



ACES Migration Network & ACES Diverse Europe



Active Refugee Admission Policies in Europe: Exploring an Emerging Research Field

29 November 2019

Amsterdam Centre for European Studies, University of Amsterdam

Roeterseilandcampus, B9.22 (Political Science Common Room) & C3.04

convened by Natalie Welfens (University of Amsterdam) & Marcus Engler (independent researcher and consultant, Berlin; Board Member of the German Network of Forced Migration Research)

Resettlement and other active refugee admission policies are high on the international, the EU's and national agendas. The UN Global Compacts put safe and orderly migration, access to protection as well as responsibility-sharing centre-stage. The EU is negotiating a common framework for resettlement and humanitarian admission programmes. Several European countries are expanding existing programmes or introducing new ones. Traditional resettlement is only one of several active refugee admission policies (ARAPs), alongside, for instance, humanitarian admission, private sponsorship, and scholarship programmes. Often subsumed under the term 'resettlement', ARAPs reshape the political objectives, target groups and actor constellations of traditional resettlement. The diverse forms ARAPs take in the European context limits the generalizability of previous research, mostly focusing on traditional resettlement countries like Canada, the United States and Australia. This begs a number of questions that cut across various disciplines and methodological approaches. To develop a better empirical, theoretical and conceptual understanding of ARAPs as a specific form of refugee protection, this workshop aims to bring together researchers from different disciplines and interested practitioners.

The workshop serves as the kick-off event for the newly founded working group 'Active Refugee Admission Policies' within the German Network of Forced Migration Research. Besides taking stock of individual research projects and common themes across them, the workshop will also offer a space to discuss conceptual, theoretical and methodological challenges of researching ARAPs and potential avenues for collective research projects and publications. There will also be time to present and discuss participants' research projects at different stages.

Programme

9.30 Registration & Coffee (Room: B9.22)

10.00 Welcome and Introduction by Natalie Welfens & Marcus Engler

10.15 Round of Introductions

10.30-11.30 Active Refugee Admission – Potentials and Limitations of a New Concept

Inputs by Olaf Kleist (University of Osnabrück/DeZIM Berlin), Adele Garnier (Macquarie University) and Naoko Hashimoto, (Hitotsubashi University Tokyo) followed by discussion

11.30 – 13.00 Panel I Varieties of ARAPs in Europe and Beyond

Chair: *Janine Prantl, University of Innsbruck*

Community Sponsorship Models: Toward Transnational Policy Transfer?

Nikolas Feith Tan, The Danish Institute for Human Rights

Refugee Resettlement: A Nordic Approach?

Amanda Cellini, University of Oslo

Securing Solidarity with Asylum Seekers: The Emerging Role of Faith-Based Actors in the Multilevel Governance of Protected Entry Programs in Europe

David Sulewski, University of Massachusetts, Boston

‘Where the Heart is’: Family Reunification Experiences for Refugees in Latin America

Patrícia Nabuco Martuscelli, Universidade de Sao Paulo

13.00 – 14.00 Lunch

14.00 – 15.30 Panel II Legal Dimensions and Challenges of ARAPs (Room: C3.04)

Chair: *Gamze Ovacik, Bilkent University Ankara*

Resettlement of Refugees, an International Lawless Durable Solution?

Marjoleine Zieck, University of Amsterdam

Legal Access to Protection in the EU

Pauline Endres de Oliveira, Justus Liebig University Gießen

Asylum/Territory Decoupling and Refugees' Right to Leave

Mary Dickson, Radboud University Nijmegen

Refugees as Migrant Workers. Labour Migration as Alternative for Refugee Protection in the EU context?

Zvezda Vankova, Maastricht University/Lund University

15.30 – 15.45 Coffee break

15.45 – 17.15 Panel III Refugees' Agency, Aspirations & Decision Making in ARAPs

Chair: *Yasemin Bekyol, University of Nuremberg-Erlangen*

Illuminating Refugee Voices in Resettlement

Robert Batarseh, York University Toronto

Circumventing Senegalese Sovereignty to Resettle Homosexual West Africans to the Global North: UNHCR Undercover?

