamentary elections despite many fractures among far-right political entities.³² Over the last decade or more, and as is typical of populist radical right parties, the Finns Party has combined left-wing economic policies and economic nationalism with socially conservative values and ethnic nationalism.³³

The right-wing coalition government that came to power in April 2023—which includes the Finns Party—is seeking to roll back more welcoming and inclusive policies for migrants and refugees brought in at the start of the year by ex-PM Sanna Marin, in particular undocumented migrants.³⁴ Denying healthcare and other services to undocumented migrants is designed to create a hostile environment. The government is also exploring deportation options to third countries, just as Denmark did in 2021. The new government seeks to tighten their migration (and asylum) policy to be better aligned with other Nordic countries. In response to the new policies, there is talk of Helsinki becoming a “sanctuary city”, defying the central government.³⁵ It’s early days for the new government but clearly their immigration intentions converge with those of other Nordic countries and are likely to become more rather than less restrictive in coming months and years.

Iceland

Iceland’s trajectory in terms of emigration and immigration is quite different compared to other Nordic countries, not least due to its isolated geographical location, which historically precluded the spontaneous arrival of asylum seekers and migrants. Recently, however, the country has seen a rise in migration and asylum seekers and, with it, the now-predictable accompanying political and policy reaction.

As one of the least populated countries in the world, with just 380,000 inhabitants, the statistics around immigration and asylum in Iceland need to be appreciated

26 Statistics Finland (2022) [Origin and background country by sex, by municipality, 1990-2021](#).

27 Wahlbeck, O. (2018) [To Share or Not to Share Responsibility? Finnish Refugee Policy and the Hesitant Support for a Common European Asylum System](#). *Journal of Immigrant and Refugee Studies*.

28 Heikkilä, E. (2016) [Immigrants contribute to the Finnish labour market](#). Nordregio News.

29 OECD (2017) [Finding the Way: A Discussion of the Finnish Migrant Integration System](#).

30 Statista (2023) [Estimated number of refugees from Ukraine recorded in Europe and Asia since February 2022 as of July 11, 2023, by selected country](#).

31 Kauraren, A. (2023) [Finland starts fence on Russian border amid migration, security concerns](#). Reuters.

32 Widfeldt, A. (2023) [Populism and the Growth of the Radical Right in the Nordic countries](#). Nordics Info/Aarhus University.

33 Arter, D. (2010). [The Breakthrough of Another West European Populist Radical Right Party? The Case of the True Finns](#). Government and Opposition; Kuisma, M. (2013) [“Good” and “Bad” Immigrants: The Economic Nationalism of the True Finns](#). *Immigration Discourse*.

34 Hivet, A-F. (2023) [In Finland, the right will tighten migration policy](#). Le Monde.

35 Mac Dougall, D. (2023) [Helsinki could become 'sanctuary city' as Finland's right-wing government targets paperless migrants](#). EuroNews.

as atypical of Nordic countries. Its immigrant population may have numbered just 61,000 in 2022, but in per capita terms (16.3 percent of the population), this places it at the top of the Nordic league.³⁶

Over the last two decades, immigration in Iceland has mainly been driven by the needs and opportunities of the economy and people coming to Iceland either as a spouse or for family reunification. The history of migration to Iceland in this period is heavily influenced by economic booms and busts. For example, the years between 2000 and 2008 saw exponential growth in the Icelandic economy, ending in the much-publicised collapse of the Icelandic banking sector.³⁷

Unlike in other Nordic countries, in 2015, the total number of refugees in Iceland only grew modestly, from 93 in 2014 to just 170 in 2015. However, every year since then has seen a significant increase, especially between 2021 and 2022, when the number of refugees rose by 186 percent, from 1,830 to 3,290, largely due to arrivals from Ukraine.³⁸ The majority arrived from Ukraine and not because of increased resettlement although Iceland is noted to be continuing its 'steadfast' support to UNHCR.³⁹ The top three nationalities of refugees in Iceland are now Ukrainian, Venezuelan, and Iraqi. As of mid-September 2023, 3,250 Ukrainian refugees had arrived in Iceland since Russia's invasion, and they continue to do so at a rate of about 200 per month.⁴⁰ The Icelandic government grants Ukrainians nearly instant resident status on humanitarian grounds and fast-tracks them for employment and other support.⁴¹

Despite the relatively modest numbers of immigrants in the country and the (possibly related) overwhelmingly positive attitude towards foreigners among Icelanders, the right-of-centre ruling coalition, with support from the anti-migrant People's Party, made life much harder for many asylum seekers in 2023.⁴² In March, a large majority of MPs passed controversial legislation which, among other measures, allows immigration authorities to withhold essential services such as healthcare and housing from asylum seekers 30 days after their claims have been refused.⁴³ Reportedly, the government has carried out some forced deportations and generally intends to be more hard-line in relation to the rapidly

rising number of asylum claims submitted each year. Iceland is not regarded as having any political party with a populist radical right agenda with the same degree of popular support as those in other Nordic countries.⁴⁴ But immigration started much later in Iceland than other countries and its effects are only now beginning to be felt (and politicised), so current tendencies to react against further immigrant arrivals and control asylum seeker numbers may foreshadow a future more aligned with other hard-line Nordic immigration policies.

Norway

Norway's story of emigration and immigration has been running for centuries, but over the past 30 years or so the number of people with an immigrant background living in Norway increased significantly. The most represented nationalities are (in descending order), Polish, Lithuanian, Swedish, Somali (these four making up 25 percent of all immigrants), German, Iraqi, Syrian, Filipino, Pakistani and Eritrean. Additionally, from the mid-1980s, thanks to Norway's generous asylum policy, significant numbers of refugees fleeing wars and oppressive regimes in Iran (mainly Kurds), Chile, Vietnam, Sri Lanka and the former Yugoslavia were offered settlement.⁴⁵

However, amid growing concerns by some over rising numbers of immigrants, in recent years Norwegian immigration policy has been characterised by stricter policies towards asylum seekers. Despite this, whereas around one million people with an immigrant background lived in Norway in 2013, this number had increased to nearly 1.5 million by 2023.⁴⁶ First-generation immigrants now represent 16 percent of the total population of 5.5 million, a large proportion compared to other Nordic countries that is illustrative of the openness and welcome that Norway has offered immigrants, including refugees.

Norway's asylum figures are interesting insofar as that after a relatively modest 18 percent spike between 2015 and 2016, there followed five years of decline as it became tougher for asylum seekers to remain in the country. Then, in 2022, there was a 64 percent increase over 2021 due mainly to the large number of arrivals from Ukraine.⁴⁷ As of mid-September 2023 Norway had

36 Statistics Iceland (2022) [Immigrants 16.3% of the population of Iceland](#).

37 Haraldsson, R. (2016) [Developments in immigration in Iceland during the last decade](#). Nordregio.

38 Macrotrends (2023) [Iceland Refugee Statistics 1990-2023](#).

39 UNHCR (2022) [Iceland Fact Sheet](#).

40 Statista(2023) [Estimated number of refugees from Ukraine recorded in Europe and Asia since February 2022 as of September 12, 2023, by selected country](#); Haddon, G. (2023) [Iceland fast-tracks Ukrainian refugees to residency, employment](#).

41 Haddon, G. (2023) [Iceland fast-tracks Ukrainian refugees to residency, employment](#).

42 In a 2021 poll, over 75 percent of Icelandic respondents agreed or strongly agreed that immigrants had had a positive impact on society, while just 4 percent disagreed or strongly disagreed. Ćirić, J. (2021) [Over 75% of Icelanders Believe Immigrants Have a Positive Impact](#).

43 Ćirić, J. (2023) [Highly-Criticised Immigration Bill Passed in Iceland](#); Ćirić, J. (2023) [Asylum Seekers on the Streets Due to New Law](#).

44 Widfeldt, A. (2023) op cit.

45 Wikipedia online. [Immigration to Norway](#).

46 Statista (2023) [Foreign population in Norway from 2013 to 2023, by immigration background](#). Of these, first-generation immigrants comprised by far the largest group, numbering nearly 880,000 people. The second-largest group was people born in Norway with one parent born abroad, followed by inhabitants born in Norway with two parents born abroad.

47 Macrotrends (2023) [Norway Refugee Statistics 1960-2023](#).

taken almost 57,000 Ukrainians.⁴⁸ Several thousand of those who sought asylum in Norway in 2015—mostly Afghans and Syrians—cycled into the country from Russia, taking advantage of a legal loophole.⁴⁹ The Norwegian government responded rapidly with legislative amendments, one of which allowed new arrivals to be turned back at the border (although the loophole itself has not been closed). Norway was thus the first Scandinavian country to change its laws to deter migration in response to the European “migration crisis”.⁵⁰

Table 3. First- and second-generation immigrants in Norway by region of origin (2023)

Region	Total	Per centage
Europe	536,431	49.17%
Africa	149,501	13.70%
Asia	357,625	32.78%
Latin America & the Caribbean	13,706	1.26%
Oceania	2,710	0.25%

Source: Statistics Norway (as presented in [Immigration to Norway](#))

According to UNHCR, 4,255 asylum applications were submitted in Norway in 2022, mostly by citizens of Syria, Afghanistan and Russia, and most are expected to be accepted based on past decisions.⁵¹ This is a far cry from the Danish aim of “zero refugees”, and although some voices in Norway’s years-long immigration debates want the country to follow Denmark’s suit, no anti-migrant party has ever governed on its own.⁵²

The Progress Party was formed in 1973 and calls for a strict immigration policy, integration of immigrants and removal of irregular immigrants and of foreigners who commit crimes. Following the 2017 general elections, it became the third-largest party in parliament. It was also a partner in the government coalition led by the Conservative Party from 2013 to 2020, during which time it ensured the creation of a Minister for Integration and increased the process of deporting failed asylum seekers and migrants with criminal convictions. Although more moderate than others in the Nordic region, the Progress Party is regarded as a populist radical party by some, but has been in significant decline in the polls more recently.⁵³

Irrespective of the ups and downs of the Progress Party, a harder line has been taken in Norway in relation to immigration and particularly asylum seekers. Indeed, the mainstreaming of stricter immigration approaches could be behind the Progress Party losing its monopoly and its attraction to voters. In November 2021, the UNHCR Representation for the Nordic and Baltic Countries wrote a 12-page letter to the Norwegian government voicing its concerns and displeasure over “restrictive measures [...] which were aimed at dissuading future arrivals of asylum-seekers”.⁵⁴ The letter noted that “many restrictive changes have been introduced in Norway with respect to the legal framework on family reunification, gradually making it more difficult for refugees to reunite with their families. As a result, the Norwegian procedures for family reunification are amongst the most expensive and restrictive among the Nordic countries.”⁵⁵

As Norwegian politicians watch and sometimes duplicate developments in Denmark and Sweden, the concern is that an intolerant anti-migrant approach has become even more mainstreamed and normalised. With the left in Denmark having success with rightist approaches to immigration, parties on both ends of the political spectrum in Norway are comfortable with harder-line policies.

Sweden

Of all the Nordic countries, Sweden’s recent shift in immigration policy is the most surprising, representing a long pendulum swing away from its reputation as the spiritual home of European liberalism and the most welcoming for asylum. Indeed, although there are dramatic new policy changes to highlight, some could argue the changes are the culmination of a gradual reaction to excessive openness and the failure of integration over recent years.⁵⁶

For a historically homogenous population of just over 10 million, foreign-born residents made up around 20 percent of the population in 2022. When combined with their descendants (second-generation immigrants), that proportion rises to 25 percent—and to 40 percent of people under 50.⁵⁷ Sweden hosts over 50 percent of all immigrants residing in the Nordic region.⁵⁸ The cost of hosting refugees in Sweden accounted for a large share of the country’s reported overseas development assistance

48 Statista online. [Estimated number of refugees from Ukraine recorded in Europe and Asia since February 2022 as of September 12, 2023, by selected country.](#)

49 Luhn, A. (2016) [Norway tells refugees who used cycling loophole to enter to return to Russia.](#) The Guardian.

50 Garvik, M., & Valenta, M. (2021) [Seeking asylum in Scandinavia: a comparative analysis of recent restrictive policy responses towards unaccompanied Afghan minors in Denmark, Sweden and Norway.](#) Comparative Migration Studies.

51 World Data (2023) [Asylum applications and refugees in Norway.](#)

52 See, for example: Eriksen, T. H. (2013) [Immigration and National Identity in Norway.](#) Migration Policy Institute.

53 Widfeldt, A. (2023) [Populism and the Growth of the Radical Right in the Nordic countries.](#) Nordics Info Aarhus University.

54 UNHCR (2021) [‘UNHCR recommendations to Norway for strengthened refugee protection in Norway, Europe and globally’](#)

55 Ibid.

56 Traub, J. (2021) [Even Sweden Doesn’t Want Migrants Anymore.](#) Foreign Policy; Henley, J. (2022) [Sweden’s failed integration creates ‘parallel societies’, says PM after riot.](#) The Guardian.

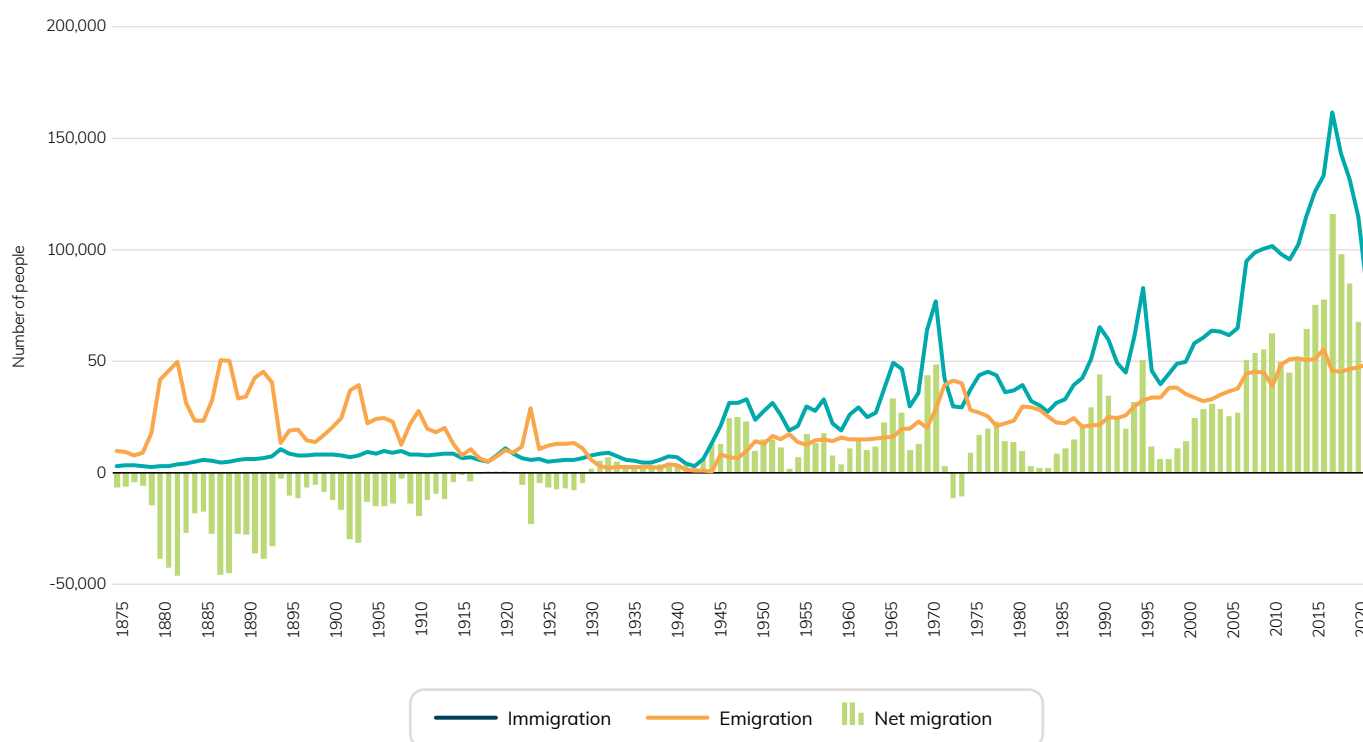
57 La Terriere, P. (2022) [Why did Sweden turn Right-wing?](#) Unherd.

58 Statistics Norway (2022) [Immigration and Immigrants in the Nordic Countries 2016-2020.](#)

(ODA), between 2014 and 2022, peaking at \$2.7 billion in 2015 (34 percent), before gradually dropping to a decade low of \$88 million in 2021 (2 percent of total ODA).⁵⁹ But Sweden's recent and ongoing hosting of more than 50,000 Ukrainian refugees is likely to push the proportion of ODA spending back up considerably.

Of the 2.15 million people born outside of Sweden, the highest number comes from Syria and, as Graphic 2 illustrates, over half (54 percent) of all immigrants are from non-Nordic and non-European countries. In 2022 Sweden hosted a total of 278,000 refugees.⁶⁰

Graphic 5. Long-term migration trends in Sweden



Source: [Public narratives and attitudes towards refugees and other migrants](#). Statistics Sweden, 2021b.

As Graphic 5 illustrates, 2015 represented a peak year for Swedish asylum openness. In 2015, the Swedes were initially proud to accept 163,000 refugees (mostly from Syria, Iraq and Afghanistan), but by the end of the year they were implementing their own restrictions on new irregular arrivals.⁶¹ In per capita terms, Sweden showed the strongest responsibility across Europe in 2015/16 by taking in the largest number of asylum seekers, with 10,000 arriving every week at the peak. The cost of refugees in 2016 for Sweden was an eye-watering \$6 billion.⁶² But perhaps the longer-term cost has been a volte-face in public support and political investment in the country's immigrant-driven multicultural society. Again, the impact of 2015 in Nordic politics and society is conspicuous. Prior to 2015, people have argued, integration worked better in schools and jobs, but 2015 was a tipping point when a critical mass of un-integrated refugees in particular

became unworkable and problematic, not least in terms of cost to the state and growing crime and violence and the evident ghettoization of foreigners.⁶³ Despite this, Sweden has been accepting 5,000 refugees every year since 2018, but in 2023 it is offering to take in just 900.⁶⁴ According to one source, Sweden has welcomed more than 41,000 Ukrainians since the start of the Russian invasion, mostly in 2022.⁶⁵ However, the same source recorded high numbers earlier in the year.

After decades operating with policies opposite to Denmark's, it now appears Sweden may be adopting a similar hard line. General elections in September 2022 delivered a minority centre-right coalition that depends on support from the Sweden Democrats, giving the far-right party its first taste of direct influence over government policy. Some consider the coalition will

59 Donor Tracker (2023) [Sweden ODA spending](#).

60 Macrotrends (2023) [Sweden Refugee Statistics 1960-2023](#).

61 Kingsley, B. et al (2015) [Sweden introduces border checks as refugee crisis grows](#). The Guardian.

62 Traub, J. (2021) [Even Sweden Doesn't Want Migrants Anymore](#). Foreign Policy.

63 La Terriere, P. (2022) op cit.

64 Davis, E. (2022) [Sweden, Once Welcoming to Immigrants, Changes Course](#). US News.

65 Statista (2023) [Estimated number of refugees from Ukraine recorded in Europe and Asia since February 2022 as of July 11, 2023, by selected country](#).

result in radical and consequential shifts in domestic and international policy akin to a “dystopian nightmare”.⁶⁶ According to one analyst, the coalition’s rapidly struck Tidö Agreement with the Sweden Democrats presents a “radical tightening of immigration policy, directly inspired by Danish rules”, particularly with regard to asylum, and reversed a wide range of earlier regulations and benefits.⁶⁷ After a surge in gang violence involving guns and explosives in parts of Sweden in April 2022, many people made a connection between immigration and crime, while the police are being given more powers to address crime in immigrant communities.⁶⁸

The Sweden Democrats are regarded as a populist radical rightist party by some commentators, and its popularity and influence have been rising steadily in recent years, culminating in its 20.6 percent share of votes cast in September 2022.⁶⁹ Earlier this year, one of its representatives and the minister for migration and asylum policy jointly announced that Sweden would soon launch an awareness campaign to discourage migrants from coming to the country. The message was that immigration to Sweden has been unsustainable, that it could not continue and that “a paradigm shift is now taking place in Swedish migration policy.”⁷⁰

Convergence and contradictions

The famously welfarist Nordic countries are not immune to the hard realities of demographic shifts with their resulting shrinking native populations and proportional ageing and labour demands. Neither are they immune to current economic pressures, including slower growth, higher costs of living and inflationary pressures that affect people’s perceptions and confidence to be open to newcomers. These are difficult times for societies to balance the economic growth, current and future dependency ratios and taxation potential that underpin successful welfarist, egalitarian countries, and the Nordic countries are feeling it.⁷¹ In comparison to the rest of Europe, the Nordic countries offer examples of historic trends that exceed typical openness to mixed migration and refugee settlement but also examples of where they fall below average levels. At this moment, however, as a group they share a tendency towards more restrictive policies as nationalist and nativist voices gain prominence in the political sphere. At the same

time, of course, we see strong support for Ukrainian refugees in an apparent bucking of the prevailing aversion to receiving refugees in large numbers. If this can be characterised as a contradiction, it remains to be seen what further contradictions and adaptations Nordic countries—and, for that matter, other European and OECD countries—will have to make to address deepening labour shortages while maintaining restrictive and nationalist immigration policies. More recently, Italy is a prime example of embodying these contradictions, with its hard-line approach to irregular immigration while laying plans to receive high numbers of labour migrants in the coming years.⁷²

Immigration is arguably part of a solution to growth by restoring sustainable dependency ratios in ageing societies, while generous asylum policies maintain countries’ ethical internationalism and compassion. But in an apparent contradiction, the Nordic countries’ strong sense of national identity (based on longstanding homogeneity) is challenged by rising immigration and compounded by political systems and dynamics that give minority nationalists disproportionate influence through coalition governments that are now typical throughout the region.⁷³ These impulses and contradictions can be seen in the varying ways that Nordic countries treat different nationalities (for example, Ukrainians versus non-European migrants and asylum seekers), or in how they continue their high-level support and funding for the refugee regime globally (for example, through UNHCR) while at the same time aiming to reduce refugee intake to a minimum—supporting instead a consistent vision that ideally refugees should be hosted in their regions of origin. As a region and per capita, the Nordic countries are amongst the largest UNHCR contributors in the world.⁷⁴

Rather than representing a form of “Nordic exceptionalism”, the Nordic states have much in common with many countries in Europe. Even if every country’s journeys and dynamics are unique, immigration and the treatment of asylum seekers and migrants in mixed movements tops political agendas everywhere. In many cases, the events of 2015/2016 can be seen as a unifying catalyst towards a place of convergence. Right-leaning or far-right governments and parties are directing anti-immigration and restrictionist policies in, inter alia, Germany, France, Austria, Spain, Greece, Italy, Hungary, Poland, the Netherlands and

66 Nilsson, P. (2022) [Sweden's new government – a dystopian nightmare](#). Rosa Luxemburg Stiftung.

67 Bendixen, M. (2023) [Sweden Wants To Copy Denmark's Asylum Policy Refugees](#). Refugees.DK

68 Orange, R. (2020) [Bombs and blood feuds: the wave of explosions rocking Sweden's cities](#). The Guardian; Bryant, M. (2023) [‘We don't want you to be killed’: Sweden seeks to stem deadly rise in youth crime](#). The Guardian.

69 Widfeldt, A. (2023) [Populism and the Growth of the Radical Right in the Nordic countries](#). Nordics Info/Aarhus University.

70 Davis, E. (2023) [Swedish Government to Launch Anti-Immigration Information Campaign](#). US News.

71 Morten Normann, T. & Nørgaard, E. (2018) [Nordic Welfare States, challenged by ageing and immigration? – Comparable indicators](#). NOSOSCO.

72 Baragazzi, J. (2023) [How Italy's far-right leader learned to stop worrying and love migration](#). Politico.

73 Simonsen, K. (2019) [Political approaches to immigration in Scandinavia since 1995](#). Nordics Info/Aarhus University.

74 UNHCR (n.d.) [Global Focus – Donor ranking](#).

the UK.⁷⁵ A similar trend can be seen in most regions worldwide. Even traditional centrist and left-leaning parties are adopting restrictionist policies, to the point that they have become mainstreamed. Countries are watching one another, learning from each other and seeing what they can get away with while maintaining their image as rule-based, rights-based societies and while a raft of policies becomes normalised. What is perhaps exceptional in the Nordic region is the extent of change taking place in countries that until recently were bastions of an altogether more open and arguably compassionate approach.⁷⁶

75 Davis, E. (2023) [How Immigration Is Roiling Governments Across Europe](#). US News.

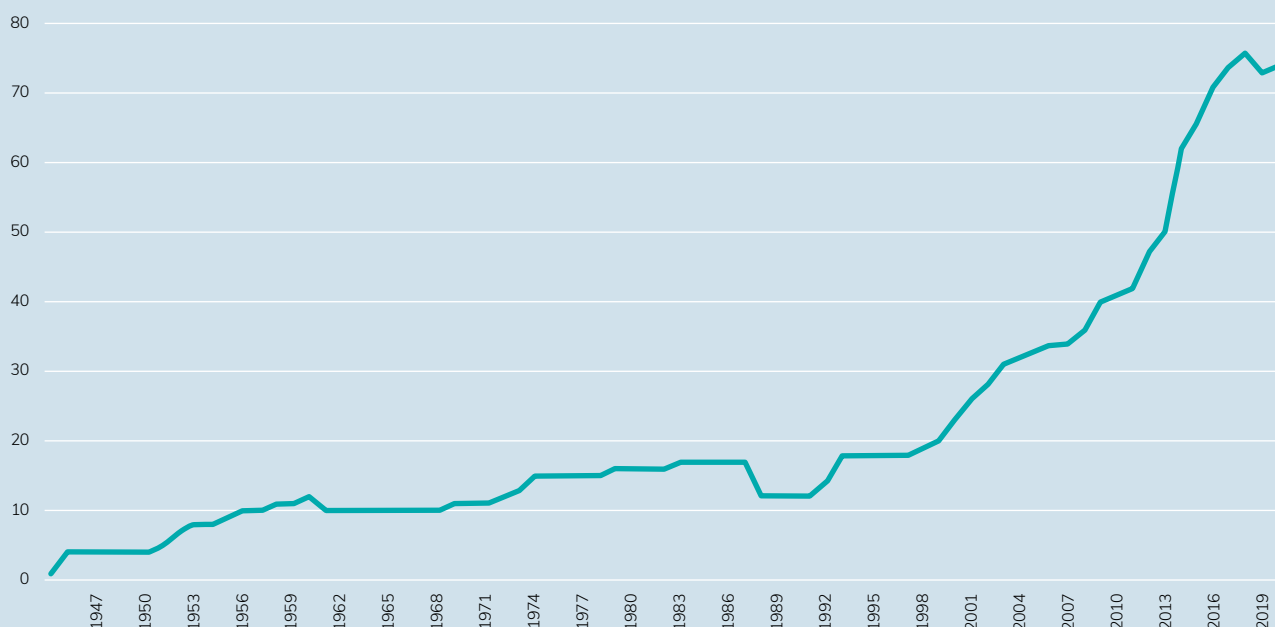
76 Widfeldt, A. (2023) op cit; Garvik, M., & Valenta, M.(2021) [Seeking asylum in Scandinavia: a comparative analysis of recent restrictive policy responses towards unaccompanied Afghan minors in Denmark, Sweden and Norway](#). Comparative Migration Studies.

