

New narratives from the EU external border - humane refoulement?

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Abstract

This article discusses changes in the discourse and practice of the EU external border. Findings of a small-scale research project looking at UNHCR'S Border Management and Protection of Refugees (BMPR) programme will discuss developments taking place at the EU external border and will show a new kind of narrative. Institutional cooperation, access to territory and compliance with the principle of *non-refoulement* seem to have improved. A more empathetic narrative of border security has found its way into institutions of enforcement authorities that primarily follow their mandate of protecting the state's border and territory. This new narrative is, however, highly politicized and institutionally driven. By taking a more critical view, I introduce the concept of *humane refoulement* towards the end of the article describing the consequences of this new narrative and denoting it as hypocritical in its nature.

Keywords: bordering, discourses, practices, migration control, European Union, refugees, human rights, humane refoulement

Introduction

Since 1999 the EU has been envisaging to establish a Common European Asylum System. It includes range of key pieces of EU legislation, including a Directive setting minimum standards on asylum procedures. Directive 2005/85/EC, in particular, has established minimal standards on proceedings for granting and withdrawing refugee status while defining the concept of ‘safe third country’ that is in compliance with the *non-refoulement* principle¹ established by the framework and protected by the bodies of international law. In parallel the EU was putting in place a wide range of legislation towards establishing common border controls and migration policies, including the development of an integrated border management system. All ‘new’ EU member states had to incorporate binding EU laws and regulations into their national legal framework. ‘New’ EU member states joining the EU in 2004 and 2007 were comparatively inexperienced in dealing with refugees and processes and principles of asylum seeking. They were particularly challenged to implement and incorporate one of the cornerstones of the Common European Asylum System (Council Directive 2005/85/EC), yet streamlining it with complementary regulations such as the Schengen Border Code and the Visa Code defining the standards and managerial process, while following Article 2 (9) of Regulation (EC) No 562/2006, which established a Community Code on the rules governing the movement of persons across borders and the execution of expulsion. To uphold and assist this rationale and to ensure a well-operating asylum regime in a changing European space – especially in the past decade – additional assisting measures came to the fore, such as the UNHCR’S Border Management and Protection of Refugees (BMPR) programme.

The enlarged EU and its manifold national jurisdictions retaining their sovereign right to regulate entry across borders however increase the complexity of

upholding the compliance with the 1951 Geneva Convention. The ‘refugee crisis’ of 2014/2105 has shown in a most illustrative way how dysfunctional the EU migration regime is and how inappropriate the logic of bordering has become in the 21st century. The EU migration regime is far from being developed, and yet, the logic of bordering is likely to survive the current so-called ‘refugee crisis’ – for political and managerial reasons. However, this article does not intend to discuss the state of the EU migration and border regime as such, but it will focus on a particular but vital aspect of this regime: access to territory and the principle of non-refoulement.

This principle was central to the negotiations and debates on border and migration regimes after World War II when the predecessors of the EU were starting to take shape soon after. And equally, the matter of border-crossing and migration becomes one of the subjects that endangers the existence and future of the EU nowadays. The events of 2014 and 2015 will write migration history, but the history of states rejecting asylum seekers illegally at their borders (*refoulement*) continues. Initiatives and projects in the past already intended to improve situations and practices at borders as regards *refoulement*, and the BMPR program is one of them. I will focus in this article on the analysis of *narratives* that emerged from the examination of this particular BMPR program.

Firstly, I will provide the framework of the principle of *non-refoulement* and situate the contribution of the article into the research field. By discussing the process of categorizing migrants in an environment dominated by state security instead of human security, the challenge of providing protection for refugees becomes self-evident, especially in situations at the border itself. After having described the specificities of the BMPR project and the research that examined it, in the main part of the article I will present the somewhat different and novel narratives identified

during my research. Evidence points to an increase of empathy among border authorities. I will argue that this finding adds a new narrative to the quality of border enforcement. It points to a somewhat changing discourse of bordering. However, the meaning of this new narrative needs to be read with caution and needs to be questioned. A final section of this main part will critically balance these narratives by introducing the concept of *humane refoulement*, that is, humane treatment of migrants but *de facto* practices of return or push backs. A conclusion will draw the article to a close.