Agathe Menetrier, Max-Planck Institute for Social Anthropology, Halle

Expectations, Aspirations and Information Needs Before and After Departure

Lena Kainz, Migration Policy Institute Brussels

Syrian Refugees' Agency and Access to Resettlement: Experiences from Turkey

Hanna Schneider, Vrije Universiteit Brussels

17.15 – 18.00 Closing Debate & Discussion of Future Events and Projects

Abstracts Panel I Varieties of ARAPs in Europe and Beyond

Community Sponsorship Models: Toward Transnational Policy Transfer?

Nikolas Feith Tan, The Danish Institute for Human Rights

The concept of community sponsorship of refugees has gained significant momentum in recent years. Originally a Canadian model developed to support the resettlement of Indochinese refugees, the concept is now firmly embedded at the European policy level as a complementary pathway to protection and a prominent example of an Active Refugee Admission Policy (ARAP). At the European level, community sponsorship has gained recent momentum, with 11 European states piloting some form of the concept. The European Commission has encouraged Member States to explore community sponsorship via the European Agenda on Migration, conducted a feasibility study on the role of the EU in this area and offers funding to support the development of community sponsorship models. This contribution provides some insights into the feasibility of implementing community sponsorship in new countries. First, it provides an overview of the expansion of community sponsorship since the New York Declaration. Second, the paper analyses lessons learned in evaluating whether community sponsorship is a viable policy option in new states, with reference to recent feasibility studies undertaken in Scandinavia. Third, the paper suggests a method framework for conducting similar studies in other jurisdictions.

Refugee Resettlement: A Nordic Approach?

Amanda Cellini, University of Oslo

Resettlement lies within the core mandate of UNHCR and, despite its lack of formal codification in international law, is remarkable because of its long history and continued use by the international refugee regime since at least the 1950s. With no positive legal obligation on states to participate, the fact that a few “core” countries have participated voluntarily in annual resettlement programs since the establishment of UNHCR remains worth exploring further. The Nordic countries— Sweden, Norway, Denmark, Finland, and Iceland – have long been players in supporting solutions to problems on the international level. As such, the Nordics have had a keen interest in refugee protection. They have a long history of admitting refugees through national resettlement programs, yet have rarely been the focus of study on durable solutions for forced migration, either as individual states or as a regional bloc. This presentation aims to provide an introduction to the current doctoral research undertaken by the author, which focuses on the resettlement of refugees in the Nordic region.

Securing Solidarity with Asylum Seekers: The Emerging Role of Faith-Based Actors in the Multilevel Governance of Protected Entry Programs in Europe

David Sulenski, University of Massachusetts, Boston

The recent human migratory events of 2015 triggered a crisis in Europe's management of refugee and asylum policy and generated tensions among various actors on multiple levels of migration governance. This crisis may explain why dynamics of multilevel governance (MLG) of migration may have changed, but examining across cases how various actors interact, conflict, cooperate, or disengage to address migration has been under-explored. This doctoral research focuses on *Humanitarian Corridors*, a faith-based initiative in partnership with select EU Member States designed to create safe pathways to Europe for forced migrants in northern Africa and the Middle East. Using comparative case analysis, this research draws from semi-structured interviews with key religious and political actors in Italy, Belgium, and Spain to examine the dynamics among the actors at the subnational, national and supranational levels, identify what resources, practices, and structures enabled religious actors to mobilize, and determine under what conditions they were successful. By employing a MLG approach, this research contributes to theoretical debates about how existing MLG arrangements react in times of large flows of migrants, how new ones may emerge, and how religious actors, in particular, are able to assume increasing authority and autonomy as refugee crisis governors.

'Where the Heart is': Family Reunification Experiences for Refugees in Latin America

Patrícia Nabuco Martuscelli, Universidade de Sao Paulo

Abstract: Family reunification is an Active Refugee Admission Policy (ARAP) that allows refugees to enjoy their right to family life. The literature on family reunification focuses on countries with restrictive policies in the Global North like Canada, Australia, United States of America and Europe. Those countries could learn from other experiences of family reunification, like in Latin America. This work analyzes family reunification policies for refugees in Latin America with a focus on the case of Brazil using the content analysis of national and regional legislation on asylum. Brazil has adopted different types of ARAP including humanitarian visas for Syrians and Haitians besides a facilitated visa procedure for refugees' family members. I show that Latin American countries recognize the right to family reunification to refugees and adopt expanded definitions of family. Family reunification is a type ARAP that was consolidated in the Brazilian practice in the last 20 years. It is an alternative for people in need of protection to arrive in Brazil and live with their family members. Family reunification also contributes to the local integration of refugees in Brazil.