Digging in: The global rise of border walls

In an apparent irony, while the world has never been more globalised, the emergence of walls between nation states and the accompanying appetite for more of them has never been so high.¹ The primary purpose of such walls is to prevent unauthorised crossings or mixed movements of migrants and asylum seekers, with lesser rationales being preventing the smuggling of goods and deterring terrorism or military invasion.² But perhaps there is no irony: perhaps wall-building is a direct result of globalisation and the insecurities and inequalities it has produced.³

The extent of walls and recent wall-building between countries is remarkable. In 2022, there were reportedly 74 border walls across the world, up from just six in 1989—a year notable because it saw the destruction of the Cold War’s iconic wall in Berlin.⁴ Confounding aspirations for a new era of democracy, interconnectedness between nation states, expanded capitalism and liberalism that suggested a redundancy of borders (Schengen), border walls have rapidly become seen as the modern normalised solution to “geopolitical tensions and remedies to the instability generated by an unbalanced international system”.⁵

Graphic 1. Number of border walls globally, 1945-2022



Source: [Migration Policy Institute](#)

According to a 2020 analysis, Israel has more border walls than any country in the world (six), followed by Morocco, Iran and India (three each), and South Africa,

Saudi Arabia, United Arab Emirates, Jordan, Türkiye, Turkmenistan, Kazakhstan, Hungary and Lithuania (two each).⁶ India’s walls have a total length of 6,540 km

1 In this Thematic snapshot, “wall” is used as an overarching term that includes all manner of border fortifications (in terms of materials used). It is fixed, and its functions are to assert a border to prevent the crossing of specific people and goods. Typically borders are reinforced by surveillance infrastructure such as sensors, patrol roads, lighting, cameras, checkpoints or drones. Vallet, E. (2022) [The World Is Witnessing a Rapid Proliferation of Border Walls](#). Migration Policy Institute.

2 According to one analyst, official reasons for constructing various border walls around the world include preventing irregular immigration (32%), terrorism (18%), contraband goods and people trafficking or smuggling (16%), drug-trafficking (10%), reactions to territorial disputes (11%); and stopping foreign militants (5%). Ainhua, B., Akkerman, M. & Brunet, P. (2020). [A Walled World Towards a Global Apartheid](#). Transnational Institute.

3 Vallet, E. (2022) [The World Is Witnessing a Rapid Proliferation of Border Walls](#). Migration Policy Institute.

4 Ibid.

5 Ainhua, B., Akkerman, M. & Brunet, P. (2020) [A Walled World Towards a Global Apartheid](#). Transnational Institute.

6 Ibid.

(including 4,096 km along its border with Bangladesh) and cover 43 percent of its external borders. The many (non-continuous) sections of the US-Mexico border wall amount to over 1,000 kilometres.⁷ The EU/Schengen area has also seen a rapid rise in border fences—these currently number 19. Between 2014 and 2022, the aggregate length of fences erected along the EU's

external and internal borders grew from 315 km to 2,048 km (see table).⁸ This period coincides with an era of increased politicisation and securitisation of immigration and of growing irregular movement emanating from the peak of the so-called migration “crisis” in Europe in 2015-16.

Table 1. Overview of fences at the borders of EU/Schengen countries

	Construction year(s)	Border section(s)	Length (km)	Type
Bulgaria	2014-2017	Bulgaria–Türkiye	255	External border
Estonia	2018-2021	Estonia–Russia	104	External border
Greece	2012; 2021	Greece–Türkiye	52.5	External border
	2015*	North Macedonia–Greece*	37	External border
Spain	1993	Spain–Morocco (Ceuta)	7.8	External border
	1996	Spain–Morocco (Melilla)	13	External border
France	2015-2021	France–UK (Calais)	65	External border
Cyprus	1974*	Government-controlled / non-government-controlled territories*	180	Intra-EU
Latvia	2015-ongoing	Latvia–Russia	93	External border
	2021-ongoing	Latvia–Belarus	36.9	External border
Lithuania	1999-2022	Lithuania–Belarus	502	External border
	2017-2018	Lithuania–Russia (Kaliningrad)	45	External border
Hungary	2015	Hungary–Croatia	131	Intra-EU
	2015-2017	Hungary–Serbia	158	External border
Norway	2016	Norway–Russia (Storskog)	0.2	External border
Austria	2015-2016	Austria–Slovenia (Spielfeld)	3.3	Intra-Schengen
	2016	Austria–Italy (Brenner)	0.25	Intra-Schengen
Poland	2021	Poland–Belarus	186	External border
Slovenia	2015-2020	Slovenia–Croatia	198.7	Intra-EU

*Separation or border fence not built by EU/Schengen country.

Source: European Parliament (2022) [Walls and fences at EU borders](#). Briefing

7 Ibid.

8 European Parliament (2022) [Walls and fences at EU borders](#).

While border fences and walls are not explicitly prohibited by EU law, they have to be compatible with EU law and the Schengen Borders Code, as well as with fundamental rights obligations and EU funding rules on borders and migration.⁹ In recent years, amid intense political pressure and tensions at the EU's external border, some member states have requested the European Commission to allow them to use EU funds to construct border fences so as to prevent irregular migration. The Commission resisted such demands and in 2021, its president, Ursula von der Leyen stressed the “longstanding view in the European Commission and in the European Parliament that there will be no funding of barbed wire and walls.”¹⁰ This was in the middle of the EU migration diplomacy crisis—or “hybrid warfare”—on the bloc's borders with Belarus, whose president had encouraged migrants and asylum seekers to access Europe irregularly in retaliation for EU sanctions.¹¹

Then, at an EU Council summit in February 2023, European leaders agreed to “immediately mobilise substantial EU funds and means” for frontier guards and surveillance equipment (cameras, drones, watchtowers, vehicles etc.), amid member states' further calls for help in paying for their border fences. Here, von der Leyen said “borders must be managed [...] We will act to strengthen our external borders.”¹²

For the moment, the EU has not released funding for actual wall-building by member states but the bloc's stance appears to be “hardening”.¹³ Prior to the February summit, various member states, including Hungary, Denmark, Estonia, Lithuania, Latvia and Greece, signed a letter backing tougher border measures, echoing a similar letter in October 2021 in which 12 member states asked the European Commission to let EU cash fund border walls.¹⁴

Nevertheless, the EU is recorded as having recently contributed €250 million to pay for barbed-wire fences around the Spanish enclave city of Ceuta, after reportedly financing most of the first barrier built there between 1995 and 2000.¹⁵ The EU has also supported

the effective externalisation of its borders through support to non-member states, for example by paying for watchtowers along the wall between Türkiye and Iran, and through its controversial funding of the Libyan coastguard, as a form of maritime wall.¹⁶

Most border walls around the world have been erected over the last two decades and more are under construction or being planned. A large share of these walls, particularly the new ones, are designed to prevent the movement of people.¹⁷ Driving and profiting from this surge in wall-building is an entire “Border Industrial Complex”, some analysts have observed.¹⁸ “This industry has reinforced a narrative in which migration and other political and/or humanitarian challenges at the border are primarily framed as a security problem”.¹⁹

Despite being hugely expensive to build and maintain, border walls are not regarded as a sure-fire barrier to irregular crossings in the medium to long term: “While advanced as a popular solution, the evidence is mixed on whether walls are effective at preventing large movements of people across borders.”²⁰ In the short term, some argue that walls may serve as effective physical (and psychological) barriers and, more importantly, as a symbolic barrier. They can also be politically expedient, allowing governments to look as if they are taking control, allowing them some space to plan longer-term strategies. Evidently, manned and patrolled walls or other methods of hermetically sealing borders are in some cases effective in keeping mixed migration out of a country. Israel offers a ready example where the numbers of irregular entries fell by 99 percent after the wall between Israel and Egypt was constructed, and Australia's “stop the boats” policy of the same time has been highly effective at reducing irregular maritime migration.²¹

However, there is evidence that Australia and Israel's “success” at preventing unauthorised access has only meant that those on the move one way then attempt to enter other countries or end up stranded in unsatisfactory conditions of involuntary immobility elsewhere. Of course, this may not be of concern to the wall-building

9 According to Regulation (EU) 2021/1148, EU funding can support “infrastructure, buildings, systems, and services” required to implement border checks and border surveillance. European Parliament (2022) op. cit.

10 Boffey, D. (2021) [Ursula von der Leyen says EU will not fund 'barbed wire and walls'](#). The Guardian

11 Boffey, D. (2021) op cit; Islam, S. (2023) [The taboos are falling fast as the EU embraces the far-right racist approach to migration](#). The Guardian.

12 Islam, S. (2023) op cit.

13 Lynch, S. & Barigazzi, J. (2023) [EU vows more cash for frontier policing as border fence debate revives](#). Politico.

14 Ibid.

15 Vallet, E. (2022) op cit.

16 Qurbani, S. (2023) [Afghan migrants kidnapped and tortured on Iran-Turkey border](#). BBC; ECRE (2023) [EU External Partners: Libya and Tunisia. Continue Crimes and Abuse – EU Continues Funding](#).

17 Ainhua et al. (2020) op cit.

18 Ibid.

19 Ibid.

20 Jones, R. (2016) [Borders and Walls: Do Barriers Deter Unauthorized Migration?](#) Migration Policy Institute.

21 When Israel completed its wall the number of irregular entries fell from around 18,000 to more or less zero. Frouws, B. (2018) [Going West - contemporary mixed migration trends from the Horn of Africa to Libya & Europe](#). Mixed Migration Centre.

country and therefore still be regarded as a success. Some analysts warn that border walls should be viewed as a means to an end, rather than as an end unto itself, not least because people find alternatives in the medium to longer term if underlying drivers for movement are not addressed.²² At best, border walls may be seen as blunt instruments that fail to effectively tackle the source of the problem they hope to solve. As such, and particularly with mixed migration, “research from around the world indicates that both the direct and indirect costs of building border walls exceed the benefits. Tunnels, drones, ladders, ramps, document forgery, and corruption—the strategies for circumventing the walls end up multiplying”.²³ People find other means, although the fact that they do also ironically provides policymakers with further justification for additional securitisation.

Meanwhile, making movement harder for migrants and asylum seekers increases suffering and danger for those on the move and provides greater opportunities for human smuggling and those in the “border industrial complex” without addressing the contradictions and inequalities of an unstable and overheating globalised world.

22 Vallet, E. (2022) op cit; Cohen, R. (2019) [What Border Walls Can and Cannot Accomplish](#). Rand Corporation.

23 Vallet, E. (2022) op cit.

The temporary protection of Ukrainian refugees: a model for the future or a case of discriminatory exceptionalism?

Why did the arrival of millions of Ukrainians fleeing war prompt Europe to fling open its doors rather than – as it did less than a decade ago in response to a relatively modest spike in arrivals, many of whom were also escaping armed conflict – to declare a “migration crisis” and shore up its borders?

By Lena Näre¹ and Olga Tkach²

Introduction

Since the beginning of Russia’s invasion of Ukraine on 24 February 2022, nearly 6.2 million refugees have fled Ukraine, of which over 5.8 million reside in Europe.³ Within two months of the invasion, more than 7 million people were internally displaced by the war and as of June 2023 that number stood at over 5 million.⁴

The numbers of Ukrainian refugees are comparable to two other large refugee situations in the world. Since 2011, the Syrian civil war has forced over 12 million Syrians to leave their homes: 6.8 million have been internally displaced and over 5 million are living in neighbouring countries.⁵ Four decades of conflict have forced at least 8.2 million Afghans to flee their country to 103 different countries. The Afghan refugee situation constitutes the longest and the third-largest population of displaced individuals in the world.⁶

While these three refugee situations resemble each other in the number of individuals affected and the conflict-related drivers of their displacement, the political responses to them in Europe have been very different.

This essay compares responses to the Ukrainian refugee situation to reactions to the large movements of refugees and migrants to Europe in 2015-2016. It first compares the political responses to these two refugee situations in Europe. The essay then offers a closer look at the European Union’s temporary protection regime and situates it within the broader policy landscape,

particularly in relation to the European Commission’s New Pact on Migration and Asylum and the Global Compact for Safe, Orderly and Regular Migration (GCM). It then discusses more closely the case of Poland, which hosts the largest number of Ukrainian refugees while trying to keep out asylum seekers from Syria, Afghanistan and other countries. The essay ends with a reflection on what lessons could be learned from the reception of Ukrainian refugees.

Comparison of political responses to diverse refugee and migrant mobilities in Europe

Within weeks of the Russian Federation’s attack on Ukraine, the European Commission triggered the Temporary Protection Directive (TPD) for the first time since its adoption in 2001.⁷ This directive was originally drafted in response to the Balkan Wars of the 1990s as a means of providing protection to displaced persons arriving from countries outside of the EU.

The directive was activated on 4 March 2022 and it applies to Ukrainian nationals who had resided in Ukraine before 24 February 2022, as well as other nationals who were legally living there before that date, as well as their family members.⁸ The directive applies to all EU member states except Denmark, which introduced a similar temporary protection scheme by

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 3 UNHCR (2023) [Operational data portal. Ukraine refugee situation](#).
 4 IOM (2022) [Ukraine – Internal Displacement Report – General Population Survey Round 2 \(24 March – 1 April 2022\)](#); IOM (2023) [Ukraine – International Displacement Report – General Population Survey Round 13 \(11 May and 14 June 2023\)](#).
 5 UNHCR (2023) [Syria situation](#).
 6 UNHCR (2023) [Afghanistan Refugee Crisis Explained](#).
 7 European Council (2001) [Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof](#).
 8 European Commission (2023) [Migration and Home Affairs. Temporary protection. Activation of the Temporary Protection Directive](#).

adopting the Special Act on Temporary Residence Permit for Persons Displaced from Ukraine. Iceland, Norway and Switzerland also took similar steps. As of 1 October, 2022, according to the EU Asylum Agency (EUAA), almost 4.4 million people fleeing Ukraine have registered for temporary protection in the 29 EU+ countries since the invasion.⁹

Despite its main triggering criterion then being in place, the Temporary Protection Directive was not activated in the autumn of 2015.¹⁰ Moreover, at the time, there was a momentum of political solidarity across Europe towards refugees from the Middle East, especially after the corpse of two-year-old Syrian Alan Kurdi was depicted in a photo that circulated globally.¹¹ Several European leaders made public pronouncements of solidarity. Germany's then chancellor, Angela Merkel, for example, famously said of the growing numbers of people trying to reach Europe: "We can manage this". And the then Finnish prime minister Juha Sipilä offered to accommodate refugees in his empty home in the small town of Kempele. These statements also gave impetus to responses from civic society across Europe.¹²

However, the momentum of welcoming refugees in 2015 and 2016 soon waned, just as political and media discourse became more alarmist and hostile. The movement of fewer than 2.5 million refugees from Syria, Afghanistan and other countries who applied for asylum in European Union member states (total population: more than 500 million) in 2015–2016 was widely presented as a "crisis" across the continent even though it amounted to an increase of less than 700,000 over the number of asylum applications submitted in 2014.¹³

The subsequent longer-term political responses to the increased number of asylum seekers included the closure of borders in various EU member states, the implementation of more restrictive asylum policies, and the establishment of a "statement of cooperation" between the European Council and Türkiye, which was designed to stop asylum seekers travelling irregularly from Türkiye to the Greek islands, and which provided for those that did make it to Greece to be returned to Türkiye. In exchange, Türkiye received €6 billion in aid and pledges that the EU would help resettle Syrian refugees in Türkiye, reduce visa restrictions for Turkish

citizens, update the customs union and re-energise the process of Türkiye's accession to the EU.¹⁴

Yet for a long time, very few migrants and refugees were returned from Greece to Türkiye because Greek courts repeatedly found that Türkiye was not a safe enough country to send them back to. However, since a Greek Joint Ministerial Decision in June 2021 declared Türkiye to be a "safe third country" for people from Afghanistan, Bangladesh, Pakistan, Somalia and Syria, the number of asylum applications deemed inadmissible by Greek authorities has increased.¹⁵ But since the outbreak of the Covid-19 pandemic, Türkiye has not accepted any migrants and asylum seekers from Greece. This has left thousands of people stuck in Greece without protection but with no possibility of going back to Türkiye either.¹⁶

In comparison to the political response to the large movement of refugees and migrants in 2015–2016, the "crisis" discourse has been remarkably absent in the context of Ukraine's recent exodus.¹⁷ Offering protection to over 4 million Ukrainians across Europe has not been publicly framed as a crisis even in the Nordic countries, where the discourse regarding the need to safeguard the welfare state from refugees is all too common.¹⁸

The Temporary Protection Directive in a wider policy landscape

The 2015–2016 refugee "crisis" was one of the instigators of two policy frameworks that provide a point of reference for the Temporary Protection Directive. In 2016, the European Commission proposed seven reforms to the Common European Asylum System, two of which EU member states were not able to agree on, and the other five of which have been developed since. In September 2020, the Commission proposed a New Pact on Migration and Asylum that includes several proposals variously aimed at: harmonising rules on determining the member state responsible for applicants for international protection; setting up common standards for asylum procedures and reception conditions as well as recognition and protection of beneficiaries of international protection; and establishing a voluntary solidarity mechanism designed

9 Ineli-Ciğer, M. (2022) [Reasons for the Activation of the Temporary Protection Directive in 2022: A Tale of Double Standards](#). Aisle.

10 For a discussion of this non-implementation, even with the existence of a "large-scale influx", see Genç, H., & Şirin Öner, N. (2019) [Why not Activated? The Temporary Protection Directive and the Mystery of Temporary Protection in the European Union](#). International Journal of Political Science & Urban Studies; and Gluns, D. & Wessels, J. (2017) [Waste of Paper or Useful Tool? The Potential of the Temporary Protection Directive in the Current "Refugee Crisis"](#). Refugee Survey Quarterly.

11 Ibrahim, Y. (2018). [The Unsacred and the Spectacularized: Alan Kurdi and the Migrant Body](#). Social Media +

12 Della Porta, D. (ed) (2018) [Solidarity Mobilizations in the 'Refugee Crisis': Contentious Moves](#). Palgrave.

13 Eurostat (2017) [1.2 million first time asylum seekers registered in 2016](#); Krzyżanowski, M., Triandafyllidou, A. & Wodak, R. (2018) [The Mediatization and the Politicization of the "Refugee Crisis" in Europe](#). Journal of Immigrant & Refugee Studies.

14 European Commission (2015) [EU-Turkey joint action plan. Fact Sheet. Memo/15/5860](#).

15 International Rescue Committee (2023) [What is the EU-Turkey deal?](#)

16 Ibid.

17 Euronews (2023) [Ukrainian refugee flows 'maybe not even a crisis' - Commissioner Johanson](#)

18 Näre, L., Abdelhady, D., & Irastorza, N. (2022) [What can we learn from the reception of Ukrainian refugees?](#) Nordic Journal of Migration Research.

to deliver a more equal relocation of asylum applicants across EU member states.¹⁹

In June 2023, the European Council agreed on two key proposals in the Pact: The Asylum and Migration Management Regulation (AMMR) and the Asylum Procedures Regulation (APR). The APR proposes to streamline the procedural arrangements and set standards for the rights of asylum seekers. It also requires applicants to cooperate with authorities throughout the claim procedure. Importantly, the APR also introduces procedures to quickly assess “at the EU’s external borders whether applications are unfounded or inadmissible” in situations of “illegal border crossing and following disembarkation after a search and rescue operation”.²⁰ This border procedure is obligatory in cases where “the applicant is a danger to national security or public order, he/she has misled the authorities with false information or by withholding information and if the applicant has a nationality with a recognition rate below 20 percent”.²¹

The AMMR is intended to replace the current Dublin regulation and proposes a new solidarity mechanism and other measures aimed at “preventing abuse by the asylum seeker and avoiding secondary movements”.²² Moreover, the Pact includes a regulation addressing the instrumentalisation of people in the field of migration and asylum adopted in December 2021 in response to Belarus’ mobilisation of asylum seekers to fly to Belarus and transit onwards to the EU’s external borders in Poland, Latvia and Lithuania. The notion of instrumentalisation is also found in the renewed EU action plan against migrant smuggling (2021-2025), which is part of the Pact.²³

While it is still too soon to determine how the AMMR and APR will play out in practice, it is clear that these propositions follow a long-term policy of restricting the possibilities of applying for asylum in the European Union. They seek to limit the number of asylum applicants by increasing procedures at the external border of the EU.

The Pact’s tone and aims are very different from those of the GCM, a non-binding framework endorsed by the majority of UN member states in 2018.²⁴ While the Pact emphasises the protection of the EU’s border, the GCM emphasises the individual experience of migration and the human rights of all migrants. It enjoins signatory states to eliminate discrimination against migrants and their families and is gender-responsive and child-sensitive.²⁵ The GCM acknowledges that migration

contributes to positive development outcomes and should be addressed with a whole-of-government and whole-of-society approach. This entails partnerships between government agencies, migrants, diasporas, local communities, civil society and so forth. The GCM reaffirms the sovereign right of states to decide on their national migration policies and stresses the respect for the rule of law, due process and access to justice as fundamental to all aspects of migration governance.²⁶ But while the GCM’s status-blind view of migration contrasts starkly with the Pact’s, it resonates with the aims of the Temporary Protection Directive.

The provisions of the Temporary Protection Directive and its implications for individuals

The TPD simplifies the registration and family reunification processes of Ukrainian refugees across EU countries. The duration of temporary protection should be for an initial period of one year, although, in October 2022, the European Commission announced that temporary protection under the directive would be prolonged until March 2024. Member states followed this practice with regard to their national schemes and offered various rules of prolongation of the duration of temporary protection, including an automatic extension in some cases.²⁷

Besides granting residence status, temporary protection offers access to basic services and rights, including access to employment, education, accommodation, social welfare and healthcare, as well as banking services. The provision of benefits and access to services and rights differ between countries. For example, recent surveys of people displaced from Ukraine who were offered temporary protection in urban areas in Germany, Poland and Switzerland showed that about a half or more than a half of those fleeing the war were in need of employment, proper accommodation and healthcare.²⁸ A big percentage of them reported relying on social benefits or ending up in occasional, underpaid, irregular employment. Only a small minority had regular-paid jobs.

One of the advantages of the TPD is that it grants beneficiaries free movement within the EU as well as

19 European Commission (2023) [What is the New Pact of Migration and Asylum in the EU?](#)

20 European Council (2023) [Migration policy: Council reaches agreement on key asylum and migration laws.](#)

21 Ibid.

22 Ibid.

23 European Commission (2021) [A renewed EU action plan against migrant smuggling \(2021-2025\).](#)

24 IOM (2023) [Global Compact for Migration.](#)

25 UN (2019) [Global Compact for Safe, Orderly and Regular Migration. Resolution adopted by the General Assembly on 19 December 2018.](#)

26 Ibid.

27 European Union Agency for Asylum (2023) [Providing Temporary Protection to Displaced Persons from Ukraine: A Year in Review.](#)

28 Mixed Migration Centre (2023) [Displaced from Ukraine to Berlin, Bern and Warsaw. Three cases studies on journeys, living conditions, livelihoods, and future intentions.](#)

the right to travel back and forth between the bloc and Ukraine. Many Ukrainian refugees accordingly travelled between EU states for family reunification, special health services or living and job opportunities. Many also returned temporarily to their hometowns in Ukraine to visit family and friends (especially men whose wartime movements were restricted), check up on property and businesses, access economic opportunities and assess the degree of safety in specific areas. Between 24 February 2022 and mid-August 2023 there were 12 million border crossings from Poland back to Ukraine and 14.4 million crossings from Ukraine to Poland.²⁹ The TPD has thus enabled many Ukrainian refugees to maintain as “normal” a life as possible given the wartime context. This back-and-forth mobility of Ukrainians has not called into question their entitlement to protection, or raised a risk of its removal, as often would be the case for refugees of other nationalities.

But neither is it always straightforward: a recent survey of Ukrainian refugees found that 40 percent of respondents who had not yet visited their area of origin were unable to do so, mainly due to security concerns and lack of funds, followed by caregiving responsibilities, a lack of documentation and a fear of losing their legal status in host countries.³⁰

In significant ways, the legal framework for refugees from Ukraine arriving in the EU is distinct from the policies that apply to refugees, asylum seekers and migrants from other non-EU countries. Due to their right to enter the EU, their freedom of mobility, and their protected status, there is largely no need for Ukrainian refugees to use smugglers—unless they are seeking to leave occupied territories in Eastern Ukraine and need to move through Russia. While European policymakers have long been very vocal about “disrupting the business model” of smugglers operating on the Mediterranean and Balkan routes, the Ukrainian case demonstrates that the best way to make smugglers redundant is to create legal pathways.

Nevertheless, risks of abuse remain for certain vulnerable groups, such as unaccompanied and separated children and children travelling with adults whose relationship with the children cannot be verified; minorities such as LGBTQI+ people; those who are ineligible for or unable to access temporary protection under the directive due to a lack of information or incorrect information; non-Ukrainians; Ukrainian Roma people; elderly people; and people

with mental and physical disabilities. The trafficking-related risks such vulnerable people face include sexual exploitation, forced begging and forced criminality.³¹

While the temporary protection for Ukrainian citizens has automatically been extended in most EU countries, the situation for third-country nationals who fled Ukraine is more complicated. In many EU member states the period of temporary protection for third-country nationals ended in August or early September 2023, and there has been discussion about whether these individuals should return to their respective home countries. In Poland, for instance, third-country nationals have to apply for international protection or a temporary residence permit. They can also apply for temporary protection if they, or their immediate family members, have held a valid residence permit or refugee status in Ukraine and they can demonstrate that they cannot safely and permanently return to their home country.³²

Poland’s double standards at its borders

The differences between the treatment of refugees from Ukraine and those from other non-EU countries is particularly stark in Poland. A neighbouring country to Ukraine, Poland is both the main transit country for Ukrainian refugees to other EU states and the country hosting the largest number of refugees from Ukraine. As of August 2023, more than 1.6 million Ukrainians had applied for asylum, temporary protection or similar national protection schemes in Poland.³³ The Polish-Ukrainian border has served as the main access point for both Ukrainians fleeing the country and those returning to Ukraine.³⁴

The political response towards hundreds of thousands of Ukrainian refugees in Poland has been overwhelmingly positive. Poland has kept its border with Ukraine open, and while the government was initially slow in responding to meet the needs of Ukrainian refugees, civil society acted fast, and volunteers handled the early reception of Ukrainian refugees.³⁵ The engagement of civil society resembled the solidarity responses in several European cities in the autumn of 2015. Public attitudes towards those fleeing Ukraine have remained highly positive despite a drop this year as the war continues.³⁶ In Poland, as in other European countries, the policy response has now moved from an emergency reception phase towards

29 UNHCR (2023) [Ukraine Refugee Situation](#).

30 UNHCR (2023) [Lives on Hold: Perspectives and Intentions of Refugees from Ukraine #4](#); UNHCR (2023) [The impact of travel to Ukraine on refugees’ legal status and access to rights in host countries](#).