Changing migration processes, challenged categorizations

Over the past centuries and decades, wars and areas of violent conflict have produced high numbers of migration flows. Seeing through the lens a state,² migrants were labelled with features and characteristics in order to categorize them into legal entities. Although often forced by their environments and social contexts, migrants went through a process of empowerment in the past decades and started to see themselves less as victims of their contexts and circumstances but more as autonomous agents.³ Diversified and increased transport methods and providers, and migrant networks became better organized.⁴ Changing environments that force people to move as well as the changing driving forces of the people themselves began to dissolve established legal categories and migration patterns became increasingly diversified or ‘mixed’. From a state-centric perspective there are two major categories of migratory movements: forced and voluntary departures. Forced migration caused by various kinds of serious human rights violations or armed conflicts may, however, overlap with other reasons for leaving a country such as poverty, environmental degradation, poor governance and increasing levels of corruption.⁵ Major static legal

categories and their rationale became increasingly blurred,⁶ while at the same time people qualifying for international protection increased in numbers. Who counts as ‘migrant’ or as ‘refugee’ was once more on the political agendas and became a topos in heated public discourses. The fluidity of modern times⁷ is mirrored in modern migratory patterns and its underlying implications. Insecurity became a central element on both sides of the spectrum: people on the move sought security and societies receiving newcomers sought to securitize these moving people while securitizing their ‘own’ identity, social status, culture or life-style.⁸

Migration control systems became challenged and as response, asylum channels and other migratory pathways became more stringently controlled by state borders and their authorities.⁹ This stringency applies especially to ‘hot borders’ such as the North and South borders of Mexico or in a European context the Greek-Turkish border, the Mediterranean Sea or other critical border crossings at the eastern external EU border such as Terespol or Uzhgorod. In case of the latter-mentioned border crossing where abuse and exploitation became common practice, international organizations such as the United Nations, or more specifically the UNHCR, installed monitoring projects such as the BMPPR - which will be at centre of discussions of this article.

Most migration control regimes were transformed – in the 1990s but more intensively in the ‘age of terrorism’ – into securitization regimes.¹⁰ One of the drivers of this transformation was the ever-growing complexity of the distinction of who is a migrant and who is a refugee, and even more significantly: who is genuine asylum seeker and who is a deceiving asylum seeker. This distinction not only became a matter of national sovereignty but of national security.¹¹ As a consequence, migration and asylum regimes became increasingly restrictive¹² and legal migration channels for

third country nationals (non-EU citizens) became highly limited.¹³ New regimes aimed at reducing immigration and control irregular migration, and by the introduction of new legislations and regulations,¹⁴ new pathways into irregularity or status of semi-compliance were generated at the same time.¹⁵ On the one hand a highly diversified field of a state-centric view pursuing the control and ordering of migratory phenomena, and on the other hand a (in part) growing autonomy of migrants as agents emerged.

However, in this convoluted field in which the state and its border authorities seek to keep the situation ‘under control’, the probability of confusing refugees with ‘economic migrants’ has increased and chances to undermine the basic principles of refugee protection have amplified.¹⁶ Not only can the return or push back of a refugee to a territory where his or her life or freedom would be threatened (*refoulement*) have fatal consequences, but this act is against the right of asylum as entrenched in international human rights law (e.g., Article 14 of the 1948 Universal Declaration of Human Rights).

Distinguishing a person’s motivation and aspiration of migration is a complex and sensitive matter. However, it has a direct impact of the principle of non-refoulement. The list of difficulties seems endless and instead of discussing the complex matter of truth in the process of granting asylum as Didier Fassin¹⁷ eloquently did, I would like to point to much more simple impediments. Simple details of migration trajectories such as secondary or onward movements by people can confuse the process of granting asylum. Such secondary movements may happen when people move on from a ‘first’ asylum country to a self-selected ‘second’ asylum country without possessing the required authorizing documents for the entry to the ‘second’ country. State authorities have difficulties dealing with such ‘composite

statuses': a person with refugee status but having irregularly entered another country but in search for asylum in another country. Subject to migration laws and regulation of the 'second' country, state authorities may return the person to the 'first' country of asylum. Such composite statuses - among various other politicised developments (e.g. international terrorism) - further complicate the security-orientated context of the asylum situation in EU (and elsewhere). In more recent years, principle of non-refoulement had undergone judicial developments¹⁸ while public and political discourses¹⁹ have softened or at least gave state authorities including border authorities a basis for justifying their omnipotent security logic.²⁰

Although this increasing legal and practical convolution (in courts and at state borders themselves) of the treatment of the principle of non-refoulement, the basic idea of non-refoulement has become ever more vital in regimes that aim at regulating moving populations. States seek to reconcile their right to control their borders while observing their obligations to protect refugees moving in 'mixed flows' of regular and irregular migrants. Not only inevitable macro-structural changes and the growing autonomy of migrant agency and migrant subjectivity challenged the principle of non-refoulement, but also an emerging security policy framework.