Abstracts Panel II Legal Dimensions and Challenges of ARAPs

Resettlement of Refugees, an International Lawless Durable Solution?

Marjoleine Zieck, University of Amsterdam

One of the key questions of my (multi-year) research into the solution of resettlement of refugees – as a task assigned to UNHCR – relates to the legal framework of resettlement or rather the assumption of the absence thereof. The fact that offering resettlement places is a discretionary power of states appears to imply the absence of relevant legal norms, and resettlement consequently functions in a legal void. More specifically, the resettlement of refugees appears not to be governed by international refugee law and is consequently subject to selection criteria states derive from in particular migration law to the detriment of the entitlements of refugees. In addition, the entire resettlement process appears to be devoid of any procedural rights on the part of refugees. The question is whether the lawlessness referred to is legally tenable.

Legal Access to Protection in the EU

Pauline Endres de Oliveira, Justus Liebig University Gießen

My contribution to the workshop aims at tackling the issue of ‘*Access to ARAPs and their impact on individual refugee protection*’. To this end, I would like to present and discuss my current dissertation project with the participants of the workshop. In the absence of an explicit entry right for refugees, my dissertation project is driven by the interest to assess ARAPs as possible responses to the asylum paradox: The thesis departs from the premise, that the apparently contradicting aims of granting territorial protection on the one side and preventing access to territory on the other, are the result of a tension. Territorial sovereignty of states is in tension with universal human rights, amounting to a tension of responsibilities towards different subjects. Eventually, the question of access to protection affects the inter-state level, raising issues of responsibility-sharing and solidarity. These three areas of responsibility form the critical frame (*responsibility framework*) for the assessment of ARAPs in the focus of my study. The aim is to assess how access to protection could be regulated through ARAPS in contrast to the legal status quo of territorial asylum, thereby identifying the consequences and ‘trade-offs’ for the responsibilities involved.

Asylum/Territory Decoupling and Refugees’ Right to Leave

Mary Dickson, Radboud University Nijmegen

One trend in the development of alternative pathways to asylum considered by the EU has been the decoupling of asylum from territory (asylum/territory decoupling). My research considers this in two forms: resettlement and extraterritorial processing. I posit that resettlement and extraterritorial processing sit amongst a spectrum of policies which seek to break the asylum-territory nexus to different extents.

Through case studies on Australia and the U.S., I look at two jurisdictions where asylum/territory decoupling takes place in order to consider: what is the impact of the combination of these policies on the right to leave; on the necessity for refugees to have fled their country of origin; and on the right to seek asylum. Another consideration in my research is the normative question of the ethics of asylum/territory decoupling. In relation to this, I focus on the role of territory in the ethics of asylum in order to consider if and how resettlement or extraterritorial processing could be viable alternatives to territorial asylum. My research would contribute to your workshop because it focusses on the impact of resettlement in both a legal and ethical sense, meaning that it aims to consider what resettlement is and what it *should* be.

Refugees as Migrant Workers. Labour Migration as Alternative for Refugee Protection in the EU Context?

Zvezda Vankova, Maastricht University

The newly adopted United Nations Global Compact on Refugees will serve as a non-binding framework for global governance in the field of international protection. The Compact reiterates the policy idea of facilitating labour migration for refugees as a complementary pathway for admission into a country. This research proposal seeks to critically examine the feasibility of this idea in the EU context. Firstly, it focuses on EU law and international refugee and human rights law analysis. It tackles issues related to admission, rights of such refugee workers and challenges related to possible return. Secondly, the proposal incorporates an empirical research layer. This is the best way to examine the implementation challenges regarding the policy idea of admitting refugees as migrant workers. The empirical data is collected on the basis of interviews with stakeholders at both EU and national level. In order to assess the implementation obstacles at national level, Sweden and Germany are chosen as case studies as they have attracted most of the refugees in Europe as a result of the so-called “refugee crisis” whilst maintaining a “welcoming” approach to labour migration.