31 UNODC (2022) [Conflict in Ukraine: Key evidence on risks of trafficking in persons and smuggling of migrants](#). UNODC Research.

32 Legal portal for people fleeing Ukraine (2023) [Options for third-country nationals \(other than Ukrainian citizens\) residing in Poland on a 15-day permit](#).

33 UNHCR (2023) [Operational data portal. Ukraine refugee situation](#).

34 Ibid.

35 Wanat, Z. (2022) [Poland’s generous welcome of Ukrainian refugees shows signs of strain](#). Politico.

36 European Commission (2023) [Poland: Poll on public attitudes towards those fleeing Ukraine](#).

the inclusion of Ukrainians and Ukrainian families into society, including labour markets, schools and local welfare systems. An enormous part of volunteer work with Ukrainian refugees has been done by Ukrainian citizens who have already resided in Poland as labour migrants. Therefore, many of those fleeing Ukraine rely on family, friends and co-ethnics for accommodation and security, as well as for employment opportunities.³⁷ While processes take time, the integration of Ukrainian refugees lies in stark contrast to the long bureaucratic processes and years of legal uncertainty that asylum seekers from non-EU countries have to endure.³⁸

Similarly, Poland's open-border policy towards Ukrainians differs greatly to its treatment of migrants and refugees at its border with Belarus. Here, starting in the summer of 2021, tens of thousands of people from war-torn countries such as Somalia, Iraq, Afghanistan, Yemen and Syria (where, just like in Ukraine, Russian military action is a key driver of human displacement) were unlawfully and violently pushed back to Belarus with no regard to due process.³⁹ Polish authorities described Belarus' facilitation of these migrants' journeys to Poland's border as an act of "hybrid warfare" and "an attack against Poland".⁴⁰ This criminalisation of refugees, denial of entry and violent pushbacks have been tacitly approved by the European Union according to the interpretation of the authors of this essay. Indeed, the terms "hybrid attack" and "hybrid threat" are also found in the Commission's proposed "Regulation addressing situations of instrumentalisation in the field of migration and asylum".⁴¹ This approach is in line with Poland's longstanding opposition to the European Union's refugee relocation scheme despite the fact that the number of refugees has been small in Poland (between 1991 and 2016 only 140,000 individuals applied for refugee status in the country).⁴² The fact that Poland now hosts more Ukrainian refugees than any other country has also further rearranged the cards within Europe in relation to discussions on solidarity and responsibility-sharing for asylum seekers from other countries arriving in southern Europe. While Eastern European states were already opposed to relocation, unlike before the war in Ukraine they could now argue that they are already doing more than their fair share in terms of refugee hosting.⁴³

Conclusion

The EU's overall political response to Ukrainian refugees has demonstrated that large movements of migrants and refugees do not need to constitute a "crisis" for European societies, even for such relatively welfarist states as the Nordics, as long as individuals are given regular status and access to basic services. European economies have not been over-burdened by Ukrainian refugees, many of whom have sought protection only briefly before returning to Ukraine.

This points to the importance of mobility and the possibility to return for migrants and refugees. Allowing people to continue to visit and care for family members in the country of origin should be a right also for those who have received refugee status. It is, in our view, unreasonable and unsustainable as the war goes on, that those who have received a refugee status are often de facto prevented from visiting their home countries due to the travel documents they can receive and the fact that such travel back may impact their refugee status.

The reception of Ukrainian refugees has also revealed the racism inherent in the different treatment of refugees depending on their country of origin. The case of Poland is just one example but violent and unlawful pushbacks of migrants and refugees are also happening in the Mediterranean, for example from Greece to Türkiye, and large-scale pullbacks take place off the coast of Libya. The European Union has long sought to limit opportunities to apply for asylum, implicitly accepting the consequence that people die when trying to reach its border. This is happening while successful application of the Temporary Protection Directive has demonstrated there are alternative ways to deal with the arrival of large numbers of asylum seekers at the EU's external border.

Indeed, the mass displacement of people from Ukraine to EU countries has highlighted broader issues related to the transparency of eligibility criteria for refugee status and unequal access to it. The right to international protection and security seems not to be universal but rather dependent on matters such as moral ideas of deservingness, geographical proximity and perceived cultural vicinity. Russian opponents of the Ukraine war fleeing their country, especially after the military mobilisation of September 2022, offer a case in point. Most went to countries that required no visa, although

37 Krivonos, D. (2022) [Who stands with Ukraine in the long term? On the invisible labour of Ukrainian migrant communities](#). LeftEast.

38 Näre, L., Bendixsen, S., & Maury, O. (2022) [Creating a future while waiting for a residence permit: Temporary and irregular migrants in informal social infrastructures](#). European Journal of Social Work.

39 Human Rights Watch (2022) [Violence and Pushbacks at Poland-Belarus Border](#).

40 Human Rights Watch (2021) ["Die here or go to Poland" Belarus' and Poland's Shared Responsibility for Border Abuses](#).

41 European Commission (2021) [Regulation of the European Parliament and of the Council addressing situations of instrumentalisation in the field of migration and asylum](#).

42 Gozdzik, EM & Main, I. (2020) [Contesting Flexible Solidarity: Poland and the "Migration Crisis"](#). Frontiers in Human Dynamics.

43 Frouws, B. (2022) [When war hit Ukraine. Reflections on what it might mean for refugee, asylum and migration policies in Europe](#). Mixed Migration Centre.

some have managed to enter the EU. Many now seeking asylum there—such as more than 1,100 in Finland—are stuck in limbo as the EUAA ponders their fate.⁴⁴ Some temporary decisions have been made on the national level, but the overall bureaucratic responses to Russians fleeing conscription are mixed.⁴⁵

Finally, not even the so-called “refugee crisis” in 2015-2016 was really a crisis, at least not for European states and societies. It was a crisis for those individuals who died along the route and their families. And it seems to have led to a crisis of humane asylum politics in Europe. It can only be hoped that the reception of Ukrainian refugees will serve as a lesson that even large movements of migrants and refugees, regardless of their country of origin or skin colour, are not a crisis, nor a threat, but an opportunity.

44 See for example: Vanttinen, P. (2023) [Nordic countries wait for EU instructions before granting Russian escapees asylum](#). Euractiv.

45 Frouws, B. (2022) [How should Europe respond to Russians fleeing the military mobilisation?](#) Mixed Migration Centre.

A photograph showing two men in a room, likely a control room or office, looking at a large map or chart on a wall. One man, wearing a blue t-shirt, is pointing at the map with his right hand. The other man, wearing an orange shirt, is looking at the map with a focused expression. The background shows some equipment and a circular light fixture.

Interview

Deadly headwinds

After more than two decades as an operating theatre anaesthetist, **Jan Ribbeck** took on another life-saving role with a charity that rescues migrants in peril on the high seas. To his mind, this second job is necessary only because others—including EU member states and institutions—fail to live up to their moral and legal responsibilities. Worse, they actively hamper the work of NGOs such as his.

Jan Ribbeck is head of missions on Sea-Eye 4, a vessel operated by Sea-Eye, a non-profit founded in Germany in 2015 to conduct search-and-rescue operations on the Mediterranean Sea. As well as holding other positions at Sea-Eye, he is also a practising medical doctor.

How did you personally get involved in this work?

My initiation was in 2015. I was invited right after the setup of the organisation Sea Eye, to repair and prepare the first vessels. And I took part in one of the first missions as a physician because I'm a surgeon in my profession, and the first mission I was on was in the medical team in 2016. We expanded and after two years we had two vessels. And at the beginning I was responsible for crewing, then became member of the board of Sea-Eye, and I stayed there for a couple of years. My specialty is to organise and lead operations on Sea Eye-4. For seven years now I am head of missions on the vessel itself from time to time. I mean, at least one time per year for four to six weeks.

Does that mean actually on board the ship?

Yes, on board as head of mission. And I'm the unit head of the SAR [search and rescue] operations department. So I'm overall responsible for the training of several teams, like the medical team and the recruitment team. And when I'm not aboard the ship, I'm in the back office supporting the mission. We had four ships, but currently we are only operating with one: Sea-Eye 4. I am not

exclusively working for Sea-Eye as I am a doctor. So I have two jobs and both jobs are brilliant.

Do you have difficulty getting crew and staff? And how about funding?

Sometimes it's difficult filling various positions with experienced people, because we have to operate this vessel under a German flag with professional seafarers, and over the years we have achieved a high standard in the running of the rescue operations. And it's not that obvious to find them because we are an NGO and we cannot pay commercial rates as people would get on board a commercial vessel. And of course, the scenario

“ At Sea-Eye, we expect people to have a sound knowledge of the political situation, a basic moral and ethical understanding of migration and the causes of flight, as well as a capacity to endure physical and psychological strain. ”

in which we are operating is different from a cargo vessel sailing from A to B. So we have to find people who are aware of the special situation in the central Mediterranean in which we do search and rescue. We expect a sound knowledge of the political situation, a basic moral and ethical understanding of migration and the causes of flight, as well as a capacity to endure physical and psychological strain. We have another part of the crew that is volunteer. And of course, we have many volunteers in our organisation, but it has been difficult to find, for example, people for positions with higher responsibility like the head of mission. You have to have experience in rescue operations at sea or on land. But finally, after five, six years of operation, we have a good pool of professionals and volunteers.

Can you tell us about the United4Rescue consortium that you are in and how important the partnership is for your work?

This partnership is very important because of collecting money, distributing it, supporting us and connecting with other organisations like the Catholic and Protestant church in Germany, for example. And they have representatives and good connections in the political environment too. So this is very important for us for public relations and fundraising for these expensive operations.

I imagine publicising your work can be double-edged: necessary but also a bit hazardous, since there are many critics of migrant rescue work, right?

Yes, exactly, there is a tension here. All these NGOs, including ours, working with sea rescue are aware of changing of attitudes in the public, in the media and in general. And we are thinking about and discussing that between ourselves. And it's probably because of other conflicts around Europe or in the world. So, for example, the war in Ukraine is one of the reasons that support for, let's say, Sea-Eye was much greater less than two or three years ago. And on the other hand, we need transparency in any way. But we have to take care and we have to look for what information can be shared to what institution or organisation, because some of the information, if revealed, can be dangerous for the human rights of the rescued people. So we don't, we cannot publish every tactical consideration vis-à-vis the authorities. But on the other hand, we need to put information into the news media and social media that people can understand and finally accept the necessity of sea rescuing operations.

If a country denies you permission to disembark your rescued passengers, why don't you just go to another one?

It's not that easy because of two main reasons. One reason is that it depends on the SAR zone in which the rescue took place. There are search and rescue zones under the responsibility of the countries in the central Mediterranean. So if a rescue happened in the Maltese SAR zone, for example, it's up to the Maritime Rescue Coordination Centre in Malta to organise, to coordinate the rescue. And according to international laws, sea conventions, this state is responsible for assigning us a port of safety. So we cannot go everywhere. And the "port of safety" has to be a port or a place not far away, the closest possible place of safety, and this is sometimes Libya, but of course Libya is not a safe place for the people. So we cannot go the shortest way to a country where human rights are continuously and notoriously disregarded. And on the other hand it depends on the situation aboard. Because sometimes a person or some of the rescued people are traumatised from torture or abuse. Now the new decree, the new Italian decree, forces us to sail sometimes more than five days to a port of safety.¹ And sometimes this could be very risky for the rescued people, even for the whole crew, because of rapidly deteriorating weather conditions or more often due to medical emergencies which then end in a costly evacuation at sea with great delay and risk to the patient's life.

“ The new Italian decree forces us to sail sometimes more than five days to a port of safety. And sometimes this could be very risky for the rescued people, even for the whole crew, because of rapidly deteriorating weather conditions or more often due to medical emergencies. ”

We have a good medical team, we have cultural mediators, we have psychological assessments aboard. But if you have a certain amount of people from different countries with different social backgrounds, with different religions and languages, you have, you might have some problematic interactions within the teams. And even if the ship has enough space to carry or to transport or to care for this number of people, it's a closed space and cannot meet the needs of people who have just feared or fought for their lives. So the goal for the crew and for us is to bring these people as soon as possible onto land, because there are other professional organisations that can take care of them. Because we are a just a rescue vessel. Nothing else.

¹ Adopted in in 2023 the new Italian legislation obliges rescue vessels to sail to a port immediately after a rescue, rather than staying at sea looking for other migrant vessels in distress. In early June, the Italian coast guard apprehended the Sea-Eye 4 and other German vessels after they were found to have breached the new law.

I suppose that's partly why they send you to these far away ports: it means you're inactive during the days that you're going to that port and back.

Two years or three years ago we had long standoffs off the Maltese coast, for example. We had 10 days or more to wait in front of Valletta. And now we are sailing five days one way and five days back to a designated SAR zone. This also produces enormous costs for the NGOs, personal costs, and to maintain the ship, to consume more fuel than necessary to rescue, but then to have to sail somewhere. Of course, yes, they are trying to obstruct our work, they hinder or, even worse, prevent our life-saving work.

Looking at the death rate of people who cross the Mediterranean, in the last three years it's somewhere between one and two percent. These are good odds from the migrants' perspective, as the vast majority seem to make it and that fact will get back to those seeking to follow the same route.

We are not sure. We are not sure, because these are only the official percentages. But we think that, nowadays, let's say the past 12 months or more, we have more hidden, deadly cases of casualties than ever because we have many more vessels leaving the coast of Libya and Tunisia than before. And most of these smaller vessels are drowning and capsizing before they get noticed, because they are completely unfit to handle such an undertaking. I don't see a better chance to survive the crossing of the Mediterranean in these days. Also, the flow of migration is starting to rise because of new conflicts such as those fleeing Sudan now, and because of the so-called better weather conditions during the summer months. We are quite aware of and expecting much more drama on the seas in the coming months.

It didn't take long for nations to turn against your work. Which ones have been the most obstructionist? Can you rank them?

I'm not sure whether there's a ranking or not, but let's consider two countries and two governments: Malta and Italy. On the one hand we have Italy with their policy of making our work more difficult, with the decrees, for example, and the violation fees and the port state controls and the detentions of the vessels for weeks and months. And on the other hand, we have Malta, and they don't organise anything at all. They don't answer any phone call, any email—complete silence. So in the ranking, both are on the same level. With Malta there is no coordination, no answering, and silence, and so no coordination equates to no cooperation. As I'm talking to you now, the Sea-Eye 4 is on its way to a port some five days away from the rescue operation area. And this is a nice move, a smooth move by the Italians to keep these vessels away from their work.

Has the EU obstructed your work?

In fact, they did nothing to help. In 2016 and 2017 we had contact with representatives of the EU Commission and we had a task force in the foreign office in Germany. A so-called European distribution mechanism should hold all member states accountable. But this kind of distribution or coordination mechanism has never been installed or implemented. Never. Because there is no political will to install this distribution mechanism. These days and in the past the difficulties and the problems come more from the national governments. There are an increasing number of regulations, rules and restrictions. Every year these restrictions became more and more difficult for us to fulfil. And there might be an agreement or a hidden consultation within the different countries of the European community working against us, but I don't know.

I must also mention this organisation called Frontex [the European Border and Coast Guard agency]. And they fulfil the policy of this disrespect for human rights. They get money from member countries. And all the information they collect with their assets, like the drones, the helicopters, all this information could help people on the move, the migrants, and also help the sea rescue vessels to coordinate on the scene, to find a position or whatever. But the information is shared with the Libyan authorities, and it never reaches us and our operations. This information is misused to push back people fleeing from countries where they have been unlawfully imprisoned, tortured or threatened with death.

“ On the ship, we do not distinguish between people who embark on these little unseaworthy boats because of poverty or hunger or social discrimination or fear of death. ”

Is there any truth in the claims from Italy that rescue boats like yours are in communication with smugglers and traffickers?

This is an accusation of course, but there is no evidence and no proof of some communication at all. And speaking for Sea-Eye, we don't communicate with these people because we don't know where they come from, what is their intention. We accept and we respect of course, national law, and we respect, for example, the right of asylum or whatever. And we do not accept any communication or coordination from Libya because there are not controlled, not democratic, not safe structures there. The so-called Libyan Coast Guard, they always operate their vessels without sovereign signs on their ships, like a number or a flag. So we cannot decide whether this is a person or an organisation or a gang.

The top three nationalities crossing the Med are Tunisians, Egyptians and Bangladeshis. These are all middle-level economies, they're not at war, and they make up 50 percent or more of the new arrivals. Could it be said that these are just economic migrants who've chosen to put themselves in a rescue situation?

I agree that there are economic and non-economic reasons that make these people migrate. Tunisia, it's a good example. Tunisia is not a democratic state. In Tunisia there's suppression or repression of some parts of the population in the way we never would accept in Europe. And if, for example, a young person with a master's degree in a subject gets no work or is not allowed to work because of his religion or his political attitude or whatever, this is a reason to look for alternatives. Opposition and democratic principles are disregarded in all these states, including the states where these people are stranded. No human being, no mother with a newborn baby or family should have to embark on an unseaworthy vehicle and risk their own lives or those of the people entrusted to their care because of migration or flight. And therefore we do not differentiate. This must happen elsewhere at a later date by bodies that are able and authorised to do so.

Should Europe, in your view, have its borders open?

No, not at all. I'm speaking in the context of sea rescue. We are not talking about the reason why the people are going from some places to other places. We must think about, and we must expose ourselves to this discussion with governments and the public, for sure. But here we are talking about the European border. We are not talking about the Canadian, US border or wherever. But everywhere on the earth, everywhere on this planet there are people in danger. And therefore we do not differentiate between people from Bangladesh or Egypt or maybe Sudan if we have them aboard our boats. And we don't differentiate when we come alongside of one of these vessels where the people are sitting and suffering. We are not asking them, where are you from? What is the reason why are you here? This is of course a question to be answered, but that's why we have a procedure of applying or asking for asylum in Europe. The countries where they have been disembarked, they have the right, according to EU rules, to select and to ask and to make interviews. And to establish proper action, maybe to send them back. But we, on the ship, we do not distinguish between people who embark on these little unseaworthy boats because of poverty or hunger or social discrimination or fear of death.

Does Sea-Eye have an exit strategy or are you doing the opposite, hoping to expand? What are your plans?

One of the first sentences in our statute is that we disable ourselves as soon as there is no need to rescue people at sea. And this does not mean that in the future

“Migration is not only a human right, but it's human history. In every decade of the history of humans there was migration for different reasons, from war to economic reasons, but to migrate should not lead to death.”

we expect nobody at sea to be in peril of death. That means that the official authorities should come back to their duty as they did in, 2015, 16, 17 or 2013 even. As they did before, in the way that they are obliged to establish rescue organisations and assessments and hardware to rescue any person at sea in a life-threatening situation. This is the principle behind everything. And migration is not only a human right, but it's human history. In every decade of the history of humans there was migration for different reasons, from war to economic reasons, but to migrate should not lead to death. Never. Never in Europe, never at sea.

Given the rapid onset of the impacts of climate change, the numbers of people from the Global South trying to enter the EU and other Global North countries could rise exponentially. Do you think that this is probably going to be the case? And what do you think the reaction of the northern countries will be? Do you think they will become more fortress-like?

Yes. I think the numbers will increase and I think not only Europe, but other healthy, wealthy countries in the northern hemisphere will try to establish more and more borders, walls, laws, restrictions to prevent people entering their territory. Frontex? What is Frontex? It's a wall. It's part of the official border. But for sure, you cannot build walls on water. You cannot build electric fences on water. I think we are just at the beginning of a bigger major problem in the future not only because of war—because war is unfortunately part of human history for ever—but for many reasons, and climate change will for sure be one of them.

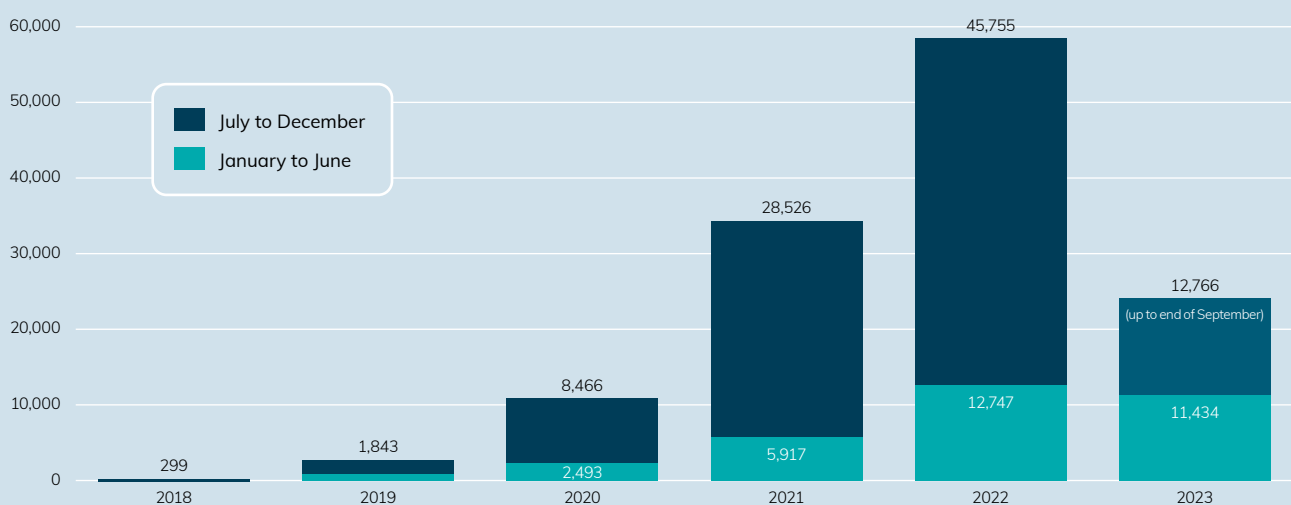
“Frontex? What is Frontex? It's a wall. It's part of the official border. But for sure, you cannot build walls on water. You cannot build electric fences on water.”

France-UK small boats: a political-ethical dilemma that doesn't disappear

People have continued to cross the Channel between France and England in 2023 in numbers similar to the highs of 2022—at rates far higher than earlier years (see graphic). On Saturday 2 September, for example, a record (for 2023) 872 people crossed on that single, calm-weathered day.¹ These brought the number of

people who have landed on Kentish shores between January and September this year to 24,200, with over 9,500 of those arriving in July and August alone.² The current trajectory looks to end the year with numbers close to last year's almost 46,000 people.

Graphic 1. Number of people detected crossing the English Channel in small boats



Source: The Migration Observatory (2023) [People crossing the English Channel in small boats](#).

In the UK in 2023, the problem of the small boats has continued to be vexatious to the general public as well as politicians on all political sides.³ The public has mixed and sometimes contradictory views, including compassion for the plight of those seeking asylum and impatience with the authorities' inability to control English borders. Meanwhile, the ruling Conservative party has been wrangling with the problem for some years as it escalated from a minor to a now major political headache with significant election risks. The opposition Labour party has offered few original new ideas about how to solve the problem and if anything is expected to be less, not more, firm with irregular migration when in government.⁴ If, as is widely predicted, Labour wins the next election (which must be held before 28th January 2025), there's every probability that it will inherit the same conundrum.

Government ministers claim they are concerned for the safety of those crossing one of the world's busiest shipping lanes and about dismantling the criminal smuggling and trafficking networks that organise boats. But their real preoccupation is most likely related to controlling borders and election pledges. The UK has been repeatedly criticised by rights groups and others for its efforts to "suffuse" its "entire system with deterrents". These include a Rwanda plan that stalled when a court ruled that Rwanda was not a safe enough country to send asylum seekers to, and a plan to accommodate hundreds of asylum seekers on a barge that is also on hold due to sanitary concerns and which also faces a mayoral challenge.⁵ The government's central hope that the French could be paid to assist them has largely failed over recent years despite some limited success,

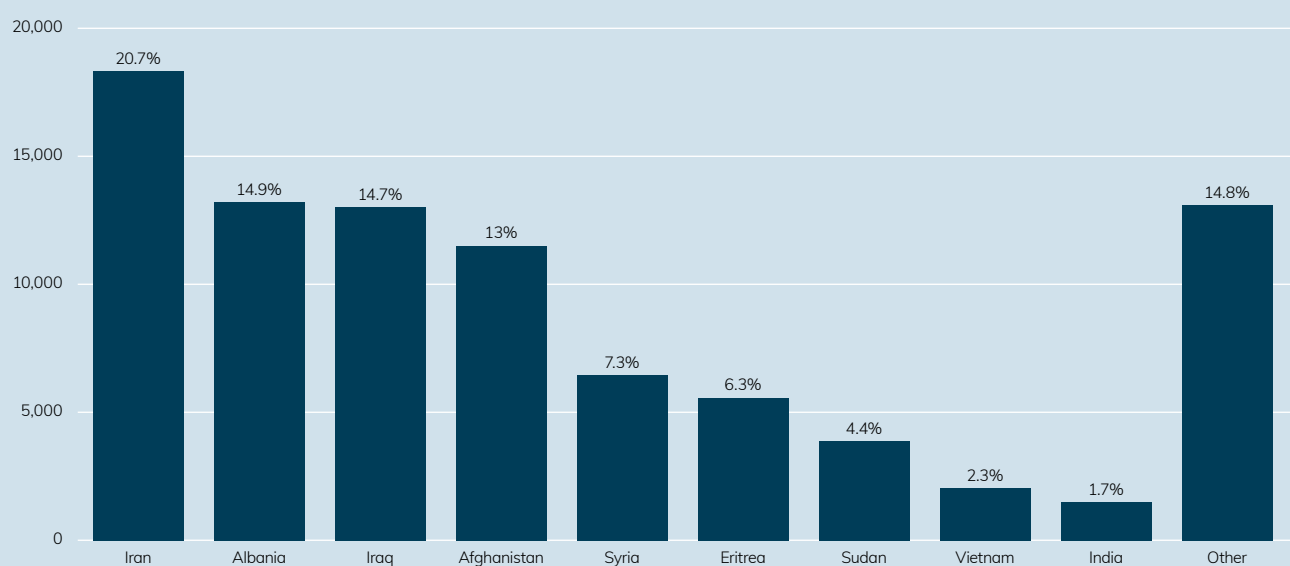
1 Blunt, R. (2023) [Highest number of migrants cross Channel in 2023](#). BBC.
 2 Ibid. Also; BBC (2023) [Channel migrants: More than 200 people cross in three small boats](#).
 3 Kingsley, T. (2023) [British public likes plan to deport small boat migrants – but thinks it will make no difference](#). The Independent.
 4 Kumar, C. & Rottensteiner, C. (2023) [As UK public attitudes toward migration are increasingly positive, it's time for more balanced and evidence-based narratives](#). ODI.
 5 Under a bilateral agreement announced in March 2022, but which has yet to come into effect due to legal challenges. BBC (2023) [What is the UK's plan to send asylum seekers to Rwanda?](#); BBC News (2023) [Bibby Stockholm: Mayor looks to widen legal challenge over barge](#).

with France's commitment to the cause being called into question as year on year the numbers of hopeful migrants and asylum seekers gathering on French shores to make the journey rise inexorably.⁶

New arrivals are located/rescued/escorted in the Channel waters, brought to the UK and provided with accommodation currently costing the British taxpayer £8 million a day on hotel bills alone. A bi-lateral agreement

concerning the return of Albanians saw a huge drop in Albanians attempting to cross the Channel between 2022 and 2023, but most new arrivals claim asylum and eventually obtain it. According to The Migration Observatory, 92 percent of people arriving in small boats from 2018 to March 2023 claimed asylum. Of the small share who had received a decision by March 2023, 86 percent received a grant of protection.⁷

Graphic 2. Small boat arrivals, by nationality, as of end July 2023



Source: The Migration Observatory (2023) [People crossing the English Channel in small boats](#)

The UK government feels hemmed in by courts that uphold most appeals against rejected asylum claims as well as by its commitments under international laws of the sea and to due process with new arrivals. In an effort to enhance effective deterrence, the government pressed forward with a new law in 2022 and 2023. The Illegal Migration Act came into force in the United Kingdom in July, introducing a raft of tough measures aimed at reducing the numbers of people reaching the country aboard small boats and closing the loopholes—as they see them—that have made earlier efforts ineffective.⁸ The UNHCR has criticised the new law and expressed profound concern at the implications of “what would amount to an asylum ban in the UK”.⁹ As the new law is implemented, even under a Labour government, things may take a more draconian and decisive turn, but for now there is no end to the small boat crossings.