Border configurations and bordering

As afore-mentioned, in response to macro-structural changes, national governments and regional administrations adopted their policy frameworks in order to deal and manage new migratory flows of an increasing diversity. These policy frameworks, such as the one of the EU and its member states, became increasingly imbued by a dominant security agenda.²¹ Migration control regimes merged with security and military regimes. Whilst militarizing the EU external border²², EU member states also

needed to ensure the prerogative of protecting fundamental rights.²³ A balancing process had commenced, especially at the EU member states' borders.

Borders have undergone wide-ranging transformations. Shifts from traditional understandings of delineating state sovereignty and static linear territorial lines²⁴ to revision of the conceptual understanding that consider dynamic social and spatial relationships taking place across borders,²⁵ are quite evident and prominently discussed. A multiplication of new varieties of border in its form, function but especially in its practice, that is, its constitutive parameters, emerged. Etienne Balibar referred to borders that are 'multiplied and reduced in their localisation' whilst 'thinned out and doubled'²⁶ – a process that can be observed at many places and sites across the world.

The generalization and theorization of border has in all disciplines a critical issue which is difficult to overcome: diffusion, elusiveness and the comparability of the subject matter. James Scott and others²⁷ argued that each border region is unique and Thomas Hall²⁸ argues that each border is unique and comparability is therefore close to unfeasible. Emmanuel Brunet-Jailly²⁹ thus argues that the complexity and diversity of borders has so far prevented any comprehensive theorising of borders. Yet, one has to be careful that one dismisses at one point the 'dangerous idea of a national ethnos'³⁰ and dismantles the powerful justification of the logic of state borders as instruments of 'biopolitical borders'³¹ creating governable population units. If one assumes that territorial borders are still 'a mode of control'³² and governing the access to a specified territory and function 'as a line of differentiation for the movement of persons'³³ and representing 'one of the quintessential features of sovereignty'³⁴, one has to pose the question: who makes the border or who constitutes the border through executive actions?

Certainly, a range of contributions – and I will refrain from providing a comprehensive literature review here³⁵ – can be found which developed innovative concepts such as re-bordering³⁶, borderland³⁷, borderwork³⁸, b/order/ology³⁹ and borderscapes⁴⁰. They have helped to clarify the myth of ‘the border’.⁴¹ Yet, crucial for this article is to consider the processual and non-static character of the border and that is *bordering*; thus looking at the processes and practices that make and produce the border. Bordering practices are at the heart of the nature of border, and thus, bordering *practices* and especially its *narratives* and its *people* involved in them, were selected for discussion for this article.

Border security have increasingly been understood and interpreted as performance⁴², a machine⁴³ or a sovereign ban⁴⁴. Surely, border security became an indicator for the performance of the physical control of migration and goods in the EU, but it also epitomises the potential impact of existing threats which demand further expansion of the security architecture.⁴⁵ These and further narratives exist whilst most of them, and especially their consequences, are shameful and horrifying.⁴⁶ The history of violence against migrants at and around borders across the world and at the gates of the EU signified by the devastating narratives of migrants and the reality of about 17,000⁴⁷ deaths at the EU external border between 1993 and 2012⁴⁸ is relatively well-known. However, this article would like present some new kinds of evidence forming a rather different, yet highly politicized, institutionally driven narrative and this will be discussed in the following sections: the new *narratives* of the EU external border; a new perspective that give rise to rethink the principle and *practices* of non-refoulement. It adds a perspective to James Scott’s⁴⁹ ‘seeing like a state’ and Chris Rumford’s⁵⁰ ‘seeing like a border’, and that is, ‘seeing like border authorities’. It provides a ‘voice of civil servants’ to analyze bordering.⁵¹

The contribution of this article is close to the discussion of the recent ‘practice turn’ in border studies which constitutes a methodological orientation towards the meaning of particular policies, institutions or ideas as understood by the actors in these fields.⁵² Action and behaviour by border authorities in regard to their discretionary and exceptional powers were already examined,⁵³ also the xenophobic behaviour which is involved,⁵⁴ but this article looks at *speech acts* and *narratives* of border authorities rather than their practices as such. It focuses on the border authorities’ perspective and understanding: How do border authorities give meaning to their actions? How do border authorities reflect on their actions?