Abstracts Panel III Refugees' Agency, Aspirations & Decision Making in ARAPs

Illuminating Refugee Voices in Resettlement

Robert Batarseh, York University Toronto

My current research examines the decision-making process behind largescale group resettlement programs, with a specific focus on Canada's Group Processing Program, the UNHCR Group Methodology, and the resettlement of refugee groups under the United States' Priority-2 (P2). I'm currently preparing a book manuscript that focuses on these programs and more generally on the historical and contemporary grouping of refugees for resettlement. As part of this research, I am interested in understanding how refugees exercise agency in the decision-making process of resettlement programs. What are refugees' perceptions of this process, including registration, identification, verification, and security practices? How do refugees navigate and/or challenge selection practices? What lessons can be drawn from listening to refugees? What factors shape refugee agency in local resettlement contexts? For instance, what are the relations/tensions between this agency and the efforts of NGOs, host governments (both national and local authorities), as well as the implementation of formal UNHCR resettlement practices? How might we translate knowledge on refugee perspectives into practical changes in resettlement policy-making at the global level? This research will inform the conclusion of my book manuscript. As part of the workshop, I would like to share some of my preliminary thoughts on these questions as well as collaborate and learn from others interested in the broader question of cultivating refugee agency in 'Active Refugee Admission Policies' in Europe and elsewhere.

Circumventing Senegalese Sovereignty to Resettle Homosexual West Africans to the Global North: UNHCR Undercover?

Agathe Menetrier, Max-Planck Institute Halle

In my doctoral project I study resettlement from a West African perspective. Following a group of Gambian LGBT asylum seekers during their time of transit in Dakar, Senegal, I retraced the resettlement

decision-making chain from the first claim at the Senegalese eligibility commission to departure to resettlement countries in North America and Europe. The case of displaced LGBT Gambians is particular: while fleeing state-led homophobic attacks, a hundred of young men and women crossed the border to Senegal since 2015 and found a temporary refuge in this country which also criminalises homosexuality. They cannot obtain a refugee status on the ground of their membership to a specific group which the Senegalese state considers to be illegal. The UNHCR regional office for West Africa must therefore circumvent Senegalese sovereignty on asylum matters and recognise LGBT asylum seekers as refugees under UN mandate before submitting their cases to resettlement countries. DRS are thus conducted behind a veil of secrecy by UNHCR agents who nevertheless rely on Senegalese implementing partners to identify most “vulnerable” cases. On November 29th I would be keen on exchanging with colleagues who analysed the secrecy surrounding ARAPs in other regions of origin. Refugees’ imagination of private sponsorship and its role on their lives prior to resettlement is another aspect of my research which I hope will become the subject of a collaborative publication.

Expectations, Aspirations and Information Needs Before and After Departure

Lena Kainz, Migration Policy Institute

As EU countries look to expand their resettlement efforts, and a handful of interested Member States create entirely new programmes, there is a need to better ensure that refugees’ subjective experiences of choosing and participating in a particular protection pathway, as well as their individual information needs both before and after arrival, inform the way such programmes are designed and implemented. MPI Europe’s contribution to the forthcoming inaugural ARAP working group could draw upon its future (and by the end of November ongoing) work with several focus groups bringing together resettling refugees from various nationalities and departure locations to explore and compare participants’ expectations, aspirations and information needs before departure as well as after arrival in more depth. Drawing on formative evaluations and the feedback loop they create between authorities, nongovernmental actors and protection beneficiaries themselves, insights and reflections gained during focus group meetings could lay the necessary groundwork for revisiting and adjusting a particular pathway’s programme design. This contribution to the working group meeting would further serve as an opportunity to jointly think through and critically assess how, by whom and when data on refugees’ experiences within different pathway programmes is gathered, evaluated, and ultimately fed back into the programme design.

Syrian Refugees’ Agency and Access to Resettlement: Experiences from Turkey

Hanna Schneider, Vrije Universiteit Brussels

This contribution is a first attempt to conceptualize refugees' agency within the resettlement process. Building on qualitative in-depth interviews with resettled refugees in Germany in May 2019 and fieldwork conducted in Turkey in July 2019, the contribution will outline different venues that exist (and ceased to exist) for Syrian refugees to access the resettlement/humanitarian admissions process in Turkey. It will also examine the engagement of NGOs and governments in resettlement referrals as well as UNHCR's perspective on refugees' agency and access to resettlement. Based on these explorations, the contribution seeks to conceptualize the (very constrained) agency of refugees in a process that is primarily created as a protection mechanism for recipients without any agency.