6 Hymas, C. (2023) [Ministers admit frustration at French failure to stop migrant boats](#). The Telegraph; Dathan, M. (2023) [French stopping half of boat migrants after £480m deal](#). The Times.

7 The Migration Observatory (2023) [People crossing the English Channel in small boats](#).

8 UK Parliament (2023) [Illegal Migration Act 2023](#).

9 UNHCR (2023) [UK Asylum and Policy and the Illegal Migration Act](#).

Photo credit: Joel Carillet / iStock

At Lviv station in Ukraine, people wait to take a train to Poland. Poland has taken in more Ukrainian refugees than any other country, hosting nearly 1 million as of June 2023. The Ukrainians have received overwhelming support from a country that is otherwise unwelcoming to immigrants, especially non-EU migrants. (See essay – The temporary protection of Ukrainian refugees: A model for the future or a case of discriminatory exceptionalism?, [page 196](#)).



Photo credit: coldsnowstorm / iStock

A refugee pride march in London in 2019. In September 2023, British Home Secretary Suella Braverman suggested that the 1951 Refugee Convention needed to be reviewed, arguing that the bar for asylum eligibility had fallen too low. She intimated that many people were now being granted asylum merely on the basis of discrimination related to sexual orientation, saying this illustrated why reform was needed. Dozens of countries still criminalise homosexuality and 11 have legislation that provides for the death penalty. (See Normalising the extreme, [page 22](#); Interview with Sana Ali Mustafa, [page 143](#)).



Section 6: Asia

Overview

The impacts of conflicts in Asia—in particular, the after-effects of two decades of fighting in Afghanistan that has culminated in the return of the Taliban to power, as well as impacts of violence targeting Myanmar's Rohingya population—have contributed to millions of people living in displacement as IDPs or refugees elsewhere in the region. Their plight is made all the more precarious by the fact that a large number of countries are not formal signatories to the 1951 Refugee Convention, meaning that the status of hosted refugees can become precarious if the popular attitudes or official policies towards them become more hostile. Afghans in Iran and Pakistan, and Rohingya in Bangladesh, India, Malaysia and Thailand, have both been confronted by an increasingly inhospitable stance that has seen vulnerable refugees detained, abused and deported despite the clear protection risks they face.

Violence and persecution are not the only causes of displacement and migration, however. Asia is one of the regions most exposed to natural disasters, with flooding, typhoons and other environmental pressures contributing to mass displacement, particularly in contexts where weak governance and lack of development is already forcing people to move elsewhere in search of opportunities. This is illustrated by the apparent uptick in the number of Pakistanis attempting to migrate to Europe, with the devastation of the 2022 flooding across much of the country having exacerbated longstanding problems around corruption, unemployment and runaway inflation.¹

Conditions deteriorate in Afghanistan despite an end to the conflict

From conflict to crisis in Afghanistan

Since the Taliban's return to power in August 2021 after two decades, conflict-induced displacement has reduced significantly, with 32,000 displacements recorded in 2022 compared to 723,000 in 2021, and no major incidents in

the first half of 2023. According to UNHCR data, while at least 1.3 million IDPs have returned since the end of the conflict, 3.2 million people remain internally displaced in the country. The agency's projections for 2023 suggest that 300,000 IDPs and 60,000 refugees may return during the year.² Despite the reduction in large-scale conflict, deteriorating living conditions have left two-thirds of the country in need of food assistance (including 20 million people facing acute hunger) in what is currently "the world's largest and most severe humanitarian crisis".³ The situation has been aggravated by poor governance and the Taliban's increasingly repressive rule: women and girls are among the worst affected, being excluded from education and employment and denied many other basic rights.⁴ Efforts by the Taliban to forcibly return IDPs, including the violent eviction of residents of informal settlements in Kabul, threaten to increase homelessness and affect up to 2 million IDPs currently living in slum-like settings in urban areas.⁵

Protracted insecurity as a result of years of violent insurgency, followed by a deepening economic and humanitarian crisis in the wake of the Taliban's takeover, has created complex and overlapping movements within **Afghanistan** and across the border to and from Iran and Pakistan. According to official estimates, at least 1.6 million Afghans crossed into neighbouring countries since the beginning of 2021, including 1 million into Iran (though around two-thirds were subsequently deported, with others migrating seasonally back to Afghanistan and smaller numbers moving on to Türkiye) and 600,000 into Pakistan. With these recent arrivals, the total Afghan population in neighbouring countries has risen to 8.2 million, with the majority in Iran (4.5 million) and Pakistan (3.7 million), including registered refugees and others without legal status.⁶ At the same time, significant numbers of Afghans based outside the country have also been crossing back into Afghanistan, many involuntarily, but some in response to the reduction in violence and the increasingly difficult situation in their host countries. In the first half of 2023, around 320,000 Afghans returned from Iran (many of them deported) and 46,400 from Pakistan.⁷

1 Forin, R. & Grant, P. (2023) [Pakistani nationals on the move to Europe: New pressures, risks, opportunities](#). MMC.

2 UNHCR (2023) [Regional refugee response plan for Afghanistan situation: January–December 2023](#).

3 OCHA (2023) [Afghanistan: Humanitarian update, February 2023](#).

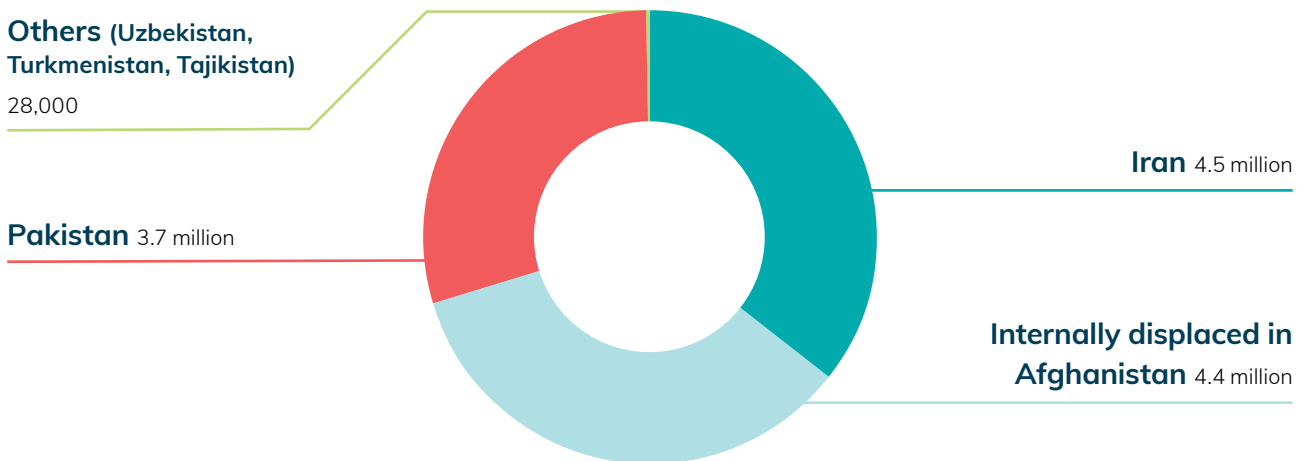
4 Mohamaddi, A., Bhat, S. & Lewis, T. (2023) [Afghan women and migration in the era of restrictions](#). MMC.

5 NRC (2023) [Afghanistan: Taliban authorities violently evict displaced people from makeshift camps in Kabul](#).

6 UNHCR (2023) [Regional refugee response plan for Afghanistan situation 2023](#); EUAA (2023) [EUAA reports on the situation of Afghan refugees in Iran](#).

7 OCHA (2023) [Afghanistan: Snapshot of population movements \(January to June 2023\)](#).

Graphic 1. Displaced Afghans (internal and regionally) in 2023 (as of early 2023)



Sources: IDMC [Country Profile - Afghanistan](#) / UNHCR [Regional Refugee Response Plan for Afghanistan Situation](#).

An uncertain limbo for refugees in Pakistan and Iran

Some Afghans have been living abroad for years or even decades, but still experience difficulties and the threat of deportation. In **Pakistan**, in the midst of a renewed crackdown on Afghans that has seen thousands detained and even deported,⁸ a large proportion of those who fled Afghanistan in 2021 has still not been able to officially register due to bureaucratic delays, leaving them without legal documentation and at risk of arbitrary detention and harassment. As a result, many end up having to work in informal jobs and regularly have to pay bribes to secure housing or travel.⁹ In addition, the residency cards of around 1.3 million refugees expired at the end of June 2023 without Pakistani authorities extending them, prompting fears around their ability to keep their jobs or move freely without police interference.¹⁰

In **Iran**, meanwhile, though authorities announced in January 2023 that residency permits would be approved for more than 1 million Afghan refugees,¹¹ many others lack formal documentation and are at risk of deportation, with numerous reports of police brutality and rising discrimination against refugees.¹² Against a backdrop of worsening relations between Afghanistan and Iran over water access, tens of thousands of Afghans are being deported every month, while many of those remaining face discrimination and exploitation. In May 2023, for instance, authorities in the province of

Fars—home to one of the largest Afghan populations in Iran—issued new restrictions on the employment of Afghans in shops, forcing businesses to fire Afghan workers.¹³

Moving on to Europe: as resettlement stalls, irregular migration gathers pace

Thousands of Afghans who fled their country in 2021 did so in the hope that the UK, US and other Western countries (especially NATO members and other states allied with them) would, in line with their assurances at the time, provide sanctuary to them. This included high-risk groups such as those who had worked with NATO forces and diplomatic personnel as security guards, translators, drivers and other roles, those who had been employed in the former Afghan government, police or army, as well as journalists, charity workers, minority representatives, women's rights advocates and LGBTQI+ activists.

However, beyond the first evacuations in the summer of 2021 when Kabul fell, the promised pathways for resettlements have been minimal. The **UK**, for instance, pledged to resettle up to 20,000 Afghan citizens, including 5,000 in the first year. However, while it has resettled 6,300 people who had been airlifted out of Afghanistan and brought to the UK in 2021, just 54 Afghan refugees had been brought to safety since then, as of the end of May 2023.¹⁴ The situation is no better elsewhere in Europe, with only 271 Afghan refugees

8 Ghani, A. (2023) [Pakistan steps up crackdown on Afghan refugees, adds new restrictions](#). The New Humanitarian.

9 Amnesty International (2023) [Pakistan: Government must stop harassing and arbitrarily arresting Afghans seeking refuge](#).

10 Safi, M. & Archiwal, A. (2023) [Afghan refugees in Pakistan worry as their refugee cards expire](#). VOA.

11 Financial Tribune (2023) [Iran approves residency permits for 1 million Afghan refugees](#).

12 Arab News (2023) [Taliban raise concerns over "problems" faced by Afghan refugees in Iran](#).

13 Negah, F. (2023) [How will I feed my family? Iranian province imposes new job restrictions on Afghan migrants](#). RFERL.

14 Bangcroft, H. (2023) [Only 'handful' of Afghans refugees brought to UK under flagship scheme](#). The Independent; UK Parliament (2023) [UK immigration routes for Afghan nationals](#).

resettled during 2022, amounting to 0.1 per cent of the estimated 270,000 in need of long-term protection, while significant numbers languish in prison-like settings in camps in **Greece**.¹⁵ Meanwhile **Germany**, having set up a humanitarian admission programme to admit up to 1,000 Afghans a month from Afghanistan or neighbouring countries, had not admitted a single person through the scheme as of June 2023.¹⁶ At the same time, Germany deported hundreds of Afghans during the year to countries outside the EU,¹⁷ and was even reported to be considering the resumption of forced returns to Afghanistan (a practice suspended in 2021 following the Taliban's takeover) for failed asylum seekers, convicted criminals and those deemed to pose a security threat.¹⁸

The failure of Western countries to deliver on their promises of resettlement has left many Afghans in limbo. Thousands of Afghans eligible for resettlement remain stranded in neighbouring countries such as Pakistan, more than two years after their departure in 2021,¹⁹ with reports suggesting some have since been deported back to Afghanistan.²⁰ In this context, with no regular pathways accessible, it is not surprising that some are attempting to reach Europe irregularly. Since 2021, increasing numbers of Afghans have been travelling to northwest Iran to cross into **Türkiye**. Despite the security fence constructed by the Turkish government in 2021 and extensive reports of the brutal treatment of Afghans intercepted by border guards—including beatings, pushbacks and the firing of live rounds at their feet as they retreated²¹—around 40,500 Afghans managed to enter in the first eight months of 2023, accounting for 30 per cent of all arrivals.²² Many are also moving into and across Europe, with over 5,300 Afghan arrivals recorded by IOM between January and the end of August 2023.²³ Significant numbers have also been crossing on small boats from France to the UK: in the first half of 2023 1,474 Afghans were recorded, making them the most represented nationality and accounting for 12.9 per cent of the 11,433 arrivals detected during that time.²⁴

Increasing movement from Pakistan to Europe

A large proportion of Pakistani nationals were on board the boat that sank off the coast of Pylos, Greece on 14 June, resulting in the deaths of at least 596 people on board (discussed in more detail in the Keeping track in Europe section in this volume). The tragedy, while highlighting the brutality of the smugglers responsible for the vessel and the protection failures in the EU's current response to irregular migration, also put a spotlight on another phenomenon: the apparent uptick in the number of Pakistanis on the move to Europe, and the increasing importance of the Central Mediterranean route for those doing so. Until recently, the most popular pathway to Europe for Pakistani refugees, migrants and asylum seekers was through the Eastern Mediterranean route to Greece and through the Western Balkans. However, movement along both routes by Pakistani nationals has fallen sharply as countries in these regions have further militarised their borders and engaged in hostile policies such as pushbacks, including forced returns by Bosnia and Herzegovina of Pakistanis, Bangladeshis and Moroccans during 2022.²⁵

Instead, more and more Pakistani nationals are attempting to migrate to **Italy** through the Central Mediterranean route from North Africa (Libya, Egypt or Tunisia) or Türkiye. By way of illustration, the total number of Pakistani arrivals in the first half of 2023 reached 5,988—more than ten times the number (560) during the same period in 2022.²⁶ The boat that capsized in June was just one of many that had attempted this crossing during the year: though it sank in Greek waters, it had originated from Libya and was en route to Italy. As for the motivations driving this movement, previous research by MMC conducted with Pakistani refugees, migrants and asylum seekers identified conflict and insecurity, rights and freedoms as well as economic pressures as important factors in the decision to leave.²⁷ In light of continued inflation and the devastating

15 O'Carroll, L. (2023) [EU accused of "staggering neglect" after just 271 Afghans resettled across bloc](#). The Guardian.

16 Salangi, W. (2023) [Germany suspends evacuation of at-risk Afghans, leaving thousands stranded](#). The New Humanitarian.

17 The National (2023) [Germany departs hundreds of Afghan and Syrian asylum seekers](#).

18 MacGregor, M. (2023) [Germany considering forced returns to Afghanistan: reports](#). InfoMigrants.

19 Cone, D. & Khan, S. (2023) ["They left us without any support": Afghans in Pakistan waiting for solutions](#). Refugees International; Arab News (2023) [Only 2 Afghans in Pakistan limbo resettled in UK](#).

20 Walsh, N. & Popalzai, M. (2023) [Afghans awaiting US resettlement say they're being deported from Pakistan back to the Taliban](#). CNN.

21 HRW (2022) ["No one asked me why I left Afghanistan": Pushbacks and deportations of Afghans from Turkey](#); Kelly, N. (2023) [UK provided £3m to Turkish border forces to stop migrants, FOI reveals](#). The Guardian.

22 Government of Türkiye (2022) [Düzensiz göç](#).

23 IOM (2023) [Migration flow to Europe: arrivals](#).

24 UK Home Office (2023) [Irregular migration to the UK, summary tables year ending June 2023](#).

25 Forin, R. & Grant, P. (2023) [Pakistani nationals on the move to Europe: new pressures, risks, opportunities](#).

26 UNHCR (2023) [Italy sea arrivals dashboard: June 2023](#).

27 MMC (2022) [The journey towards Italy for Pakistanis: drivers, routes and use of smugglers](#).

impact of the flooding in 2022 that submerged around a third of the country, these issues are even more relevant now. Though the numbers involved are still relatively modest, even after this spike—Bangladesh, for instance, was until recently a far more significant sending country to Europe and still had more of its nationals represented among arrivals in Italy in the first half of 2023 than Pakistan²⁸—it could represent the emergence of a significant new dynamic in mixed migration from South Asia.

The Rohingya crisis

Almost 1 million Rohingya, a predominantly Muslim minority denied citizenship in **Myanmar** for more than four decades, are currently hosted in neighbouring countries. Of these, the large majority are based in the immense, densely populated settlements of Kutupalong and Nayapara in Cox’s Bazar in southern Bangladesh.²⁹ Though subject to repeated abuses by the Burmese military, known as the Tatmadaw, the most significant displacement began in August 2017 when forces launched a devastating campaign of violence targeting the Rohingya population. In the weeks that followed, ethnic cleansing, sexual violence and destruction left thousands dead and displaced an estimated 745,000 Rohingya across the border into Bangladesh.³⁰ As the largest stateless group in the world, the Rohingya face uniquely challenging living conditions, are largely excluded from employment, education and other opportunities, and receive limited food and health assistance. While the attitudes of host countries towards Rohingya have become less welcoming over time, the prospect of a safe and dignified return to Myanmar remains as remote as ever, particularly in the wake of the military’s seizure of power in February 2021 and subsequent renewed fighting across the country.

Violence, natural hazards and diminishing assistance hit camp residents in Bangladesh hard

A devastating fire that broke out on 5 March 2023 in Cox’s Bazar, **Bangladesh**, destroying around 2,000 huts and leaving 16,000 residents homeless, not only highlighted the dangerously overcrowded conditions of the camps

but also the pervasive presence of criminal organisations and the control they exert over these areas. According to official reports, the blaze was allegedly coordinated by gang members in a “planned act of sabotage” as part of a power-grab between rival groups.³¹ Subsequent reports by Human Rights Watch point to growing insecurity in the camps as armed groups and militants have escalated attacks against refugees, including killings, torture, sexual assault and abductions.³²

The arrival of Cyclone Mocha on 14 May brought home a different vulnerability that affects much of Bangladesh, but is especially pertinent for those in the camps: the constant risk of extreme weather and its disproportionate impacts in contexts where housing is inadequate, infrastructure non-existent and where residents already contend with chronic poverty and ill health. Though the worst effects were felt in Myanmar itself, around 40,000 camp residents in Bangladesh lost their homes.³³ On top of this, camp residents—who already have little or no access to essential services and limited income-generating opportunities—had to contend with their food rations being cut in March and again in June, reducing the monthly allowance to just \$8, a third less than what it was (\$12) at the start of the year. It is predicted these reductions could create an unmanageable situation for many Rohingya, driving up levels of malnutrition, death and crime.³⁴ The announcement prompted protests and calls from some Rohingya for repatriation.³⁵

More deaths at sea

Given the increasingly difficult conditions in camps in both Bangladesh and Myanmar, growing numbers of Rohingya are travelling by land and sea to Southeast Asia.³⁶ The majority of boats leave from Bangladesh or Myanmar and disembark in Malaysia, Indonesia and other countries in the region. More than 3,500 Rohingya undertook maritime crossings through the Andaman Sea and Bay of Bengal in 2022, five times the number (700) estimated the year before. The death toll has also risen to one of the highest levels in the last decade, with at least 348 fatalities or disappearances on these routes during 2022, including 180 people who died in a single incident after a boat went missing in the Andaman Sea in December.³⁷ The actual death toll during the year is likely to be considerably higher. The high proportion of fatalities, relative to the number of attempted crossings, makes the journey one of the deadliest maritime routes

28 UNHCR (2023) [Italy sea arrivals dashboard: June 2023](#).

29 UNHCR (2022) [Rohingya refugee crisis explained](#).

30 MMC (2022) [Mixed migration review 2022](#).

31 Al Jazeera (2023) [Fire blazes through crowded Rohingya refugee camp in Bangladesh](#); Al Jazeera (2023) [Fire at Rohingya camps “planned sabotage”](#); Bangladesh panel says; UN (2023) [Cyclone Mocha: urgent funding needed as hunger, diseases loom](#).

32 HRW (2023) [Bangladesh: Spiraling violence Against Rohingya refugees](#).

33 UN (2023) [Cyclone Mocha: urgent funding needed as hunger, diseases loom](#).

34 UN (2023) [UN in Bangladesh announces devastating new round of rations cuts for Rohingya refugees](#); VOA (2023) [More hunger, crime forecast for Rohingya refugees in Bangladesh as food rations dwindle](#).

35 Al Jazeera (2023) [Rohingya in Bangladesh protest to be sent home after UN aid cut](#).

36 IOM (2023) [Increasing arrivals of Rohingya boats; IOM scales up support](#).

37 UNHCR (2023) [UNHCR seeks comprehensive regional response to address rise in deadly South-East Asia sea journeys](#).

in the world.³⁸ Further tragedies have occurred during 2023 as Rohingya continue to be driven to attempt these dangerous journeys in search of sanctuary elsewhere in the region, including the capsizing of a boat in the Bay of Bengal in August that left at least 23 people dead and 30 others missing.³⁹

While unscrupulous smugglers play a role, a significant share of the responsibility for these fatalities lies with the failure of governments in the region to meet their obligations under international law towards boats in distress. Rohingya survivors have described how Thai and Malaysian naval forces have refused to rescue boats in distress or offer assistance to those on board, even when passengers were dying from lack of food and water or had jumped into the sea. Following the maritime exodus of Rohingya between 2012 and 2015, when an estimated 170,000 Rohingya undertook sea crossings, governments in the region brokered the 2016 Bali Declaration, an ambitious strategy with a multilateral vision of cooperation focused on protection and humanitarian rescue. However, to date the mechanism to achieve this has never been implemented, prompting renewed calls for countries in the region to meaningfully commit to making its aspirations a reality.⁴⁰

A cold welcome in India and Malaysia

The difficulties of the Rohingya, facing violence in Myanmar and trapped in Bangladesh, are further complicated by the inhospitable environment they face in other host countries. In **Thailand**, where Rohingya are still regarded as “illegal immigrants” and unable to apply for asylum, Rohingya are detained indefinitely on arrival from Myanmar. A new Anti-Torture Act, passed in October 2022 and coming into effect in February 2023, explicitly forbids the return of refugees to situations where they may be at risk of persecution. It is hoped that this will serve as a basis to prevent further pushbacks of Rohingya boats by Thai naval forces, though doubts remain as to how effectively the legislation will be enforced in practice.⁴¹ In **Malaysia**, meanwhile where more than 105,000 Rohingya are based,⁴² barriers to integration and restrictions prevent most from accessing formal employment, forcing them to work for little pay and with no protections in the informal sector.⁴³ Growing intolerance to the sizeable Rohingya community is reflected in the thousands of Rohingya who are being

held in facilities indefinitely; the impacts on their health and wellbeing, particular children, is profound and lost-lasting.⁴⁴

In **India**, meanwhile, the country’s 40,000 predominantly Muslim Rohingya refugees and asylum seekers have become a visible target of the Hindu nationalist government of the Bharatiya Janata Party (BJP). Mass detentions continue to occur,⁴⁵ with at least 74 Rohingya (including 14 women and five children) rounded up in a single incident in Uttar Pradesh on 24 July 2023 for entering the country irregularly.⁴⁶ The government of India, which is not a signatory to the 1951 Refugee Convention, stated in February 2023 that any Rohingya lacking documentation, even those recognised as refugees by UNHCR could be deported.⁴⁷ Many others are held in detention facilities where conditions are reportedly dire.⁴⁸ At one detention centre in Jammu and Kashmir, where 270 Rohingya had been on hunger strike since April 2023 in protest against their protracted incarceration there since March 2021, an escape attempt in July resulted in a tear gassing by police that left a five-month-old girl dead.⁴⁹

Human rights groups condemn plans for Bangladesh and Myanmar to promote Rohingya returns

More details have emerged during 2023 of the agreement between Bangladesh and Myanmar to pilot the repatriation of more than 1,000 Rohingya back to Myanmar. **China**, which has a major strategic interest in ensuring stability in the region due to its sizeable investments in Myanmar, has brokered the negotiations between the two countries. In May, a delegation of Rohingya refugees visited Rakhine to inspect two model villages that had been built to accommodate returnees. Much of the momentum for repatriation is coming from the Bangladeshi government and its desire to reduce the large refugee presence in the country. However, the response of the UN and other organisations to the proposal has been unambiguous. In particular, the UN special rapporteur on the situation of human rights in Myanmar stated that any programme of returns “would likely violate Bangladesh’s obligations under international law and expose

38 UN (2022) [Dramatic increase in Andaman Sea crossings, warns UN refugee agency](#).

39 BBC (2023) [Rohingya: At least 23 dead, 30 missing after boat sinks](#).

40 Bauchner, S. & Pearson, E. (2023) [Bali Process needs to end Rohingya deaths at sea](#).

41 Root, R. (2023) [Thai law ends forced returns of refugees, but scepticism persists over implementation](#). International Bar Association.