The EU external border as field – focussing on BMPR

The findings⁵⁵ are based on a research project conducted in 2012/2013.⁵⁶ This research critically examined the UNHCR’s BMPR project. Since 2005, UNHCR aimed to shift its focus from direct assistance to policy and advocacy and part of this process was to strengthen the UNHCR’s BMPR project. BMPR was established in seven countries of Central Europe (Bulgaria, Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia) and aimed to support them in meeting the challenge of managing the EU’s eastern border (except for the Czech Republic). The strategy built on existing work, particularly the Access Management and Support Programme (AMAS), and started in 2009. Through AMAS and its successor BMPR, UNHCR intended to help these countries meet the challenge of managing their borders while upholding their duty to protect refugees arriving in ‘mixed flows’. The objective of BMPR is threefold: Firstly, to ensure compliance with the 1951 Convention relating to the Status of Refugees and UNHCR Mandate at the new external borders of the

enlarged EU; secondly, to ensure effective access to the territory and procedure for persons of concern to UNHCR; thirdly, to reduce instances of *refoulement*.

Research methods of the project included two phases: (1) desk research, (2) fieldwork and in-depth interviews. Researchers, including myself, of the project had access to the internal reporting system of the UNHCR. On the basis of internal BMPR reports, statistical data and additional documentation provided by the national authorities and stakeholders (that took part in the BMPR), a first evaluative analysis was achieved. In a second phase of the project, in-depth interviews (n=36) were conducted with key stakeholders in the seven countries of the region involved in BMPR. These included local UNHCR offices, state authorities (e.g. governmental departments, border authorities) and NGOs (e.g. Helsinki Committee, Human Rights League, European Council on Refugees and Exiles). A number of border sites were visited at the eastern EU external border (e.g. Poland, Hungary). Observations and further short interviews during such visits have contributed and enriched the overall analysis.

The leading research question of the study was: How did the BMPR address the dilemma of non-refoulement and mixed migration flows in an increasingly security driven environment? The most direct and simple answer is: cooperation, communication and training. However, these three collaborative aspects point to a seemingly changing discourse of the border as *field* and *practice* - particularly with regard to the states' mandate to have power and full sovereignty over their territorial borders through its 'executive arm', that is, governmental departments and border authorities. Some selected evidence will be presented in the following sections whilst critical discussions will follow in subsequent sections.

At the core of the BMPR approach are a series of partnerships brokered at national level between border authorities, UNHCR and UNHCR's implementing partners (non-governmental organizations) that allow UNHCR and its NGO partners access to places of detention and land border crossing points. Border monitoring was neither new to the region, nor unique. The innovative character of BMPR is the formalization of cooperation through bipartite (UNHCR and border authorities) or tripartite (UNHCR, border authorities and NGOs) agreements and the allocation of responsibilities and operational methodologies to the partners. In addition to the national work which UNHCR, border authorities and NGOs have taken forward, BMPR has also involved a regional dimension. The Regional Representation in Budapest has organized cross border meetings and training, promoted a uniform approach by developing, for example, templates for Tripartite Agreements, and has collected and published reports on BMPR activities in the region.

The overall findings of the study, of which some selected ones will be subsequently discussed in more detail, can be summarized. In the view of most interview partners (1) access to territory has improved and risk of refoulement has reduced to some degree; (2) access to status determination procedures has improved (limited to the registration of asylum applications).⁵⁷ Further - and more stringently verified findings - can be pointed out: (3) stronger cooperative relationships created between the government, NGOs and UNHCR in each country; (4) stronger cross-border cooperation between UNHCR, NGOs and national authorities; (5) key lessons gained about training needs and appropriate training methods for staff at border, reception and detention facilities; (6) increased awareness and improved behaviour towards refugees (more sensitive, flexible, empathetic) amongst staff undergoing

training through the programme; (7) key learning gained by UNHCR and key programme partners which helps inform their future work planning in this area.

Reading through these seven main findings, the BMPR delivers an overall positive picture. Discussing all systemic and contextual reasons is not within the scope of this article. However, a specific and outstanding finding will be discussed in more detail which lead to the core finding of this contribution and this is the increase of sensitivity, flexibility and empathy among border authorities' staff, that is, exploring further the perspective of 'seeing like border authorities'. On reflection, these evidence need to be read with caution since border staff might have communicated their perspective in a most favourable way. So I have equally tried to take this caution analysing my data.

Studies that involved ethnographic fieldwork among staff at immigration removal centres, for instance in the UK, similarly found an emerging empathy of detention staff towards detainees.⁵⁸ Other research, however, has emphasised how that this very empathy behaviour was systematically prevented by the detention apparatus (moving detainees around the detention estate before they can form positive human relationships with guards, for example).⁵⁹ This time, we change the site of emerging empathy and look at the border itself where, as I argue, it was similarly signalled – a similarly politicised but structurally differing site.