42 UNHCR (2023) [Figures at a glance in Malaysia](#).

43 ADSP, DRC, Geutanyoë Foundation, HOST International Malaysia and JRS Indonesia (2023) [Understanding the current and potential contribution of Rohingya refugees to the Malaysian economy](#).

44 International Detention Coalition (IDC), ADSP, DRC, Geutanyoë Foundation, HOST International Malaysia and JRS Indonesia (2023) [Impact of prolonged immigration detention on Rohingya families and communities in Malaysia](#).

45 MMC (2022) [Mixed migration review 2022](#).

46 Al Jazeera (2023) [India police arrest 74 Rohingya refugees in latest crackdown](#).

47 ANI (2023) [UNHCR refugee status without valid travel documents is of no consequence in India: Centre tells HC](#).

48 ANI (2023) [Delhi HC directs joint inspection of Rohingya detention centre over alleged lack of facilities Read more](#).

49 Ahmed, K. (2023) [Baby dies after teargas fired at Rohingya trying to escape Indian detention centre](#). The Guardian.

Rohingya to gross human rights violations and, potentially, future atrocity crimes”.⁵⁰

Most observers agree that the conditions for a safe and dignified return for Rohingya refugees are not in place. Generally speaking, Myanmar is currently experiencing a displacement crisis with more than 1.7 million IDPs in the country, of whom close to 1.4 million have been displaced since the military coup in February 2021.⁵¹ Not only has the military’s seizure of power reinvigorated various armed conflicts in different parts of the country, but the arrival of Cyclone Mocha in May caused widespread destruction in the north, especially within Rakhine state where at least 3,000 Rohingya shelters were damaged or destroyed.⁵² The devastation of housing and infrastructure in the region has deepened existing vulnerabilities, made worse by the Tatmadaw’s blockading of vital humanitarian assistance into Rakhine.⁵³

These factors alone would make any immediate return unadvisable, but in addition there is the continued targeting of the estimated 600,000 Rohingya who are still in Rakhine. Of these, around a fifth are effectively detained in squalid IDP camps, while the rights and freedoms of the remainder are tightly controlled, with most unable to move elsewhere. Those driven by desperation to attempt to leave are regularly convicted for lengthy periods. Given the military’s return to power, the likelihood that returnees could face human rights violations and even another wave of targeted violence in future is very high.

Most Rohingya do not feel it is safe to return at present, though a growing minority have called for return in response to the impossible living conditions they face in Bangladesh and the extreme difficulty of starting a life again elsewhere. Nevertheless, even those wishing to return are calling for a formal recognition of their status as citizens of Myanmar, the restitution of their land and guarantees for their safety.⁵⁴ What they all agree on, however, is

that the current limbo that Rohingya face, unable to access opportunities or move on with their lives, requires an urgent solution that cannot wait until such a time that conditions in Myanmar improve sufficiently for them to return.

Migrant workers in South and Southeast Asia

Labour migration plays a vital role in the economies of many South and Southeast Asian nations, providing millions of workers with employment in receiving countries and a significant flow of remittances back home. Many sending countries are heavily dependent on labour migration for their economic survival: in **Nepal**, in particular, personal remittances in 2022 accounted for close to a quarter (22.8 percent) of national GDP.⁵⁵ However, the precariousness of these arrangements was brought into sharp relief by the outbreak of Covid-19, when mass layoffs, cancelled contracts and wage reductions left hundreds of thousands of migrant workers unemployed and large deficits in the domestic economies of sending countries as remittances dwindled. Since then, as lockdowns have been lifted and restrictions on movement relaxed, labour migration has returned to its previous levels. **The Philippines**, one of the most significant sending countries, had around 2 million of its nationals working abroad on land or at sea before the pandemic, dropping to just 550,000 in 2020, but numbers have since risen to 1.2 million and are expected to reach 2 million by the end of 2023.⁵⁶

Labour migration from the region has often come at a considerable human cost. For example, many of the most egregious human rights abuses documented in receiving regions such as the Gulf states (described in greater detail in the Middle East section), ranging from exploitative working conditions and wage theft to sexual assault and violence, have involved migrant labourers from South and Southeast Asia. In **Qatar**, where foreign workers are predominantly from Bangladesh, India, Nepal and Pakistan, unsafe working conditions and long hours in life-threatening temperatures may have contributed to thousands of unexplained migrant deaths in the build-up to the World Cup.

50 UN News (2023) [Bangladesh must suspend plans to return Rohingya refugees to Myanmar: Rights expert](#).

51 UNHCR (2023) [Myanmar emergency update \(as of 6 March 2023\)](#).

52 UN News (2023) [Cyclone Mocha leaves “trail of devastation” in Myanmar](#).

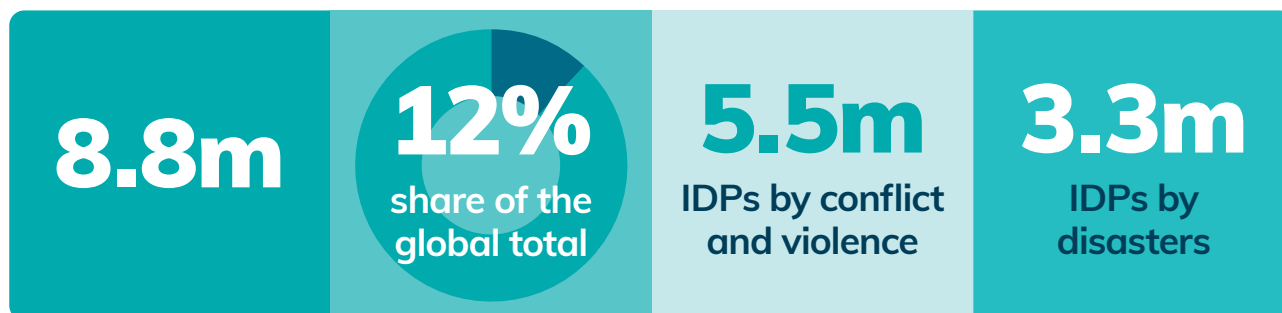
53 HRW (2023) [Myanmar: Junta blocks lifesaving cyclone aid](#).

54 CNN (2023) [Rohingya refugees demand citizenship and security on first return to Myanmar](#).

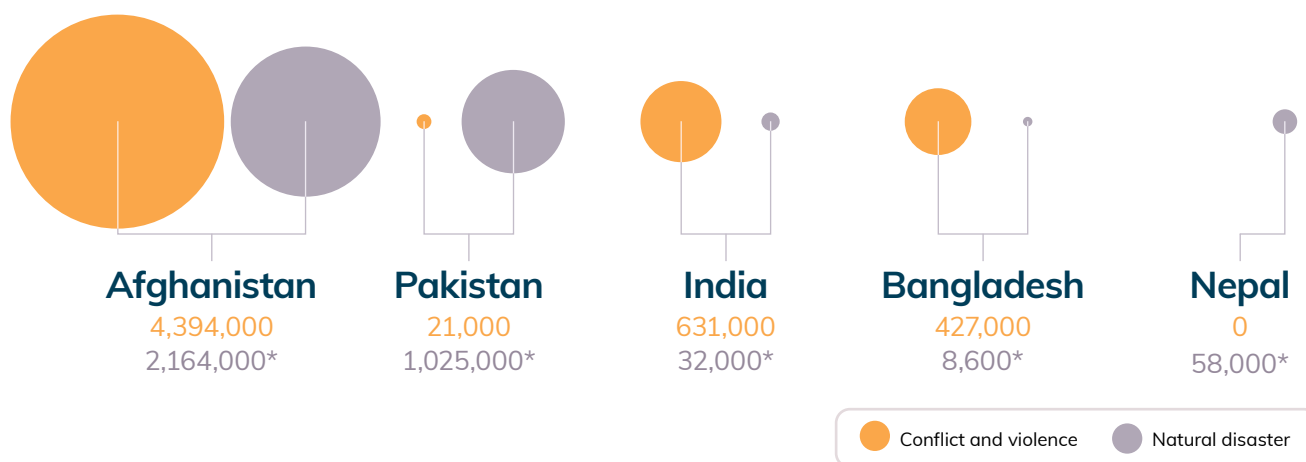
55 World Bank (2023) [Personal remittances, received \(% of GDP\)](#).

56 Mantaring, J.R. (2023) [DMW expects to hit 2-M mark for deployed Pinoy migrant workers this year](#). CNN.

Graphic 2. Total internally displaced at the start of 2023 in South Asia



Five countries with the highest number of IDPs in the South Asia as of end of 2022, as a result of conflict and violence



Source: IDMC [Grid 2023](#).

While labour migration also takes place within Asia, with countries such as Thailand hosting substantial migrant populations from elsewhere in the region, these situations are often not appreciably better for migrant workers: similar patterns of exploitation can occur. In **Malaysia**, for instance, reports emerged in the early months of 2023 of hundreds of Bangladeshis and Nepalis who, having been lured to pay inflated sums to enter the country with the promise of work, found their offers of employment had been withdrawn. Stranded and destitute, their legal status uncertain, many are feared to be at risk of forced labour and coercion. Immigration officials as well as recruiters have been implicated in the scheme.⁵⁷

Conflict and cooperation between sending and receiving countries around labour migration

A number of sending countries have responded to reported incidents of abuse, discrimination and exploitation in receiving countries by imposing blanket bans on their nationals going there. In February 2023, for instance, following the murder of a 35-year-old Filipina maid by the son of her Kuwaiti employer, the **Philippines** imposed a ban on first-time workers travelling to Kuwait,

prompting the latter to suspend work visas from the Philippines in reprisal, on the grounds that this violated a bilateral labour agreement.⁵⁸ Similarly, **Nepal**—itself cautioned by UK authorities in January 2023 for reports of trafficking and extortion fees charged by recruiters there, with one agency charged with a ban on sending workers—issued a ban on its citizens travelling to Dubai or Qatar, following cases of Nepalis finding themselves unable to work on arrival. However, this was criticised by human rights experts as a counterproductive move that could exacerbate the vulnerability of Nepali migrants already based in the countries. Instead, they called for Nepali authorities to engage more meaningfully in providing migrants with pre-departure orientations and awareness raising while working with destination countries to strengthen protections.⁵⁹

With this in mind, some sending countries have focused their efforts on strengthening cooperation with potential receiving countries over safer labour migration. In the case of **India**, the government brokered several agreements with countries including Finland, Italy and Norway to facilitate regular migration for skilled workers. Others have renegotiated existing

57 MMC (2023) [Mixed migration quarterly update: Quarter 2 2023](#).

58 Abuiesh, A. (2023) [Kuwait suspends all work entry visas for Filipinos](#). Al Arabiya.

59 MMC (2023) [Mixed migration quarterly update: Quarter 1 2023](#).

relationships with receiving countries to improve the security of their workers from coercion or mistreatment. **Sri Lanka**, for instance, has been in discussions with the UAE on measures to prevent trafficking, curb exorbitant recruitment fees and provide migrants with temporary insurance if they lose their employment.⁶⁰ Furthermore, in the wake of the trafficking of dozens of Sri Lankan women for sexual exploitation in Oman, the Sri Lankan government also launched a three-month safe labour migration pilot programme in May 2023 to enhance the regulatory oversight of labour recruitment and improve information access for potential migrants.⁶¹

Australia

Australia has long been criticised for its exclusionary approach to refugees and asylum seekers, in particular its controversial offshore processing policy. Re-introduced in 2012, it was initially proposed as a short term “circuit breaker” while Australia strengthened cooperation with key Southeast Asian countries and was supposed to be accompanied by a range of other measures, including an increased humanitarian intake. But while an agreement with regional partners failed to materialise and the humanitarian intake fell rather than rose in the ensuing years, the supposedly temporary component of offshore processing became a centrepiece of Australia’s asylum policy. In June 2023, however, the last remaining refugee on Nauru (where, along with Manus Island in Papua New Guinea until 2016, asylum seekers who arrived irregularly in Australia were held) was removed. Human rights activists, while celebrating this important milestone, drew attention to the lasting impact the policy had had on those detained in facilities there. At least 14 people have died in offshore processing facilities in Nauru and Manus Island since 2012, including by suicide, medical neglect and violence at the hands of prison guards.⁶² Research studies have also confirmed that the experience of incarceration in Nauru has had profound, long-lasting impacts on the physical and mental health of children held there.⁶³

While there have been some recent signs of progress—the Australian government’s announcement in February 2023 that around 19,000 refugees on temporary protection and safe haven visas would be able to apply for permanent residency, for instance, as well as the granting of refugees on permanent visas the right to

apply for family reunification—many problems remain.⁶⁴ The Australian government, far from disavowing its offshore processing policy, will continue to maintain its facilities at a cost of A\$350 million annually as a deterrent strategy. These facilities are now “ready to receive and process any new unauthorised maritime arrivals”.⁶⁵ Furthermore, while pioneered in Australia, the legacy of the offshore processing policy has extended far beyond, serving as a template for other countries such as the UK, where the government is currently proposing to transfer asylum seekers who have entered the country irregularly to Rwanda.⁶⁶

Attention has also focused on the immigration facilities that Australia maintains within its own territory, including its indefinite detention of irregular arrivals in hotels for long periods, with some incarcerated in rooms for two years.⁶⁷ In May 2023, when the average period of detention in the country was 780 days, the UN special rapporteur on torture called for an end to Australia’s use of indefinite detention of asylum seekers and immigrants.⁶⁸ Remarkably, more than five years after its ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Australia is set to become the first OECD country to be sanctioned by the UN for non-compliance due to its failure to allow monitoring and inspection of all its detention facilities.⁶⁹

Seasonal migrant workers from the Pacific to Australia

Labour migration has long been a prominent feature of life in the Pacific. For citizens of its various island states, it has offered a means to adapt to the changing realities of urbanisation, environmental pressures and long-term agricultural decline by seeking employment elsewhere, in particular Australia and **New Zealand**. Both countries, in turn, have growing shortages in key sectors—agriculture and horticulture primarily, though increasingly in other areas such as hospitality and tourism as well—that seasonal migration from the Pacific has helped alleviate. In principle, then, this arrangement offers an array of benefits on both sides, providing Pacific communities with a much-needed source of employment and remittances while plugging vital gaps in the Australian and New Zealander workforce.

60 MMC (2023) [Mixed migration quarterly update: Quarter 1 2023](#).

61 MMC (2023) [Mixed migration quarterly update: Quarter 2 2023](#).

62 Doherty, B. and Gillespie, E. (2023) [Australia to move last refugee from offshore processing on Nauru – but its cruelty and cost are not over](#). The Guardian.

63 Doherty, B. (2023) [Almost 90% of children brought from Nauru suffered physical health problems](#). The Guardian.

64 MMC (2023) [Mixed migration quarterly update: Asia – Quarter 2 2023](#).

65 Doherty, B. and Gillespie, E. (2023) op cit.

66 Doherty, B. (2023) [UN refugee chief condemns Australia's offshore detention regime and slogans like "stop the boats"](#). The Guardian.

67 Doherty, B. (2023) [Australia's use of hotels for immigration detention found to have "devastating" health effects](#). The Guardian.

68 Grieve, C. (2023) [Limitless detention of refugees is inhumane and must end, says UN torture watchdog](#). The Sydney Morning Herald.

69 Menzies, C. (2023) [Australia to become first OECD nation on UN human rights non-compliance list](#). The Jurist.

This mutual dependency has only intensified in the last few years. Pacific nations, for their part, are still reeling from the economic aftershock of the Covid-19 pandemic and the loss of hundreds of thousands of jobs across the region. At the same time, Australia and New Zealand are contending with acute labour shortfalls. As a result, the number of people enrolled in their respective labour migration platforms—the Pacific Australia Labour Mobility (PALM) scheme and New Zealand’s Recognised Seasonal Employment (RSE) programme—has risen sharply.⁷⁰ As labour migration has increased, however, so too have concerns about the sustainability of these programmes for migrant workers and the countries they leave behind. Recent reports on their experiences in both countries have highlighted burnout, discrimination, the collateral effects on wellbeing, health and social relationships, and the frequent economic precarity associated with the nature of their employment, although proposed reforms in Australia to provide a more predictable schedule and consistent income for seasonal workers could help mitigate the last issue.⁷¹

More fundamentally, some commentators have also questioned the supposed benefits of labour migration in its current form. Notwithstanding the lifeline it has provided to migrants and their families, they point to the risk of long-term “brain drain” for Pacific countries. PALM, for instance, while supposedly targeted at low- and semi-skilled workers, is increasingly responsible for the emigration of capable trained workers from areas such as hospitality, education and tourism, leaving shortages in the labour force of their own countries that are proving difficult to fill.⁷² Though the total numbers enrolled in the programmes may seem modest—close to 40,000 enrolled in PALM in Australia and 19,000 RSE workers in New Zealand⁷³—the impact on small Pacific nations can be disproportionate. This is illustrated by the fact that more than a tenth of the male working-age population in Samoa, Tonga and Vanuatu are working on temporary contracts in Australia and New Zealand.⁷⁴ This extraordinary proportion

highlights not only the very significant potential gains for all countries involved, but also the need to interrogate the assumptions and implications of these arrangements to ensure that migrant workers themselves, their communities and their countries all benefit in the long term.

70 Movono, A., Faaiuas, I. and Scheyvens, R. (2023) [Underpaid at home, vulnerable abroad: how seasonal job schemes are draining Pacific nations of vital workers](#). The Conversation.

71 Field, E., Berlage, E., Pavlich, E. and Honeybone, E. (2023) [Pacific farm workers welcome reforms as numbers reach record high](#). ABC News; Barry, K. (2023) [Reaping what we sow: cultural ignorance undermines Australia’s recruitment of Pacific Island workers](#). The Conversation; Movono, A., Faaiuas, I. and Scheyvens, R. (2023) [Underpaid at home, vulnerable abroad: how seasonal job schemes are draining Pacific nations of vital workers](#). The Conversation.

72 Wilson, C. (2023) [Pacific Islands fear brain drain from Australia job scheme](#). Al Jazeera.

73 Movono, A., Faaiuas, I. and Scheyvens, R. (2023) [Underpaid at home, vulnerable abroad: how seasonal job schemes are draining Pacific nations of vital workers](#). The Conversation; Field, E., Berlage, E., Pavlich, E. and Honeybone, E. (2023) [Pacific farm workers welcome reforms as numbers reach record high](#). ABC News.

74 Wilson, C. (2023) [Pacific Islands fear brain drain from Australia job scheme](#). Al Jazeera.

Irresistible policy changes? How labour shortages are forcing migration policy changes in Japan and Australia

Australia and Japan are emblematic of many countries entering a period of considerable change and uncertainty in a context of economic, demographic and social challenges associated with ageing populations, slowing population growth, waning productivity and rapidly-changing technology. As their businesses and industries grapple with critical shortages of skilled and unskilled labour, the economies of such countries would arguably benefit from the greater diversity, innovation and numbers of available workers that more migration would deliver. These pressures are mirrored across OECD member states—which are mostly in the Global North countries—and in the case of Japan and Australia their impact on migration policy is evident.

Australia

Despite its tough and controversial “stop the boats” policy to prevent irregular maritime migration and its much-condemned off-shored detention of asylum seekers, Australia has been something of a world leader in terms of refugee settlement, labour migration quotas and its migrant-based multiculturalism. Migration is central to the modern Australian story: more than half of its citizens were either born outside the country or have at least one parent who was, according to its 2021 census. And although it refuses to accept asylum seekers who arrive at its ports or shores irregularly, in 2020, for the fifth consecutive year, more refugees were formally resettled in Australia than in any other country except Canada and the United States. In per capita terms, only Sweden, Norway and Canada had a more generous resettlement record.¹ However, the total number of refugees taken in by Australia is relatively low as far fewer reach Australia’s borders outside of formal resettlement processes compared to many other countries. The vast majority of the world’s refugees reside in countries of the Global South, and less than one percent of them are offered formal resettlement each year.

In April 2023, the Australian government unveiled a draft migration strategy, describing it as a “once in a generation reform” and a shake-up of an “outdated” and “broken” system, despite Australia being characterised already as a high migration country.² Fuelled by a sense of urgency to “upskill or sink” in the modern economic and employment realities, the proposed changes focus mostly on retaining high-skilled temporary workers and attracting high-potential students.³ Since hermetically sealing its borders during Covid-19, Australia has struggled to find enough skilled and unskilled workers to fill jobs and drive the economy. After Canada, it has the second-biggest skills shortage among the world’s richest countries. In late 2022, a study found that 286 occupations had shortages nationally, nearly double the 153 occupations identified in 2021.⁴ However, the proposed reforms are selective and targeted at offering better long-term options for family reunion, students, people on working holidays and skilled temporary foreign workers who earn A\$70,000 (\$45,000) or more per annum. These reforms open the door slightly to certain categories of migrant but offer few opportunities to most labour or climate-induced migrants, let alone asylum seekers.⁵

Japan

Japan’s recent and tentative migration policy changes are timid compared to those proposed in Australia, but nonetheless dramatic for a highly homogenous country that has been reluctant to admit migrants or refugees at all. Japan’s tight refugee policy spans decades—it has received just 16,150 refugees in the last ten years.⁶ For the last five years at least, under pressure from businesses battling the most serious labour shortage in decades, the government has been gradually relaxing its tough immigration policies.⁷ Like in Australia, almost two years of some of the strictest pandemic border controls in the world halted the expansion of Japan’s foreign workforce and raised new questions about how the country sees the presence of foreigners in its labour market. So

1 ABC News (2021) [Alex Hawke says Australia's resettlement of refugees ranks third-highest globally. Is that correct?](#)

2 Australian Government (2023) [A Migration System for a More Prosperous and Secure Australia – Outline of the Government's Migration Strategy](#); Australian Government (2023) [How Australia broke its migration system, and what we can do to fix it](#).

3 Australian Government (2022) [2022 Skills Priority List Key Findings Report](#).

4 Insider Guides (2022) [Skilled Migration News: Australia's Skill Shortage Has Nearly Doubled from 2021-2022](#).

5 Chang, C. (2022) [Australia needs people to do these jobs. Here's what it could mean for visa opportunities](#). SBS News.

6 NRC (2023) [Global Figures](#).

7 McCurry, J. (2018) [The changing face of Japan: labour shortage opens doors to immigrant workers](#). The Guardian.

hesitant is the government that it does not even want these changes to be regarded as a new “immigration policy” but rather as a temporary adjustment of certain visa rules for selected sectors.

However, demographic reality will have to be reckoned with sooner or later. In 2022, the Japan International Cooperation Agency published a study indicating that the country, which currently has a population of 126 million people, will need 6.74 million foreign workers in 2040, four times more than it has today.⁸ Furthermore, the study suggests that Japan will have trouble attracting so many foreign workers from its preferred region, Asia, because most Southeast Asian nations are expected to be grappling with their own aging and shrinking populations and will thus also, presumably, position themselves (or invest in) attracting migrant workers. The study also assumes Japan will make aggressive investments in labour-saving technologies, but without such investments, the need for foreign labour could rise to 21 million workers by 2040. The working-age population in Japan is already declining and is expected to do so more rapidly from 2027, with serious implications for the economy unless migrant workers meet the labour shortfalls.⁹ Under legislative amendments enacted in 2019 (and updated since), the government planned to accept 345,000 foreign workers within five years, but it is not clear whether they have yet met these targets.¹⁰ Even if they do, the relaxation—like in Australia—applies primarily to high-skilled workers, preferably from Asian countries, with limited and more temporary applicability to low- and medium-skilled workers. Besides, even at a rate of nearly 350,000 coming in every five years, Japan will reportedly still be short of at least 5.5 million foreigners workers.¹¹ Japan’s openness to asylum seekers remains highly limited therefore and doesn’t answer the question how Japan, Australia, and other countries with similar predicted labour shortages plan to bridge the gap going forward.

8 Obe, M. (2022) [Japan to require four times more foreign workers, study says](#). *Nikkei Asia News*

9 De Wei, L. & Katanuma, M. (2023) [Japan to face 11 million worker shortfall by 2040, study finds](#). *Bloomberg*.

10 Rehm, M.X. (2022) [What Will Japan's Great Reopening Mean for Immigration Policy?](#) *The Diplomat*

11 *Ibid.*

Beyond dichotomies: Bangladesh's complex migration landscape

For many of the millions who migrate from Bangladesh, the distinction between “regular” and “irregular” is far from clear cut and people may move from the former to the latter category without even realising it. And although exploitation is commonly associated exclusively with irregular journeys, many Bangladeshis departing their country along legal pathways may also find themselves subjected to a range of abuses.

By Ashraful Azad¹ & Jennifer Vallentine²

Introduction

Bangladesh represents the sixth-largest migrant sending country in the world, with more than 7.4 million of its citizens—roughly 4.4 percent of the total population—residing overseas.³ Even after a decade of rapid economic development, migration remains a pillar of the country's economy, thanks in large part to remittances sent home from citizens abroad, which have topped \$20 billion—or about five percent of GDP—annually for the past three years.⁴ Simultaneously the country is experiencing rapid urbanisation and internal migration, while it also plays host to one of the largest refugee populations in the world, sheltering nearly one million Rohingya from Myanmar in makeshift settlements around Cox's Bazaar.⁵

For the most part, migration from Bangladesh is primarily regular in nature, with large numbers pursuing temporary and lower-skilled labour mobility pathways to countries in the Gulf, a trend that gained momentum after the 1970s oil boom.⁶ Other notable destinations encompass countries in Southeast Asia, including Malaysia and Singapore, to where growing numbers of Bangladeshis travel to work in key industries such as palm oil, manufacturing and the service sectors.⁷ Some skilled labour and student migration occurs towards the

Global North, although these avenues are limited and reserved for those from primarily affluent families.

Alongside these established regular pathways exist well-travelled irregular migration routes from Bangladesh.⁸ Historically, these routes have included cross-border movements from Bangladesh to India, irregular maritime journeys from Bangladesh to Malaysia, Indonesia and onward to Australia, and routes into the Gulf states.⁹ More recently, however, increasing numbers of Bangladeshis have been seen along mixed migration routes to Europe, including the Central Mediterranean Route through Libya and onward towards Italy, as well as (to a lesser extent) the Eastern Mediterranean route and the Balkans Route.¹⁰ Across the Atlantic, Bangladeshis are also more prevalent on routes crossing from Central into North America.¹¹ Yet, while the phenomenon of irregular migration among Bangladeshis is relatively common, there is still much that is unknown about these movements.

Regardless of whether Bangladeshis migrate regularly or irregularly, there are consistent and cross-cutting themes that shape many migration experiences. These include a heavy reliance on well-established networks of informal intermediaries and the pervasive exploitation that permeates the experience of most Bangladeshis.¹² These

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- 2 Jennifer Vallentine specialises in migration and refugee rights issues with a focus on Asia and the Pacific and the Middle East.
- 3 IOM (2021) [World grows with 281 million migrants; Bangladesh is the 6th largest migrant sending country](#); IOM (2022) [World Migration Report 2022](#).
- 4 Statista (2023) [Value of remittances received in Bangladesh from 2013 to 2022](#); World Bank (2023) [World Bank staff estimates based on IMF balance of payments data, and World Bank and OECD GDP estimates](#).
- 5 Alam, M. Z. & Al Mamun A. (2022) [Dynamics of internal migration in Bangladesh: Trends, patterns, determinant, and causes](#). UNHCR (2023) [Operational data portal: Bangladesh](#).
- 6 Bossavie, L. (2023) [Low-skilled temporary migration policies: The case of Bangladesh](#).
- 7 Siddiqui, K. [Is Malaysia becoming the first choice for Bangladesh workers?](#) The Business Standard.
- 8 IOM (2021) [DTM Bangladesh – Bangladeshi Migrants in Europe 2020- A Multiple Source Snapshot](#).
- 9 Azad, A. (2020) [Crossfire and criminal cases: How Bangladesh's counter-trafficking actions changed the game for migrants and refugees in Southeast Asia](#) UNSW Sydney.
- 10 IOM (2021) [DTM Bangladesh – Bangladeshi Migrants in Europe 2020- A Multiple Source Snapshot](#); Islam, A. (2022) [Why do many Bangladeshi migrants take irregular routes to Italy?](#) InfoMigrants.
- 11 Deb Kanunja, A. (2023) [Bangladeshi migrants trying to reach America for a fortune](#). InfoMigrants.
- 12 González Morales, F. (2023) [Report of the Special Rapporteur on the human rights of migrants](#). UNHCR; UN (2023) [Bangladesh must boost regulation of migrant recruitment: UN expert](#).

factors, among others, mean that the lines between the categories of irregular and regular migration are often blurred, with a level of fluidity existing between migration statuses. For many Bangladeshi migrants, even when journeys commence through regular channels, they can quickly devolve knowingly or unknowingly into irregularity due to a variety of factors, such as protracted legal processes, visa expirations, deception by unscrupulous intermediaries and generally changing circumstances.

This essay explores the phenomenon of irregular migration among Bangladeshi migrants, while also unravelling the common threads that weave together both regular and irregular migration out of the country.

Drivers of outward migration from Bangladesh

Migration from Bangladesh is driven by a complex interplay of factors. A significant driving force is systemic inequalities which, despite consistent improvements in the country's Human Development Index ranking in recent years, has meant that many Bangladeshis have not reaped the benefits.¹³ Access to meaningful employment opportunities and to essential services such as education, healthcare and other basic amenities remains a challenge, particularly for women.¹⁴ As a result, in 2022, almost one million Bangladeshis opted to seek opportunities abroad, where improved living conditions, higher wages and brighter futures for themselves and their families are eagerly anticipated.¹⁵

Adding to this complexity is Bangladesh's mounting vulnerability to the adverse effects of climate change, including frequent and devastating natural hazards such as cyclones, floods and rising sea levels.¹⁶ These challenges are increasingly disrupting traditional livelihoods and rendering some regions less habitable. The resulting urbanisation is also likely adding to increasing pressure on resources in city centres, which may lead some people to give more consideration to migration as a longer-term survival strategy.¹⁷

While Bangladesh has experienced the political instability that is common among many post-colonial countries in the Global South, it is primarily considered a "safe country", resulting in very few Bangladeshis being

recognised as refugees in countries of asylum. Those who do claim asylum abroad include opposition activists targeted by the ruling Awami League party, which has been accused of carrying out extrajudicial killings and forced disappearances, as well as LGBTQI+ activists and atheist bloggers who have been subject to violent attacks by fundamentalist groups due to their allegedly defamatory comments against Islam.¹⁸

An overview of irregular migration from Bangladesh

While the majority of migration from Bangladesh is regular in nature, there exist well-established and increasingly popular irregular migration routes out of the country that span the globe. These routes facilitate access for Bangladeshis to temporary labour migration in neighbouring countries, as well as locations within Southeast Asia and the Gulf states. Many who use these routes do so in the hope of fulfilling dreams of longer-term residency and eventual citizenship in countries in the Global North.

Irregular migration within Asia and the Gulf States

In 1947 the British government, through Partition, arbitrarily divided millions of families and communities in the Indian subcontinent with the creation of what is now the Islamic Republic of Pakistan and the People's Republic of Bangladesh, leading to a relatively porous border between Bangladesh and India. Irregular crossings over this border have become common, mostly by people living in the border regions, many of whom engage in lower-skilled seasonal labour migration.¹⁹ In recent decades, however, Hindu nationalist governments in India have increasingly sought to politicise the issue of irregular migration from Muslim-majority Bangladesh to India.²⁰ This has involved imposing violent border restrictions, including erecting thousands of miles of barbed wire fences and shooting those who try to cross.²¹ Because of these sensitivities, there are no reliable estimates of the number of migrants, and Hindutva leaders often dramatise the scale of the phenomenon in political speeches.²²

Within Southeast Asia, it is estimated that tens of thousands of Bangladeshis reside in Malaysia with

13 Liller, S. (2022) [Human Development Report 2021-22: Takeaways for Bangladesh](#). UNDP Bangladesh.

14 Ibid.

15 González Morales, F. (2023) [Report of the Special Rapporteur on the human rights of migrants](#). UNHCR.

16 Aljazeera (2021) ['Great distress': Bangladesh bears brutal cost of climate crisis](#).

17 Alam M. Z. & Al Mamum A. (2022) op cit. PLoS One.

18 Islam, A. (2021) [Hundreds of Bangladeshi asylum seekers in Germany fear deportation](#). InfoMigrants; Human Rights Watch (2021) ["Where No Sun Can Enter" a Decade of Enforced Disappearances in Bangladesh](#); Felden, E. & Islam, A. (2017) [An atheist blogger's tragic tale](#) Deutsche Welle.

19 Etzold, B. & Mallick, B. (2015) [International Migration from Bangladesh](#). Bundeszentrale für politische Bildung.

20 Ghosh, S. (2019) ["Everything Must Match": Detection, Deception, and Migrant Illegality in the India-Bangladesh Borderlands](#). AnthroSource.

21 Human Rights Watch (2010) ["Trigger Happy" Excessive Use of Force by Indian Troops at the Bangladesh Border](#).

22 Ghosh, S. (2019) ["Everything Must Match": Detection, Deception, and Migrant Illegality in the India-Bangladesh Borderlands](#). AnthroSource.

irregular status.²³ While many enter regularly before slipping into this irregularity, maritime routes have historically facilitated irregular entries into Malaysia, including of Bangladeshis. Over in the Gulf, Bangladeshis also constitute a significant number of the irregular migrants in Saudi Arabia, as well as in Oman and the United Arab Emirates.²⁴

Irregular migration to Europe

Regular migration pathways to the Global North are limited for most Bangladeshis, with only the more affluent in a position to pursue skilled-labour and student visas. As a result, irregular migration routes to countries in Europe and North America have also been increasing in popularity in recent years.

In 2022 the number of Bangladeshis arriving in Europe (16,487), more than doubled compared to 2021.²⁵ Both this year to date, as well as in 2022, Bangladeshis were the fifth most common nationality of arrivals to Europe along mixed migration routes.²⁶ Smugglers along these routes also reportedly offer Bangladeshis assistance to find employment in destination countries, sometimes resulting in situations of extreme exploitation and often blurring the distinctions between smuggling and trafficking.²⁷

The Central Mediterranean Route, via Libya, is the most frequented irregular route into Europe among Bangladeshis. In 2022, 15,228 Bangladeshis reached Italy by sea, making up approximately 14 percent of all arrivals in Italy (up from five percent 2019), and representing the third most common nationality to enter Italy.²⁸ As of December 2022, there were also 21,653 migrants from Bangladesh in Libya, some of whom will be en route to Europe, with over 2,000 having been detained in horrendous conditions throughout the year.²⁹

According to IOM, the majority of Bangladeshis moving through Libya on the Central Mediterranean route previously transit countries such as Türkiye and the UAE, with lesser numbers travelling through Egypt or directly from Bangladesh itself.³⁰ Almost all Bangladeshis in Libya (93 percent) report having travelled via air to

get there, with the average cost paid to smugglers for reaching Italy exceeding \$8,000—twice the amount they would have to pay to migrate as temporary workers through regular pathways to countries like Malaysia.³¹ Anecdotal evidence also indicates that the cost of irregular migration into Europe can be much higher, with upwards of €16,000 reportedly paid by some.³²

However, unlike most Bangladeshis pursuing temporary labour migration within Asia and the Gulf states, Bangladeshis who migrate irregularly to Italy are often looking in the longer-term to regularise their stay and secure permanent residency.³³ Italy, a country with perceived relative openness to foreigners, has the largest population of Bangladeshis in Europe—around 150,000—many of whom work in the agriculture, shipbuilding and small business sectors.³⁴ Bangladeshis interviewed by journalists have indicated these are some of the factors which inform their decision-making around Italy as their intended destination.³⁵

Alongside the Central Mediterranean route, smaller numbers have been recorded arriving in Europe through the Western Mediterranean and Western Balkans routes.³⁶

Irregular migration to North America

Comparatively less is known about the irregular migration of Bangladeshis through Latin America and towards the US and Canada. Existing research indicates that arrivals of refugees and migrants from Asia, particularly from Bangladesh, India, Pakistan and Nepal, have increased since 2016.³⁷ There are no clear figures for the number of Bangladeshis irregularly entering the US via Latin America. However, in January 2023, eight percent of entries in Panama via Darién Gap region were from Asia, including from Bangladesh.³⁸

Anecdotal reports indicate that many irregular journeys towards North America involve protracted transit and periods of involuntary immobility where migrants arrange and finance the next section of their journey.³⁹ Transit locations for journeys to Latin America by

23 UNODC (2018) [Migrant Smuggling in Asia and the Pacific: Current Trends and Challenges](#).

24 Ibid.

25 IOM (n.d.) [Europe Arrivals | Displacement Tracking Matrix](#).

26 Ibid.

27 Islam, A. (2022) [Why do many Bangladeshi migrants take irregular routes to Italy?](#) InfoMigrants.

28 IOM (2023) [Libya – Migration from Bangladesh to Italy via Libya](#).

29 IOM (2023) [Libya – Migration from Bangladesh to Italy via Libya](#); UNHRC (2023) [Libya: Urgent action needed to remedy deteriorating human rights situation](#), UN Fact-Finding Mission warns in final report.

30 IOM (2023) [Libya – Migration from Bangladesh to Italy via Libya](#).

31 IOM (2023) [Libya – Migration from Bangladesh to Italy via Libya](#); MMC (2023) [Quarterly Mixed Migration Update: Asia and the Pacific, Quarter 1](#).

32 Islam, A. (2022) [Why do many Bangladeshi migrants take irregular routes to Italy?](#) InfoMigrants.

33 MMC. [Quarterly Mixed Migration Update: Asia and the Pacific, Quarter 1](#).

34 Islam, A. (2022) [Why do many Bangladeshi migrants take irregular routes to Italy?](#) InfoMigrants.

35 Islam, A. (2022) [Why do many Bangladeshi migrants take irregular routes to Italy?](#) InfoMigrants.

36 IOM (n.d.) [Europe Arrivals | Displacement Tracking Matrix](#).

37 Tines, T. (2021) [Getting it together: Extra-regional migration in South, Central and North America and the need for more coordinated responses](#). Mixed Migration Centre.

38 Mixed Migration Centre (2023) [Quarterly Mixed Migration Update: Latin America and the Caribbean, Quarter 1](#).

39 Deb Kanunjna, A. (2023) [Bangladeshi migrants trying to reach America for a fortune](#). InfoMigrants.

Bangladeshis include the UAE and countries in Africa, including Ethiopia, Ghana and the Gambia.⁴⁰ Entry to Latin America is usually via air to Brazil where onward travel is facilitated by local smugglers and can involve a mix of plane, road and boat travel to North America.⁴¹ The costs for these journeys are reportedly high, ranging from €16,000 to €33,000, according to one source.⁴²

Irregular vs regular: blurred lines and commonalities

The complexity and extent of Bangladeshi movements result in many journeys incorporating both regular and irregular components. Certain countries, such as the UAE, with relatively relaxed temporary and transit visas for Bangladeshis, serve as launchpads for irregular journeys to European and North American destinations.⁴³ Notably, Dubai already serves as a major hub for Bangladeshi migrant workers, offering plenty of social support for the temporary stay of those journeying further afield. These longer journeys towards the Global North are far from straightforward, with no guarantee of reaching intended destinations. Consequently, many Bangladeshis find themselves stranded in transit, sometimes deceived and/or deserted by their agents, leading to a limbo of irregular status.⁴⁴

The common practice of using counterfeit and fraudulent documents arranged by intermediaries in Bangladesh or en route also precipitates irregular movements. And while journeys may start with travel on valid passports, they may later involve the use of fake documents to cover one or more specific segments.⁴⁵

The fluidity of migrants' statuses after arrival in destination countries also underscores these complexities. Migrants who initially arrive through regular pathways can transition into irregular status, albeit sometimes unknowingly, as arrangements for their visas and/or work permits are often made by intermediaries or employers. Even when migrants arrive and live in a destination country possessing a valid visa, irregularity may also derive from engagement in informal work or work in sectors that are not among those permitted by their visas.

In addition to the fluidity between regular and irregular migration among Bangladeshis, there are also major commonalities in the experiences of Bangladeshis across the migration spectrum. Chief among them are a reliance on informal intermediaries or smugglers and—often consequently—a widespread subjection to extreme exploitation.⁴⁶

Reliance on intermediaries within Bangladesh

The sheer volume of Bangladeshis pursuing labour migration opportunities abroad has spawned a complex market of private recruitment agencies.⁴⁷ The Bangladeshi government requires these agencies to register with the Bangladeshi Association of International Recruitment Agencies in order to regulate the market. However, as migration agents and recruitment agencies are primarily located in major cities, and thus inaccessible to the majority of migrants coming from rural areas, they rely heavily on middlemen or informal brokers, locally known as *dalals*.⁴⁸ As well as linking migrants with registered agents and recruitment agencies, some *dalals* also provide a “full package” of other services themselves, including passport applications, health checks, emigration clearances, airport transfers and advising on pre-departure formalities. In some cases, they may also help migrants secure a loan from formal or informal moneylenders to finance their journeys.

Dalals operate informally outside of the regulatory framework, with most migrants who use them unaware that they are officially migrating under the aegis of an entirely different (licensed) agent.⁴⁹ As both regular and irregular migration from Bangladesh is intertwined with the activities of these informal brokers, a significant part of *legal* migration processes involves irregular and informal practices.

Along with facilitating regular migration, *dalals* may also directly facilitate irregular migration to, for example, Europe, North America, the Gulf States and Malaysia. The facilitation of irregular migration across multiple international borders requires sophisticated, transnational collaboration between licensed agents, informal brokers and corrupt government officials at home and abroad.⁵⁰ Given these dynamics, it is no

40 Tines, T. (2021) [Getting it together: Extra-regional migration in South, Central and North America and the need for more coordinated responses](#). Mixed Migration Centre; Deb Kanunjna, A. (2023) [Bangladeshi migrants trying to reach America for a fortune](#). InfoMigrants.

41 Tines, T. (2021) [Getting it together: Extra-regional migration in South, Central and North America and the need for more coordinated responses](#). Mixed Migration Centre.

42 Deb Kanunjna, A. (2023) [Bangladeshi migrants trying to reach America for a fortune](#). InfoMigrants.

43 UNODC (2018) [Migrant Smuggling in Asia and the Pacific: Current Trends and Challenges](#).

44 Ibid.

45 Ibid.

46 Ibid.

47 González Morales, F. (2023) [Report of the Special Rapporteur on the human rights of migrants](#). UNHCR.

48 Imam, H. & Munier, A. (2018) [Mapping of Labour Migration Recruitment Practices in Bangladesh](#). IOM.

49 Azad, A. (2018) [Recruitment of Migrant Workers in Bangladesh: Elements of Human Trafficking for Labor Exploitation](#). Journal of Human Trafficking.

50 Azad, A. (2022) [Migrant Agency in the Global South: The Movements of Rohingya in Myanmar, Bangladesh and Malaysia](#). UNSW Sydney.

surprise that Bangladesh is consistently perceived as being among the most corrupt countries in the world.⁵¹

Exploitation in Bangladesh

Due to this combination of informality, a lack of regulation and high levels of corruption, exploitation resulting from the practices of intermediaries within Bangladesh is frequent.⁵² *Dalals* commonly charge exorbitant fees—as high as \$3,000 per migrant—⁵³ to provide access to regular work opportunities abroad. Fees are even higher for irregular journeys spanning greater distances, which opens the door to exploitation even prior to departure from Bangladesh. To fund these exorbitant costs, prospective migrants may have no option but to sell their property or to take out unsustainable loans that often lead to situations of debt bondage whereby, once they reach a destination country, the majority of their earnings go to servicing their debts.⁵⁴

Furthermore, according to Bangladeshi law, recruitment agencies are also responsible for procuring work permits from employers in destination countries. In most cases, the prospective employer is supposed to cover various migration costs, such as airfares and visa fees. However, in practice, especially concerning migration to the Gulf states, this is seldom the case, as such costs are illegally passed on to migrants.⁵⁵ Agencies also engage in “visa-trading”, competing amongst themselves to “buy” work permits before “selling” them on to migrants at inflated prices.⁵⁶ Consequently, many Bangladeshi migrants arrive in destination countries to find themselves working for a totally different employer to what they had expected, under a suite of exploitative pre-determined conditions that leave them receiving little, if any, of their pay.⁵⁷

As a result of this exploitation, intermediaries within Bangladesh often carry negative connotations. However, despite this, at a societal level, intermediaries are perceived to provide a necessary function within the migration landscape of Bangladesh. This is rooted in the recognition that there exist both “good” brokers who genuinely assist migrants to achieve their migration goals, as well as “bad” brokers who seek to exploit them.

Exploitation in destination countries

Experiences of exploitation and abuse follow Bangladeshi migrants through transit and into destination countries

with frequent reports of physical abuse, excessive work hours, wage theft and unsafe working conditions tantamount to modern-day slavery.⁵⁸ Specifically across the Middle East, Bangladeshis, alongside other migrant workers, live under the exploitative *kafala* system, which attaches migrants’ work permits and visas to their local sponsor, or *kafeel*, who is usually their employer.⁵⁹ Under this system, migrants must work for a particular *kafeel* for the whole duration of their visa’s validity period, meaning that it is virtually impossible to leave an employer, even if the employer is exploitative or abusive. Any complaint against the employer may lead to job loss, irregularity, then arrest and deportation. This is particularly concerning for Bangladeshi female domestic workers, who often live in isolation at their employer’s residence, where they may face a range of exploitations, including restrictions on their movements and confiscation of their passport, as well as physical and sexual violence.⁶⁰ Moreover, domestic workers are not covered by labour laws in many countries in the Middle East, leaving them even more vulnerable to exploitation.⁶¹

Understanding the common experiences of exploitation across the migration spectrum is important, given that exploitation is often viewed as a phenomenon specific to irregular migration. As detailed above, in the context of Bangladesh, exploitation is in fact more generalised, with many migrants finding themselves in exploitative conditions despite having undertaken regular migration journeys. The pervasiveness of exploitation counters widely held assumptions that regular migration automatically guarantees increased protections for migrants and reinforces the need for additional protective mechanisms.

Efforts to address exploitation fall short

In recognition of the prevalence of unscrupulous migration practices within Bangladesh, the government has taken certain regulatory steps, with a particular focus on recruitment procedures. Domestically, legislative measures, such as the Overseas Employment and Migrants Act 2013, have been established to safeguard the rights of migrants and regulate key actors, including

51 Transparency International (2022) [Corruption Perceptions Index](#).

52 Azad, A. (2018) [Recruitment of Migrant Workers in Bangladesh: Elements of Human Trafficking for Labor Exploitation](#). Journal of Human Trafficking.

53 UNHRC (2023) [Report of the Special Rapporteur on the human rights of migrants](#).

54 Business & Human Rights Resource Center (2023) [Malaysia: Bangladeshi migrant workers subject to ‘forced labour and abuse’, alleges Free Malaysia Today article series](#).

55 Imam, H. & Munier, A. (2018) [Mapping of Labour Migration Recruitment Practices in Bangladesh](#). IOM.

56 Siddiqui, K. (2022) [Illegal ‘visa trading’ augments migrants’ woes](#). The Business Standard.

57 UNHRC (2023) [Report of the Special Rapporteur on the human rights of migrants](#).

58 Ibid.

59 Médecins Sans Frontières (2023) [Migrant workers abused and ignored under the Kafala system](#).

60 Amnesty International (2021) [End Kafala: Justice for migrant domestic workers in Lebanon](#).

61 International Labour Organization (2021) [Making decent work a reality for domestic workers in the Middle East: Progress and prospects ten years after the adoption of the ILO Domestic Workers Convention, 2011 \(No. 189\)](#).

intermediaries and recruitment and migration agents.⁶² Other efforts have included the vigorous implementation of the Human Trafficking Act 2012, which has been used to combat the influence of informal intermediaries who facilitate irregular maritime migration to destinations such as Malaysia.⁶³ However, some believe these actions have been motivated by external pressures from other countries looking to curb irregular migration to their borders.⁶⁴

Outside the jurisdiction of Bangladesh, a noticeable gap exists in frameworks to protect Bangladeshis, particularly in destination countries. While bilateral agreements have been forged between Bangladesh and receiving countries, they seldom result in a decrease in the number of reported abuses abroad, especially throughout the Middle East.⁶⁵ While diplomatic endeavours to advocate for protections for migrants in destination countries continue, they often fall significantly short. This can be attributed, in part, to concerns that excessive pressure on destination countries may be too risky, resulting in reduced demand for migrants amidst competition from other sending countries.

Conclusion

Bangladesh has emerged as a significant source of international migrants, with millions seeking better opportunities abroad, predominantly as temporary labour migrants in the Gulf States and Southeast Asia and, more recently, as students, skilled workers and asylum seekers in the Global North.

The complex landscape of migration from Bangladesh reveals a multifaceted interplay between regularity and irregularity, driven by economic, social and political factors. While the majority of migrants follow regular channels, irregular migration is still pursued by many. Moreover, the distinction between regular and irregular migration is often blurred as migrants move between categories along their journeys and in destination countries, sometimes unknowingly.

Systemic exploitation, perpetuated by informal recruitment processes, the reliance on intermediaries, a culture of impunity, corruption and a lack of legal protections, prevails in many Bangladeshis' migration experiences, be they regular or irregular. This highlights the need for comprehensive migration governance that takes into account the vulnerability of migrants across the migration spectrum, as well as the importance

of acknowledging the broader context of informality and corruption that underpins much of Bangladesh's migration processes.

In Bangladesh, fertility and poverty rates have fallen dramatically in recent decades, contributing to a 66.5 percent increase in the country's Human Development Index value between 1990 and 2021.⁶⁶ But these improvements are offset by growing income inequality and inflation which reduce the benefits experienced by many of the country's 170 million inhabitants.⁶⁷ These challenges are compounded annually by multiple extreme weather events linked to climate change, to which Bangladesh is the seventh most vulnerable country in the world.⁶⁸ The impacts of these events, such as potentially catastrophic levels of land loss in low-lying areas, erosion, flooding, cyclones and intolerable temperatures, are likely to exacerbate migratory pressures. Unlike in some larger, more geographically diverse climate-affected countries, there are few options in Bangladesh for internal migration, not least because of the poor economic prospects in high-density urban centres ill-equipped to sustainably accommodate large numbers of people displaced from rural areas. For many, cross-border movement to nearby countries and, for those who can afford it, countries further afield will likely become an even more essential lifeline. What we have seen to date is likely only a foretaste of what we can expect in the coming years.

62 Parliament of the Peoples' Republic of Bangladesh (2013) [Overseas Employment and Migrants Act 2013](#).

63 Azad, A. (2020) [Crossfire and criminal cases: How Bangladesh's counter-trafficking actions changed the game for migrants and refugees in Southeast Asia](#). UNSW Sydney.

64 Ibid.

65 UNHCR (2023) [Report of the Special Rapporteur on the human rights of migrants](#).

66 UN (2022) [Specific country data: Bangladesh](#). Human Development Reports.

67 Bhowmick, S. (2023) [A Troubling Economic Trajectory in Bangladesh](#). Observer Research Foundation.

68 Al Amin, M. (2021) [Bangladesh remains 7th most vulnerable to climate change](#); Climate Reality Project (2021) [How The Climate Crisis Is Impacting Bangladesh](#).



Migration between China and Africa: a path of legal precarity vs mutual benefits¹

By Ting Zhang²

Introduction

Beyond the surface of news headlines, China-Africa relations encompass more than mere state-to-state interactions; they also cover the dynamic movements of people between these two regions. While accurate data is limited, estimates suggest that around 1-2 million Chinese migrants reside in Africa and 500,000 African migrants are in China.³

Following China's *Going Out Policy* in the 2000s and the launch of the Belt and Road Initiative in 2013, Chinese migration to Africa has accelerated. These migrants not only include employees of state-led companies but also entrepreneurs seeking opportunities in relatively underdeveloped African markets. In fact, a 2017 study found that 90 percent of Chinese firms in Africa are privately owned.⁴

Likewise, entrepreneurial Africans have flocked to China, drawn by the prospect of amassing wealth through the lucrative export business. "We see China as a place of opportunity, that is why we, African youths, come in masses to China," Tony, a 28-year-old Mozambican who arrived in Guangzhou for the first time in April 2023, told this researcher. "My main goal is to source electronics at favourable prices to resell back in Mozambique for a profit."

Legal barriers and xenophobia

Despite growing migration flows between China and Africa, little progress has been made in advancing effective cross-border migration policies. Furthermore, both China and African countries have weak or unstable legal frameworks for migration. The Forum on China-Africa Cooperation (FOCAC), a prominent platform for Sino-African government coordination, has acknowledged the importance of enhancing people-to-

people exchanges facilitated by trade in its Dakar Action Plan.⁵ However, a review of joint statements reveals no mention of calls for improved policies to facilitate business and labour migration.

As a result, migrants who face difficulties in securing stable legal status often adopt transient migration patterns or end up in precarious legal situations. In China, there is a scarcity of non-employer-based visas for aspiring residents. African businesspersons are commonly granted 30-day visas, necessitating frequent border crossings for visa renewals. Obtaining Chinese permanent residency is challenging for foreigners, with only an average of a few hundred granted annually.⁶ Consequently, some migrants may overstay or operate within legal grey areas by relying on relatively longer-term temporary visas. For example, there is a trend among African migrants in China to enter the country using student visas, ostensibly for educational purposes, while in fact engaging in business ventures.

In Africa, the presence of bureaucratic backlogs and corrupt migration management practices presents significant challenges. Chinese workers in countries like Kenya often encounter substantial delays in obtaining work permits, compelling them to engage in economic activities using three-month tourist visas. This practice is also common among other nationality groups. Others may overstay their visas, with estimates indicating that as many as one-third of Chinese nationals in Zambia overstayed their authorised visa duration.⁷

In addition, both migrant groups may employ tactics such as offering bribes or evading authorities to secure legal status or avoid deportation. These practices underscore the difficulties faced by migrants as they strive to seize

- 1 This essay is one of this year's Mixed Migration Review Alternative perspectives prize winners – representing academics, writers, and analysts under the age of 30 who are from and based in the Global South. See footnote 1, [page 59](#) for more details.
- 2 Ting Zhang is a strategy consultant and migration specialist with experience researching and advising on forced displacement and labour migration affairs. She is a part of the People on the Move Initiative at the Global Development Incubator.
- 3 Hairong, Y. (2020) [The truth about Chinese migrants in Africa and their self-segregation](#). Quartz; Cissé, D. (2021) [As Migration and Trade Increase between China and Africa, Traders at Both Ends Often Face Precarity](#). Migration Policy Institute.
- 4 Yuan Sun, I., Jayaram, K. & Kassiri, O. (2017) [Dance of the lions and dragons - How are Africa and China engaging, and how will the partnership evolve?](#) McKinsey&Company.
- 5 Forum on China-Africa Cooperation (2021) [Forum on China-Africa Cooperation Dakar Action Plan \(2022-2024\)](#).
- 6 Tian, L. (2022) [Is China moving to loosen permanent residency criteria for foreigners?](#) CGTN.
- 7 Harley, L. (2019) [African Countries Relax Short-Term Visa Policies for Chinese in Sign of Increased Openness to China](#). Migration Policy Institute.

opportunities while simultaneously seeking stability and security within the limitations of existing migration policies and migration management structures.

Apart from legal challenges, migrants on the fringes of the legal system also face xenophobia. In China, irregular migrants are often targeted as a source of social instability, resulting in negative repercussions for African migrants. At the height of the coronavirus pandemic, the African community in Guangzhou was unjustly blamed for the spread of Covid-19 leading to evictions and bans on entering public spaces.⁸ Similarly, in parts of Africa, there is support for the revocation of business rights and the deportation of Chinese nationals. Allegations include illegal competition with local businesses and operations of business activities without valid permits.⁹ News and social media may further fuel the spread of hate speech and discrimination. If left unaddressed, these animosities will lead to a vicious cycle, which could even escalate to diplomatic disputes and strain state-to-state relations.

A way forward: how China and African nations can benefit from facilitative migration

Well-managed migration policies can bring mutual benefits for both China and Africa. On the national level, China aims to spread its soft power in regions of interest, and Africa is high on the list. China has set up 61 Confucius Institutes—learning centres designed to promote Chinese language and culture—in 46 African countries.¹⁰ In addition to enhancing soft power by exporting Chinese culture, China should facilitate regular migration channels for entrepreneurial Africans to access business and trade opportunities in China. In turn, these individuals may become cultural and economic ambassadors for China in their respective nations.

Furthermore, facilitative migration policies may be a practical solution to address China's eminent labour gap. Currently, China is experiencing a demographic decline with its working-age population projected to decrease by half within the next 45 years.¹¹ Africa, on the other hand, is experiencing a youth boom and is expected to have more than 40 percent of the world's global youth population by 2030.¹² Although the population decline in China is not yet a demographic crisis, a long-term vision needs to be applied. So far, China has focused

on domestic policies to incentivise childbirth but these policies have generated limited success.¹³ Much like its neighbour Japan—already amid a demographic crisis and struggling to increase birth rates—China is a racially homogeneous society with limited inclination for change. However, driven by necessity, Japan has taken measures to boost immigration by expanding its labour migration programs.¹⁴ China can learn from Japan's experience and consider implementing similar measures to address its own demographic challenges.

On the other hand, while African governments are increasingly liberalising visa regimes for Chinese visitors engaged in short-term visits and tourism, there is little evidence of direct efforts to facilitate cross-border labour migration schemes.¹⁵ It is noteworthy that African countries play a dual role as both major sources and recipients of migrants. While intra-continental migration constitutes the majority, it is undeniable that Chinese nationals form one of the largest extra-continental migrant groups in Africa. In addition to establishing migration agreements, such as skills partnerships, with conventional migrant-receiving nations in the Global North, African governments should also reassess their visa policies to create an environment conducive to attracting Chinese skilled migrants into Africa. This would facilitate the transfer of skills, technology and financing, thereby fostering economic growth.

Moreover, while there is a popular perception that China primarily exports its domestic labour to its African-based projects, a 2017 survey revealed that nearly 90 percent of employees in Chinese firms in Africa were African.¹⁶ However, the representation of African employees decreases moving up the management hierarchy. To address skills mismatch and foster local workforce development, skilled migrant workers can facilitate the transfer of hard skills to the African workforce. Training and education to local workers can be provided either through private company channels or through Chinese state-sponsored technical and vocational education and training (TVET) centres in Africa, such as the Luban Workshops.

In addition to the need for hard skills, Chinese firms abroad also place importance on soft skills, including proficiency in Chinese, understanding of Chinese culture, and the ability to collaborate with Chinese partners. Despite the significant growth of Africans as the largest foreign student group in China, increasing 40-fold in

8 Al Jazeera (2020) [African nationals 'mistreated, evicted' in China over coronavirus](#).

9 Miriri D. (2023) [Kenyan traders protest against Chinese competitor's cheap prices](#). Reuters.

10 Ministry of Foreign Affairs of the People's Republic of China (2022) [Chargé d'Affaires Mr. Chen Xufeng Publishes a Signed Article Titled Passing on the charm of Chinese language Continuing the splendid chapter of China and Africa in Capital](#).

11 Chen, S. (2021) [China's population could halve within the next 45 years, new study warns](#). South China Morning Post.

12 El Habi, H. (2022) [Why Africa's youth hold the key to its development potential](#). World Economic Forum.

13 Gan, N. (2022) [China's birth rate drops for a fifth straight year to record low](#). CNN

14 Gelin, M. (2020) [Japan Radically Increased Immigration—and No One Protested](#). Foreign Policy.

15 Harley, L. (2019) [African Countries Relax Short-Term Visa Policies for Chinese in Sign of Increased Openness to China](#). Migration Policy Institute.

16 Yuan Sun, L., Jayaram, K. & Kassiri, O. (2017) [Dance of the lions and dragons - How are Africa and China engaging, and how will the partnership evolve?](#) McKinsey&Company.

15 years to over 80,000 students in 2018, there is an absence of concerted efforts by African governments to systematically engage with its nationals who have returned from China.¹⁷ This represents a missed opportunity to harness the potential of these individuals to maximise business and employment opportunities offered by Chinese firms in Africa. With their invaluable blend of local knowledge and first-hand experience with Africa's largest trading partner, the African returnees from China bring forth distinctive skills that can be harnessed to advance African economies in various sectors and enhance Africa's negotiation power with China.

"I want to be open-minded, work abroad, and come back to Kenya with new ideas," Connex, a 34-year-old Kenyan in Guangzhou, told this researcher, "it's better I show people how to catch a fish rather than giving them a fish".

Conclusion

While the movement of people between China and Africa presents its share of challenges, it also holds significant opportunities for fostering economic growth and development. Recognising the multitude of benefits that well-managed and facilitative migration can bring, policymakers in both China and African nations should collaboratively design policies that support vibrant mobility between the two regions. This calls for concerted efforts to expand bilateral business and labour migration agreements, strengthen oversight of existing migration management systems and establish systematic data collection and sharing mechanisms to inform future research and policymaking.

At the domestic level, governments should actively collaborate with media and education personnel to counter harmful xenophobic sentiments that can have detrimental effects on interpersonal and diplomatic relations between China and African nations. By addressing the challenges faced by migrants, China and African countries can foster genuine people-to-people exchanges that go beyond mere rhetoric to practical policy actions.

17 Li, E. (2022) [Opportunities for African students in Chinese universities](#). The Borgen Project.

Interview

Closing doors

Because of a lack of an integrated migration framework, common criteria regarding regularity and protection are not clearly defined in India, explains **Hamsa Vijayaraghavan**. The country's socioeconomic landscape, along with restricted access to essential services, contributes to the challenges faced by many in mixed migration movements.

Hamsa Vijayaraghavan is the chief operating officer at the Migration & Asylum Project (MAP), India's first dedicated law centre for migration and displacement. Previously she worked with UNHCR and UNICEF in India and with the London-based NGOs Bail for Immigration Detainees and Refugee and Migrant Justice. She has also worked as a consultant with India's Ministry of Women and Child Development.

How does India distinguish between regular and irregular migrants, asylum seekers and refugees?

That's a tough question. We don't have a sort of integrated framework for migration in India. So what that means is that refugees are also irregular migrants. Regular migrants would be people who come here on an actual visa, like a tourist visa or a business visa. Indian legislation doesn't distinguish between refugees and irregular migrants because effectively refugees are considered to be irregular migrants in India. So we don't have a legal framework to apply to anybody who needs international protection.

The Migration & Asylum Project (MAP) seeks to overhaul the systematic approach towards protection. How would you characterise the current situation facing irregular migrants and asylum seekers or refugees in India?

It's fundamentally defined by a lack of legal framework. Some of the kind of issues that affect migrants and irregular migrants and refugees are similar. They don't

have legal status, they don't have documentation. They usually don't have any avenues to secure documentation. Refugees have some level of access to UNHCR, which gives them some protection from deportation. But irregular migrants don't have that. We don't work with mixed migration in that we don't work with irregular migrants who are here only to work.

What kind of protection or services or opportunities are they excluded from by being classified as illegal? Are there some services offered at least, like schooling or health?

So, I think that has to be understood in the larger context of the Indian socioeconomic landscape right now. In the last 10 years, there has been a push towards more documentation and more demographic counting. So the census is a lot more strict through the National Population Register. Previously where people were really accounted for in censuses there were lots of undocumented persons who could be Indian nationals. That is more and more difficult now because India has something called an Aadhaar card, which is effectively

“ Given the political climate in India, there is now a sentiment sort of against refugees. They are also not able to access services that they could previously access, such as healthcare and education. ”

like a social security number, that is issued to everyone. It's a unique identification number. It's meant to be for anybody who's been resident in India for six months or more. But it has effectively become a marker of whether or not you have legal status to be in India. So foreigners with regular visas are eligible to get it, but refugees are not. And the Aadhaar card is tied to a lot of services. Although the court has not mandated it, the Aadhaar card is tied to getting admission in schools and universities. It's tied to getting access to your public distribution systems, for the below poverty line populations. It is tied to accessing public healthcare. So all of these foreign refugees, it's beyond them because they don't have the Aadhaar card. They're not eligible to get the Aadhaar card. That's one part of it. But the other part of it is because they're undocumented and generally given the political climate in India, there is now a sentiment sort of against this population. So they are also not able to access services that they could previously access, such as healthcare and education. That has become harder for them. The Indian government has always sort of allowed refugees to access public healthcare and public education systems, at least for school. But that has become more and more difficult for refugees.

The Indian Citizenship Amendment Act (CAA) of 2019 has been getting a lot of negative press, but wasn't it created so that long-standing refugees from minority communities such as Hindus, Sikhs, Buddhist, Jains, Parsis, and Christians from neighbouring Afghanistan, Bangladesh and Pakistan would be eligible for Indian citizenship?

I think a lot of the bad press around the CAA is because people don't really understand the law. And what you said is correct. The bill was amended to make it easier for those populations to get citizenship. Firstly, it is supposed to make distinctions on the basis of religion. That's one part of it. But segregating access to citizenship by religion is fundamentally inimical to our constitution. So there are issues around the legality of an amendment like that. Second, is that the bulk of refugees that we get from Pakistan, Bangladesh, Afghanistan are not only from the minority religions in that country, the minority religions being Hinduism or Christianity. The bulk of Afghan refugees that we have are Muslim. The bulk of refugees that we have from Myanmar, which is not included in the Citizenship Amendment Act, are also Muslim, like the Rohingyas, and the [act] excludes all of these populations. So that is what the bad press really was about.

And do you know why the Tibetan refugees from China and these Muslim communities have been excluded from the Citizenship Amendment Act? Do you think it's deliberate anti-Buddhist, anti-Muslim targeting?

We don't call them refugees from China because they came here before they were refugees from China, they were from Tibet itself. The government has had a different approach to Tibetans since the 1950s where they have a different set of rights from all other refugee groups in India, which is that up to a certain point in time, I think it was July 1987, the Tibetans who arrived before that have access to Indian citizenship. They can apply for citizenship. So they have access to many things that other refugees don't have, which includes travel documentation. They have access to schools. They have been allotted land in certain pockets of the country. They're allowed to have their settlements there. They have as much access to schools and hospitals as any of us do, which is great. And they're much better integrated because of these reasons. The reason they're not included in the Citizenship Amendment Act is also that there has been historical resistance in the community itself because they are an autonomous population in India. So they are not governed by the Indian government. They're actually governed by the Central Tibetan Administration.

“ Segregating access to citizenship by religion is fundamentally inimical to our constitution. ”

How would you characterise the role of UNHCR in India? Are its hands very tied?

Yes. Most UN agencies' hands are tied in most countries, I would say. But the way the Indian caseload, the refugee caseload, is divided is that the government looks after all the nationals from neighbouring countries except for Myanmar. So that's nationals from Pakistan, Bangladesh, Tibet, Sri Lanka. The caseload is managed by the government although there is no particular written process for that. It's basically a series of ad hoc orders or directives, internal directives that the government has issued to its own officers. Most of it is not in the public domain. So we don't have access to it. UNHCR, on the other hand, is mandated to do refugee status determination (RSD) for all non-neighbouring countries and Myanmar, and its largest caseload is Afghanistan and Myanmar. And it also has a few other applicants, such as [people] from Somalia and other African countries. So effectively, UNHCR manages officially about 40,000 refugees in total. Whereas the other 200,000 documented refugees are managed by the Government of India. So that includes the Tibetans and the Sri Lankans. Obviously, those are the largest numbers, and there are a whole lot of Hindus from

Interview

Hamsa Vijayaraghavan

Pakistan and Christians from Pakistan who are not even included in that number. And they're not very well documented, to be honest. So that's one part of it. So UNHCR has a role in RSD. UNHCR's role is also in protection. But again, UNHCR works with a very limited mandate in India. The bulk of refugees are not managed by UNHCR.

Presumably, the number of irregular migrants is considerably higher, especially Bangladeshis? By some estimates there are around 15 million Bangladeshis in India.

We don't work with the Bangladeshi migrant population partly because Bangladeshis are outside of UNHCR's mandate and our work [at MAP] is connected to UNHCR's mandate here. Also, the Bangladeshis themselves are a mixed migrant group, because there is a wave of Bangladeshis that came in the early 1970s who were granted refugee status by the government, and then citizenship, and they are integrated now as Indians. And then there are Bangladeshis who've come after that, of course. There are also Bangladeshis who actually come as asylum seekers to India, such as political dissidents or members of the LGBTQI+ community, with whom India deals directly.

Since India is not a signatory of the 1951 Refugee Convention, how do people even apply for asylum if the government doesn't recognise refugees in the international sense?

It's a very ad hoc process. No one really knows. Like I said, it's basically a bunch of internal directives that the administration has. India has something called the Foreigners Registration Office, which is attached to the Ministry of Home Affairs, which is where the applications for asylum are processed. Indian laws don't include the word "refugee" or "refugee" or "asylum" anywhere. The only thing that can be issued by the administration really is something called a "stay visa". So it's basically a permit to remain in India. It's leave to remain, in a sense, and it is issued in the form of a visa. It's not issued as part of an international protection regime.

“Applying for asylum is a very ad hoc process. It's basically a bunch of internal directives that the administration has.”

Why do you think that is, that India's taken that position against the international trend when it comes to refugees?

It's a very longstanding position. India started out by saying that the Convention is very Euro-centric and

started off by refusing to sign the Convention, and even after the Protocol came into force, I think they continued to view it as not suitable for the needs of a developing country, which is what we were in 1967 and what we still are in some sense of the term.¹ So they don't think it's suited to the sort of the constraints of a country in the Global South. And many of us tend to agree with that position now. The other part of it was that signing the Convention would impose—and this has always been an argument that India has made in public—conditions on the assistance that India is already anyway extending to refugees. We were like a beacon of good practice till the '80s, at least when the Tibetans and the Sri Lankans were coming in. And we did have a lot of good practices in terms of recognising their international protection needs, not necessarily within the framework of the Convention, but still giving them access to a lot of essential services. So a lot of policymakers and activists in this part of the world have stopped even advocating for India to sign the Refugee Convention. Not because it's a lost cause, but because a lot of us do see where the Indian government is coming from. However, India has signed the Global Compact for Refugees.

When compared to Pakistanis, Bangladeshis and Afghans, Indians are not often found in mixed migration movements. Is it because channels for legal, regular migration are well-developed?

I think the sort of the traditional definition of irregular migration is quite narrow in some ways, because I disagree that it's not regular migration. The reason that they have documentation, which is the basic definition of regular migration, is that we have very strict border control, at least at the airports. We have a very strict regime for exits and entries. Even if you're an Indian citizen, you have to go through that. It doesn't become easier. It's not like when you go to another country you have a separate queue for your own nationals; we don't have that. We have categories in our passport, where [border officials] have to check, I think, if you are an emigration risk. It's called "emigration check done", or "emigration check required" or some such thing, which would come into force if you were a blue-collar labourer, for example, trying to go to Dubai to work. You would have to get that check done. But I'll tell you why I still think it's irregular: because there is also a very strong network of people who facilitate this kind of emigration from India. Touts, essentially, or people smugglers, people who take money to send people out to work.

You mean facilitators or employment agents?

Well, that's a nice way of putting it. It's a very strong network. People who basically charge money, exorbitant

1 Adopted in 1967, the Protocol Relating to the Status of Refugees removed the geographic and temporal limitations of the 1951 UN Convention Relating to the Status of Refugees.

amounts of money to send Indian workers to Dubai or Abu Dhabi and the workers get stuck without a passport. Their documents are taken from them, and they're essentially slave labour for the two years of their contract or whatever. With very low wages, and usually not what they signed up for. They're usually taken under false pretences. For example, they're told that they will be given a job in hospitality, and they end up in construction. So it is irregular in that sense to some extent. But yes, they have documents. Also, look at the geography of India: the countries that you can go to regularly are not the countries that Indians want to go to to get jobs. Nobody wants to go to Bangladesh or Myanmar to get a job, or to make money. They want to go to the Middle East usually, or Europe.

“ A lot of policy makers and activists in this part of the world have stopped even advocating for India to sign the Refugee Convention. Not because it’s a lost cause, but because a lot of us do see where the Indian government is coming from.”

Within India itself, are there states that are particularly popular destinations for internal migrants? Are the big rural-to-urban movements continuing?

It keeps changing, depending on where the money is at that particular point of time. There is always rural-to-urban movement. India has a lot of urban centres, so that's one part of it. Delhi obviously has always been a centre for migration. Bombay has always been a centre for migration, not just from the villages, or around these areas, but you have people coming to Delhi from the northeast of India, which is quite far, or the east, beyond Bengal, east of that. But now in the last 10 years, 15 years, there has been a lot of migration southwards, so towards the states of Karnataka and Tamil Nadu, which have become the hubs of the IT sector. So there's all kinds of migration. There's a boom in construction. But there is also a lot of other labour migration in terms of domestic work, for example, because this is where the urban middle class is growing.

During Covid-19 we saw dramatic images of mass reverse migration in India. What’s the story since then? Gradually, did they leave the villages and come back to the cities afterwards when Covid-19 reduced?

It took a while, actually. It took a while because it was covered a lot in the first wave. It wasn't covered so much during the second wave because we had other issues then. But it took a long time. For example, construction is the hub of labour migration in the cities. It's where you see the maximum migrant labour always. But the labour kept coming and going at that time, there was

a lot of back-and-forth movement. In the first wave, it was covered by the media. The scale was also much larger because it was the first time, [and] people didn't know how to deal with it. In the second wave, it was lesser because people were too sick to move back. But also because people were worried about going back to villages, where they didn't have medical services if something went wrong, which is what happened after the first wave. I mean, the aftermath of the reverse migration didn't get as much attention as it deserved, which is that these people went back to their villages where healthcare is very poor, or poorer than in the cities, at least. And then they fell sick there and didn't have access [to healthcare] there. People died. But eventually, people did have to come back because the people who were migrating in the reverse migration were also usually landless. The bulk of them didn't have anything to go back to or any means of long-term sustenance back in the villages, so they did find their way back to the cities. We have no shortage of labour in the cities now.

When you look at how the Global North and the Global South handle minorities such as refugees, do you see any lessons learnt either way? Do you think the North can learn from the South, or do you feel India should be looking to Europe now?

We all have different dynamics within the Global North and within the Global South. There are villains on both sides. There are not any heroes on either side that I can see right now. There are lessons, sure. But the Global North also has a history of colonisation, for example. So how they treat minorities right now has a lot to do with how they treated minorities in the past as well. We have a history of subjugation, and a lot of our attitude to these minorities is informed by historical trauma as well. I don't know how to address that. And again, as I was not born in that period of trauma, I don't have that trauma, for many reasons. But in the North of India, for example, they witnessed Partition, which was very traumatic... I'm from the South, so I don't have the same attitude towards minorities that many people in the North have because it's never affected anybody that I know very well, it's never affected any side of my family. But I do have colleagues in the North and friends in the north of India who have been very personally affected by Partition, and there are scars from that. Unlike in the Global North where you have more room for counselling and mental health, we don't address those issues. We're not there yet in this part of the world. And that makes a lot of difference to how we process trauma, I think, and the attitude that we have. So our xenophobia basically comes from a different place from the xenophobia in the North, is what I'm trying to say. There's a lot more to it than just being Global North or being rich or having the resources to protect people who don't have those resources.

Bridging the gap: how Indonesia's private sector could improve refugees' healthcare rights¹



By Angga Reynady Hermawan Putra and Anggraeni Puspitasari²

The absence of a refugee healthcare system

Among the major challenges faced by refugees in Indonesia are administrative barriers and a lack of inclusive policies, especially with regard to the country's healthcare system. Access to healthcare is important for refugees' empowerment and wellbeing. Currently there are some 12,800 refugees in Indonesia, around half of them originating from Afghanistan, with others coming from countries such as Myanmar, Iraq, Somalia and Sudan.³ Most of them have been present for more than 10 years amid uncertain conditions and limited basic rights since Indonesia is not a signatory to the 1951 Refugee Convention. In several countries, including Indonesia, comprehensive and inclusive access to healthcare is related to the economic support provided to refugees. Refugees in Indonesia are not allowed to work, thus they cannot earn their own income, which leads to difficulties in obtaining adequate health services.

Indonesia's national healthcare system, Jaminan Kesehatan Nasional, is the largest social health protection that the government provides. Through this programme, the state provides accessible and economically available healthcare for individuals as a manifestation of its obligation to protect, fulfil and respect the right to health. However, this is problematic for refugees as it was primarily intended for Indonesian citizens with certain limitations for foreigners. It is stated that foreigners should provide a temporary or permanent "stay permit" as one of the administrative requirements. Refugees find it very difficult to obtain this document, and the cards they receive from UNHCR

do not fulfil the administrative requirements to ensure access to the state healthcare system. There are neither special mechanisms nor policies for refugees or an alternative method to access healthcare systematically.

Limited access to rights to the enjoyment of the highest standard of health

While the Indonesian government has not yet demonstrated any initiative to improve the situation by including refugees in the state's healthcare system, civil society groups have taken steps to fill this gap with a range of initiatives. UNHCR Indonesia has provided direct healthcare assistance to refugees with its implementing partner, Church World Services Indonesia (CWS).⁴ However, challenges arise due to UNHCR's limited resources.⁵ Consequently, according to field observations, this assistance appears to be restricted to medical emergencies or life-threatening situations.⁶ Not all types of disease and treatment were covered by this assistance.

Based on research by SUAKA and the Human Rights Working Group (a network of 48 NGOs), refugees and asylum seekers in Indonesia still struggle to access the best treatment for their health concerns. Mainly, they can hardly afford health services. Refugees and asylum seekers in Indonesia often benefit from de facto access to free primary healthcare at community health centres known as Pusat Kesehatan Masyarakat, or Puskesmas.⁷ But Puskesmas do not provide follow-up services, so when these are called for refugees must be referred to

1 This essay is one of this year's Mixed Migration Review Alternative perspectives prize winners – representing academics, writers, and analysts under the age of 30 who are from and based in the Global South. See footnote 1, [page 59](#) for more details.

2 Anggraeni Puspitasari is a volunteer with SUAKA, an Indonesian civil society for refugee rights protection. Angga Reynady Hermawan Putra works closely with SUAKA and refugee communities in the field of legal aid and legal empowerment.

3 UNHCR (2023) [UNHCR Indonesia Fact Sheet April 2023](#).

4 UNHCR (2023) [Health Assistance in Indonesia](#).

5 As of 20 July, only 23 percent of the \$13.1m UNHCR required for its operations in Indonesia in 2023 was funded. Of this \$13.1m, some \$1.3m was earmarked for "Healthy lives". UNHCR (2023) [Funding update – Indonesia](#); UNHCR (2023) [Indonesia – Latest updates](#).

6 Field observations by SUAKA and NGO partners such as the Jesuit Refugee Service.

7 SUAKA & HRWG (2023) [Baseline Research: Mapping the Situation of Persons at Risk of Statelessness in Indonesia](#).

secondary or tertiary health providers, which requires them to pay and may also be expensive.

The support provided by UNHCR, IOM and CWS is insufficient to ensure refugees' entitlement to the greatest standard of health.⁸ At the local level, Dompot Dhuafa, a charitable organisation, also provides health treatment.⁹ Unfortunately, only those who are eligible and meet certain vulnerability criteria can be helped on a priority basis due to a lack of funding from these organisations.

If a male refugee marries an Indonesian woman, he will struggle to get himself treated in an appropriate manner because while she will be registered under the BPJS Kesehatan, Indonesia's healthcare and social security agency, as a foreigner and refugee, he cannot be admitted as a beneficiary of this national insurance programme.¹⁰ One such woman told us: "My husband is seriously ill. How can I let him die in the most absurd manner?" The couple had tried to obtain financial assistance from international humanitarian organisations, yet no response was given. Therefore, they had to finance the treatment themselves.¹¹

Students and civil society organisations have run preventive medical sessions regarding non-communicable diseases and other health concerns amongst refugees. However, challenges are then identified since there are language barriers and a non-equal spread of local community awareness regarding refugees' existence within different Indonesian communities.

The potential role of corporate social responsibility

Corporate social responsibility (CSR) has great potential to help bridge this funding gap. Companies in Indonesia have a legal obligation to participate in economic development so as to improve social and environmental sustainability within society.¹²

The logic is that a company's existence has, in various ways, an economic and social impact on communities. Therefore, since CSR is closely linked with people, its human rights aspect should also be considered. Through CSR, companies can show good faith and commitment to protect and increase human rights protection for communities in Indonesia. Company assistance is also intended to positively contribute to social development

and efforts to create inclusivity within the community.

Therefore, companies are expected by law to have initiatives and projects based on non-discrimination principles. The aim is that they increase opportunities for social inclusivity and, by extension, contribute to refugee empowerment. On a larger scale, CSR will also positively affect a company's brand reputation.

In our proposed scenario, refugees' health insurance premiums could be divided up between three groups of contributors as follows: 50 percent paid by UNHCR or IOM as the organisation mandated to manage refugees' health needs; 20 percent by the Indonesian government; and the remaining 30 percent by private sector companies via their CSR programmes. This would ensure better overall health cover for refugees. It could also end up saving UNHCR money: rather than the \$1.2m it earmarked for "healthy lives" in 2023, such a scheme would cost the agency just \$537,600.¹³ (If, eventually, refugees are allowed to work, they would be able to pay for health insurance from their own income, with minimum assistance from non-governmental or charitable organisations).

Once insurance companies in Indonesia start to provide cover for refugees and asylum seekers, they could settle any claims by remitting payments either to UNHCR (or IOM) or directly to the insured individual or their health providers.

The percentage of responsibility-sharing could be adjusted in line with agreements between the parties involved. The most important part is applying the monthly insurance premium scheme with wider coverage for refugees and asylum seekers in Indonesia, who may then enjoy health services without worrying about being unable to afford the cost.

8 Mixed Migration Centre (2021) [A Transit Country No More: Refugees and Asylum Seekers in Indonesia](#).

9 Ibid.

10 In 2021, UNHCR was reported to have initiated discussions with BPJS on including refugees in the national health insurance scheme, but since then there has been no update on this initiative. BPJS Kesehatan (2021). [Bertemu BPJS Kesehatan, UNHCR Berharap Pengungsi Dapat Akses Jaminan Kesehatan](#).

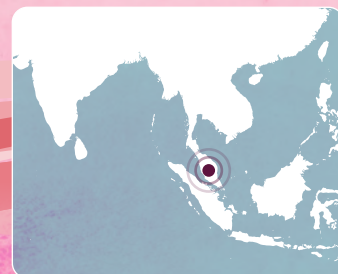
11 Online Focus Group Discussion SUAKA & HRWG (2022) [Baseline Research: Mapping the Situation of Persons at Risk of Statelessness in Indonesia](#).

12 Through Law No. 40 of 2007 Concerning Limited Liability Companies, and Government Regulation No. 47 of 2012.

13 This figure is based on UNHCR paying 50 percent of the \$7 monthly premium for the national health insurance scheme, multiplied by 12,800 (the number of refugees in Indonesia), and again by 12 (for each month in the year).

Arriving in Malaysia on foot

“Every day is challenging”



I come from Naria Upazila, a small county in Bangladesh's Shariatpur District. They say it is a disaster-prone area. For many years it has experienced river erosion. My family has been greatly affected financially. For instance, a few days ago, heavy rain damaged our home, leaving it underwater for several days. My family had to seek shelter in my aunt's house in town, but with help from the local community, they managed to rebuild a house on a new island.

I come from a family of six, and as the eldest son, I feel responsible for supporting them. In Bangladesh, I couldn't continue my studies due to financial constraints and because I had to support my family, including with the costs of my siblings' weddings. After graduating from high school, I realised that getting a government job was impossible, and despite a lot of effort I couldn't find any suitable work in Bangladesh and had to borrow money to support my family. That's when I decided to move to Malaysia.

I arrived in Malaysia on foot in August 2021, via Thailand, where I had flown on a tourist visa. I spent around \$3,000, including fees for a broker I had to hire because it is not easy for poor Bangladeshis like me to get tourist visas.¹ I raised the money via loans from family and friends in Bangladesh as well as those who were already in Malaysia. Many Bangladeshis come to Malaysia this way. My own journey was much easier than some of the stories I have heard about people being thrown off overcrowded boats and spending days at sea with little food after setting off from Cox's Bazar. I spent about a week in the forest between Thailand and Malaysia before being taken across the border on foot. I didn't face any harassment.

I worked at a construction company for a month. They paid me well at first but from the second month they stopped paying me regularly and at one point withheld my salary for two months. So I left that company and joined another one, where the manager offered me the opportunity to apply for an RTK visa in exchange for a reduced salary.² I submitted my documents to him and got a new passport with his support. However, there was a lack of progress in the process, so I decided to leave that job. I recently applied for a new type of RTK visa. The results have not been announced yet, but I hope to provide my fingerprints at Malaysian immigration soon.

The application cost me 2,000 ringgit (\$440). I will have to pay an additional 2,000 ringgit during the fingerprinting. Along with my agent's fees, the whole process will cost me 6,000 ringgit, not including the 4,500 (\$990) or so I spent earlier, before the government introduced the new RTK visa.

I am currently sharing a room in Kuala Lumpur with nine other people. It's actually a container designed to accommodate construction workers. Most of us are Bangladeshi, but there are also immigrants from other countries such as Indonesia, and some Rohingya. The conditions are unimaginable: the rooms are filled with bedbugs, there is no electric fan, and we have to share one toilet between 30-35 people. Sometimes things go missing, and there have been occasional fights, but most undocumented immigrants try to avoid conflicts or criminal activity as we know the Malaysian government is strict.

For the past year and a half I have faced many struggles. I know these struggles will continue until I receive an official status. Without proper legal status, every day is challenging, especially when it comes to finding employment. Being an “illegal” immigrant is a major obstacle for me. So far, I have not been caught by the police or by immigration officials. But as undocumented immigrants, we are always cautious about moving around and avoid unnecessary encounters with locals. We rely on our friends to help with grocery shopping and prefer not to venture out unless it is absolutely necessary.

Discrimination is everywhere in Malaysia, and I don't understand why. The local people often look at us with suspicion, assuming we are here to steal. As Bangladeshi nationals, we are viewed differently. For example, bus drivers sometimes mistreat us on our way back from work at construction sites. Private transport services like e-hailing cancel our rides when they discover our nationality. They never provide an explanation. This happens frequently, not just to me, but also to my friends and other Bangladeshi students studying at universities in Malaysia.

But it would not be wise to return to Bangladesh considering my family's circumstances and the financial investment I made in coming to Malaysia. It is difficult to leave now with the situation I am in. So, my plan is to stay here. The situation is challenging, but I'm still trying to make the best of it. I prefer not to encourage others to follow the same path, after going through all the struggles I've faced. Some of my friends have been showing interest in coming to Malaysia for a better life, but I have been strongly discouraging them.



1 The official cost of a tourist visa for Bangladeshi nationals is around \$33.

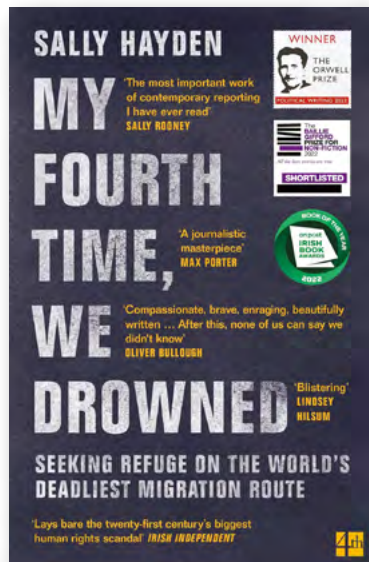
2 The Workforce Recalibration Programme (RTK) is a government scheme to regularise undocumented migrants in Malaysia as foreign workers who are legally employed by qualified employers.

Photo credit: Photo Beto / iStock

A farmer and his family in the community of Carichi, in the Sierra Tarahumara of the Mexican state of Chihuahua, an area badly affected by drought and the consequences of climate change. Many families like this were left destitute after a drought in 2022, with no produce to consume or sell, making it very likely they and others will move to cities or cross borders as the impacts of climate change bite deeper. (See Interview with Gaia Vince, [page 48](#) and Ingrid Boas, [page 53](#)).



Section 7: Book reviews



My Fourth Time, We Drowned: Seeking Refuge on the World's Deadliest Migration Route

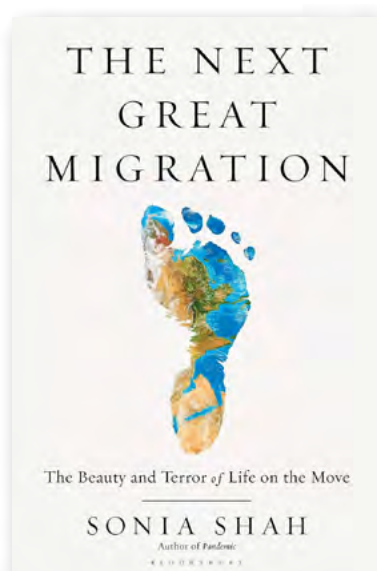
Sally Hayden

A trenchant example of modern investigative journalism, My Fourth Time We Drowned combines numerous tweets posted by migrants and asylum seekers detained under pitiless and sometimes murderous conditions in Libya with publicly available information and the author's own research. Unconvinced by public pronouncements made by the European Union, its member states, the United Nations and various other international organisations, Sally Hayden offers a different version of events, starting from when she received her first Facebook message in August 2018 from incarcerated asylum seekers and migrants, mainly from Eritrea.

The central and deeply damning focus of this book is the migration policies and financing that directly connect the EU and some of its member states with the militia-government-smuggler nexus in Libya that has exploited, violated and killed thousands of migrants and asylum seekers. And continues to do so.

For years, major human rights agencies, the UN and other investigative missions have correctly identified the scale of the violations and the links to the EU's externalised migration policy, but despite this the Libya/EU collaboration continues. According to Hayden, the it has recently been renewed for another four years.

From the EU's perspective, in terms of restricting movement across the Mediterranean from Libya, the policy is deemed to be effective—just as the deal struck by the EU and Türkiye in 2016 was in stopping mainly Syrian movement across the Aegean. But the human cost, according to Hayden, is indefensible, cruel and, when compared to the welcoming and managed response to Ukrainian refugees in 2022/3, undeniably racist. Hayden's best-selling and multiple award-winning book bears unflinching testament to a situation that by any analysis is shameful and arguably criminal. But it remains to be seen whether its accolades and wide readership will go beyond raising public awareness of the horrors in Libya to bring about urgently needed policy revision. Some books do have the power to change the course of history in important ways, but the potential for this one to do so may be undermined by public fatigue over migration issues and a numbing to countless stories of personal human tragedy.



The Next Great Migration: The Story of Movement on a Changing Planet

Sonia Shah

There are two particularly interesting and convincing aspects of this examination of migration. First, Sonia Shah's deep exploration of maritime and terrestrial plants, insects, birds and other animals shows how migration has been a natural phenomenon over the millennia, one that is essential to genetic diversity, reproduction and survival. It's the planet's connective tissue. These aspects take up a large part of her study and offer fascinating historical and scientific insights.

Second, Shah shows how an explicit sedentary bias has for centuries permeated science, culture, history and religion, erroneously casting most human movement as an irregularity or an anomaly that represents disruption and danger. In this specious, deistic worldview, perfect, immutable creation has set all things in their proper places with their undisputed and evident differences, and any displacement or diversion from this perceived normalcy was deemed heretical. She points to the Swedish father of taxonomy, Carl Linnaeus, as a key instigator of these *idées fixes*. Shah shows how historical Eurocentric rankings of humans and emphases on race that are unsupported by science have led to the worst examples of racial hierarchy, racial segregation, cruel eugenics and, ultimately, genocide: the fear of mixing, hybridization, dilution – contamination through miscegenation.

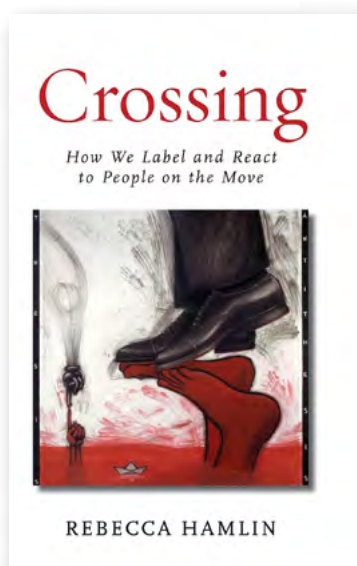
Shah also successfully shows how the old myths still influence popular politics and perceptions around human migration and drive anti-migration movements. Ultimately, she argues they are all an illusion and that human migration is natural, inevitable and positive in a changing world—a changing world in which the titular “next great migration” is already underway and will continue at a faster pace than previous mass movements. Instead of trying to prevent human mobility, we should embrace and facilitate it. Using examples of displaced people and refugees, she also shows how this approach would be kinder to the millions who face a wide range of economic, social, political and now climatic reasons to

move. Far from being the imminent crisis or catastrophe portrayed in much political rhetoric, for Shah migration is the solution not the problem.

Shah's narrative is less convincing when it comes to the implications of her call for us to accept and relish the “next great migration”. One issue is xenophobia. Shah shows how there are no scientific grounds for an “us” and “them” in terms of “race” and yet such thinking persists. No matter how much evidence about the positive aspects of migration people are presented with, xenophobic attitudes remain highly resistant to change and even appear to be on the rise. Shah fails to touch on differences in culture and ideology that may underpin anti-migrant attitudes while repeatedly emphasising our global genetic similarity. In many ways she seems simply bewildered by xenophobia instead of exploring it further. As these attitudes are at the heart of any resistance to any “next great migration” this is a significant omission.

Equally, while it might be simplistic to say Shah argues for open borders, she fails to tackle how carefully organised, predominantly democratic nation states and economic blocs that already struggle to balance competing needs and interests would absorb tens, if not hundreds of millions, of migrants. Here Shah joins many other analysts and activists who call for open channels of mass migration without explaining how receiving countries would handle them. However anomalous it is from an evolutionary and natural perspective that we have borders and frontiers, this is how the world is divided, and has been in recent history. Any serious proponent of a free-flowing migratory future will have to tackle head-on the multifaceted demands it will make on existing societies and economies if they are to be convincing.

Sonia Shah is interviewed in this publication on page 62.



Crossing: How We Label and React to People on the Move

Rebecca Hamlin

As anyone who has worked in the mixed migration sector in recent years knows, the issue of terminology, categorisation and status has become increasingly vexing and politicised. Paired terms such as “regular / irregular”, “refugee / migrant”, and “smuggling / trafficking” are increasingly being seen as insufficient or confected dichotomies that not only inadequately describe real situations and real people, but which can be instrumentalised by anyone on any side of any debate.

In *Crossing: How We Label and React to People on the Move*, Rebecca Hamlin tackles the refugee/migrant binary head-on in the full knowledge that she is making few friends in the process, especially among those defending the need for the exceptional categorisation of and protection for refugees.

As one would expect from an associate professor of legal studies and political science, Hamlin offers a highly academic and systematic—yet very readable—examination of how and why states and others first created and now maintain a strict distinction between migrants and refugees. She opens by explaining that people cross borders every day. Millions cross and keep moving, but “some border crossers are welcomed and others are treated as invaders and threats. Some people are recognised as vulnerable and viewed as deserving of protection and assistance, others must fend for themselves,”(p.1). She wants us to see how labelling is created for purposes of bureaucratic expediency and political convenience.

Using examples from so-called border crises in Europe, North America, South America and the Middle East, Hamlin outlines major inconsistencies and faulty assumptions that undermine the prevalent dichotomy. She reveals it to be a deliberate, constructed “legal fiction” that serves political and national interests and that is used to justify recent notions of sovereignty and,

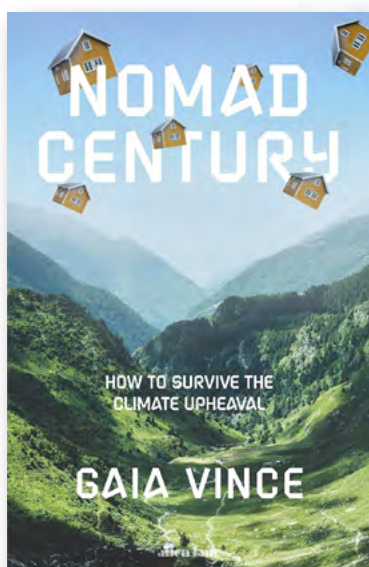
ultimately, to smooth the way for harsh border controls. After all, she argues, governments need to make their fundamentally indefensible distinctions between different people on the move ethically palatable to the public. In doing so, governments and their agents (such as Frontex) not only use rough, arguably illegal, tactics in deterring or pushing back migrants and refugees; they also appropriate the language of humanitarians when doing so, claiming deterrence saves the lives of those who could be hurt or perish in seas and at borders—where protection has been removed by the same governments.

Governments’ investment in labelling people on the move to avoid responsibility and obligation is all the more hypocritical, according to Hamlin, when they “neglect to appreciate ongoing Global North military and economic intervention that plays a role in creating displacement crises,” (p.116). Concerning the issue of responsibility and protection of those on the move, she writes that “the whole conversation about obligation needs to be reoriented to include both colonialism and continuing neocolonial patterns of exploitation and domination” (p.63).

And it’s not just governments that use the binary division between migrants (“economic” and therefore generally undeserving) and refugees (“deserving”, but in a context of shrinking asylum space). Hamlin takes close aim at the roles of IOM and, especially, UNHCR in “perpetuating and policing the migrant/refugee binary” upon which their mandates and massively increased budgets depend. UNHCR’s public campaigns and spats with IOM and others (including the BBC) to prevent refugees being viewed as a mere sub-category of migration (rather than as a separate category entirely) are supported by its close relationship with the academic field of research studies, the international refugee protection regime and dozens of refugee agencies who are themselves funded by UNHCR.

At the core of her analysis, Hamlin questions three common assumptions: first, that refugees and migrants have distinct and distinguishable motivations for crossing borders; second, that refugees are the neediest among the world's border crossers; and third, that true refugees are relatively rare, as they make up only 10 percent of the world's border crossers. This last point is particularly important because by maintaining the fiction that those who can claim protection are very rare (and mostly "hosted" outside the Global North) it keeps states signed up to the Refugee Convention as less threatening than if refugees were much more common. It is also ironic because even when insisting that people are those "rare" refugees, states are no more open to receiving them.

By asking her readers to go beyond the binary—to deconstruct the binary—this book challenges all those who are invested in the rights and study of migrants to move toward more equitable advocacy for all border crossers. But beyond her critique of the binary terminology, Hamlin doesn't offer many solutions, and does not really consider the national need for border control and immigration management, whatever people are labelled.



Nomad Century: How to Survive the Climate Upheaval

Gaia Vince

*This provocative, hard-hitting and scenario-building book cannot escape being highly polemical. Its fans will claim it speaks the truth to those in denial of the inevitable, while offering a bold visionary blueprint of how to respond. Its detractors will denounce it for being alarmist and dystopian, its thesis supported by a selectively narrow evidence base while offering a range of impossible or outlandish solutions. But Gaia Vince is an award-winning science journalist, and this book makes no claims to being an academic treatise. It is a call to wake up and take action in the tradition of Al Gore's prescient *An Inconvenient Truth*, published almost 16 years ago already.*

Offering solutions is the main thrust of *Nomad Century: How Climate Will Shape Our World*. Vince pulls no punches as she sets out the implications of the Anthropocene's poor management of the environment. She is almost cursory as she lists the inescapable outcomes of the nascent climate catastrophe, with its

reinforcing feedback loops and tipping points leading to widespread ecosystem collapse. Vince bases her assessments on what she considers to be the very probable scenario of global heating surpassing the two-degree target enshrined in the Paris Agreement; indeed she reckons average global temperatures are likely to rise above pre-industrialisation levels by three or four degrees before this century is out, or even by 2050. With impressive agility and knowledge, Vince touches on a wide range of relevant issues, including food, power, water, global management, urban management, biodiversity and green solutions.

This is an interesting book for the migration sector because it documents the extent and implications of large parts of the world that are currently highly populated and have the highest fertility rates becoming unliveable. Not always unliveable, but unliveable until some decades after we reverse global heating through collective action and investment, and until vast restoration programmes

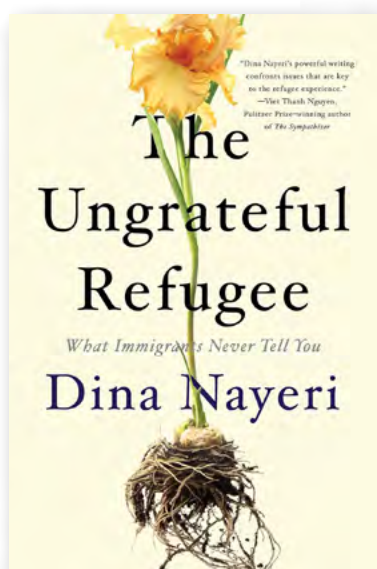
are implemented. In the meantime, very large numbers of people of multiple nationalities—be they rich, middle-income or poor, and regardless of their skill levels—will be forced to move. It will hardly be a choice; more an imperative. Millions are already moving due—at least in part—to climate change, but policymakers and academics continue to debate the terminology of climate migration, climate-induced displacement and climate refugees, while nations shy away from offering protection or privilege to those forced to move lest they establish precedents. Vince argues that we must all reflect on what to do with this inevitable and radical transformation of the world as we know it. The climate is changing and will continue to change, and probably faster than we expect. Currently productive regions will become moribund, while arid, frigid or ice-covered areas of land will become abundantly productive.

Key to our adaption to a very different world will be how we respond to massive movements of climate-displaced people. For Vince, migration has always been the plant world and animal world's response to changing climate, and this time it will be no different. Indeed, migration is the solution. Harnessing migration, preparing for migration and embracing migration are essential and indeed will save us as a global community from the self-imposed coming catastrophe. Those enlightened in

the Global North and especially the north of the Global North, where temperatures will be best for living, should already be planning new cities, she argues. Hundreds of migrant cities will be needed to provide shelter, work, citizenship and opportunities to hundreds of millions, if not billions, of climate migrants.

This book is a bold paradigm-shifting rallying cry. Vince ends it with a short, eight-point manifesto that would impress the most committed activist. At the same time, her vision and suggested responses could not be more at odds with the restrictive border-securing immigration policies and the shrinking asylum space that characterises today's treatment of people on the move, and she knows it. Vince also knows that what she is proposing is a big ask that requires a big leap of consciousness, but her explanation of why it is urgently needed is convincing. A unified, inclusive and radically positive vision is the only viable response. The alternative is dystopian and unimaginable, making current efforts to push back migrants and protect borders look like more like a minor dress rehearsal.

Gaia Vince is interviewed in this publication on [page 48](#).



The Ungrateful Refugee – What Immigrants Never Tell You

Dina Nayeri

*In **The Ungrateful Refugee**, Dina Nayeri has combined her own story as an involuntary exile with vignettes of others' to produce a personal reflection that makes no effort to offer theoretical or academic rigour. In so far that her distillation of experience of displacement and how it shaped her life circumstances, thoughts, feelings and relationships it has been decades in the making.*

At a time when the individual “lived experience” has hardly been more valued, Nayeri engagingly chronicles her own experience of finding herself living as, categorised as and engaged with as a “refugee”. That is, when she became a refugee in Italy and then the United States aged 10, having fled Iran with her mother and brother in the 1980s. The complication is that she didn't feel like a refugee and

resented the identity, the expected behaviour, and level of gratefulness she was subsequently and endlessly required to adopt as one. Nayeri offers a powerful dissection of the psychological gymnastics a “good” refugee needs to perform to integrate into their new communities, to negate what they had before, and to forgo many aspects of agency.

Equally powerful are her descriptions of the many other refugees she encountered, including her direct family members, in all their contradictions and foibles, their memories and aspirations. These show dignity matters much more to refugees than their official protection status. It is a cliché to say of this genre of personalised storytelling that the author brings out the humanity in refugees, but this she does skilfully and poignantly. In doing so, she does the most important job of deeply humanising the individual case of every refugee to such a degree that it would be unimaginable not to find oneself assisting people to escape their desperate situations. However, that is just half of Nayeri’s achievement.

The other half is to show how asylum systems in the Global North are geared to systematically treating claimants’ stories with disbelief and suspicion. Nayeri thereby unsettles and critiques assumptions and dichotomies that permeate the discourse and policy about refugees and migrants. To succeed in their quest for protection, asylum-seekers must tread carefully not to be rejected, not to be seen as unwanted economic migrants. They must empty themselves of agency and bury positive memories or innocent pleasures of their past. Refugees must tell and retell compelling, incontrovertible stories even if they are only a version of the truth or a distorted focus on an aspect of the whole. They must supplicate themselves before state officials, refugee protection officers, and humanitarian organisations and, later, the citizens of their host country to whom they have to prove they are worthy of having been rescued. I am rescued cargo. I will prove, repay, transform.

The recurrent theme of needing to be grateful to be a “good” refugee, of needing to fully embrace the refugee identity and accept a host country’s preconceptions is chastising to the reader who realises that they too are guilty of the same impulses and of causing the same indignities.

Photo credit: Alexander Farnsworth / iStock

A housing complex for refugees in Hagersten, Sweden. A rise in armed gang violence involving members of immigrant communities in Sweden has contributed to changes in policies and public perceptions. This is reflected in the growing popularity of the right-wing Sweden Democrats party. A shift towards a more restrictive approach to immigration is on the rise throughout Nordic countries, as it is elsewhere globally. (See essay - The chill factor: The changing politics of immigration in Nordic countries, [page 180](#); Interview with Filippo Grandi, [page 16](#)).



Photo credit: HSOUNA10 / Shutterstock

As this Review goes to print, reignited hostilities rage on between Israel and Hamas after the October 7th attacks on Israel by Hamas, the Gaza leadership, leading to the death of more than 1,400 Israelis. Subsequent heavy bombardment of Gaza by Israel has caused the death of over 7,000 people in Gaza, according to the Hamas-run health ministry in Gaza, as of the 26th October and the forced evacuation and displacement of over 1.4 million Palestinians from the North towards the South of Gaza.





While presenting a wide-ranging global review keeping track of all mixed migration events and policy developments over the year, this **Mixed Migration Review 2023** offers a deliberately regional focus, mainly through interviews with critical regional thinkers and practitioners in the sector, essays and snapshots spotlighting regional questions and in-depth and personal migrant stories.

Essays are offering a space for different voices and opinions as the only way to advance migration debates and policy. This year's essays dive deep into regional concerns of refugee reception and integration in South America; prospects for a continent-wide freedom to move in Africa; the impact of new immigration laws in the United States; Bangladesh' mixed migration landscape; Lebanon's crisis within a crisis and the mixed migration of Syrian refugees and an increasing number of Lebanese leaving the country, as well as examining whether the case of the Ukrainian refugee response offers

a model for success or also reveals failures of the broader international refugee regime. Elsewhere the role of migration in North Africa's foreign policy and diplomatic relationship with the EU is explored, and the extent to which Nordic countries are breaking with their past and becoming less welcoming to refugees and migrants. As always, the report also documents the best and worst behaviour by authorities in relation to mixed migration in the annual "Resisting and Normalising the Extreme" features.

Throughout this review, selected themes, writers and interviewees speak from their regional perspectives and as voices from the majority world – including refugee and migrant countries of origins. As always this includes the five young writers who won this year's essay competition

For a full electronic copy of the Mixed Migration Review 2023, visit our website at: www.mixedmigration.org