The accompanying possibility of compassion through the imaginative reconstruction of another person's experience⁶⁰ either at the border or in a detention centre are narratives that are in contrast with hegemonic discourses of securitization and the violence of the EU border generating narratives of human suffering. I argue that this increase in empathy though is not mutually exclusive with the acute observation made by recent contributions⁶¹, but instead I will show how this empathy

has consequences which can be best described by what I will conceptualize as *humane refoulement*. It is not a reduction of the border and its area of application and functions (which is in fact expanding gradually, that is, border control is implemented by banks, landlords or universities for instance in the UK). It is, however, a finding that addresses the *quality of the border*. It claims ongoing changes in the narrative, practice and *discourses of bordering*.

New narratives

Interview partners⁶² widely perceived the critical issue of refoulement as having improved. Most respondents reported that they thought there was less practice of refoulement than in the past. For instance,⁶³ Bulgarian border authorities stated that asylum seekers are not being expelled as much as they were a few years before. In Slovenia, the police thought they would now be able to identify an asylum seeker and that the likelihood of refoulement was much reduced as a result of training and the provision of information. Although the situation as regards refoulement is reported to have improved in the view of our interview partners, there are still major existing concerns about direct push backs at the border.

‘Most people arriving at the border are sent straight back. If, say, they have come through Serbia, which is considered to be a safe third country, they are pushed straight back there. For example, a Somali person was sent back to Serbia. Even though most Somalis who get into the procedure get some form of status.’⁶⁴

Another concern is indirect refoulement (people returned to countries they have transited, on the grounds that this transit country is safe, but from where they risk being sent back to their country of origin). In October 2012 UNHCR warned that Hungary's practice of removing asylum-seekers to countries it deemed to be safe countries of asylum or 'safe third countries' without the possibility of having the merits of their claim examined in Hungary, created the "risk" of indirect refoulement.⁶⁵ Nevertheless, most interview partners confirmed an overall positive developments and that accounts especially for collaborations among different institutions.

Institutional relationships

NGOs, border authorities, enforcement staff and the UNHCR developed positive working relationships at formal and informal level. All seven countries and their representatives referred to constructive work. The working modus has become 'much more open. We (the differing institutions) have much more contact than in the past. The problems are about differences of opinion. Maybe it is difficult because topic by topic or questions by questions or situations by situation we (border authorities, NGOs and UNHCR staff) have different opinions. But generally we are talking, and things are getting better I think.'⁶⁶ More trust between stakeholders has brought tangible benefits through increased communication.

'We (NGO and UNHCR staff) gained trust: the border police are more accessible, which is also good for persons of concern, because if we have any questions or doubts we can sort them out quickly. We have easier access to persons of concern, but we are

not so naïve to think we know everything [...] The lawyers can't be at the border 24 hours a day [...] When [NGO name] talks about "long standing relationships" with the Border Police, they mean they can "just pick up the phone". Communication with border police is much easier than it was. They know who they are talking to: we don't need to write the usual letters. It's much quicker, more accessible, which benefits asylum seekers at the end of the day.'⁶⁷

Such improved cross-border cooperative relationships created between border authorities, NGOs and UNHCR in EU-neighbouring countries involved stakeholders to learn from each other experiences. NGOs and border authorities stated that they know more about what is happening on the other side of the external borders of the EU. In other words, they claim to know more about the 'mixed flows' heading towards the EU border and they are able to track what happens to some of the people who are returned.

'You really need a cross-border element. Return movements change so fast. It's the same people wandering around Europe. You really need to talk to people on the other side of the border to talk about returnees. Some recognised refugees in Hungary explained that it had been their 3rd attempt and they had been sent back to Ukraine twice.'⁶⁸

Cross border cooperation gave stakeholders in the EU valuable information that: (1) gives a better understanding of whether refoulement or push backs are taking place; (2) enables them to take action to remedy mistakes, if people are found to have been wrongly returned, both in the individual cases, and by amending law or practice, if a systemic problem has been revealed; and (3) enables them to plan for arrivals.

One NGO representative stated that he regularly spoke with border authorities about the importance of cross-border cooperation: ‘I tell the border guards that on the other side of the border are other border guards and other NGOs. People who get sent back will be informed of their rights there. They don’t disappear [...]’.⁶⁹ In fact, the NGO representative continued, ‘seeing people on other side of the border is very important. It means that everyone understands they are doing the same job, making sure people have access to international protection.’⁷⁰

Notably, when the border authorities had spoken their cooperative relationship with NGOs to foreign counterparts they usually do it with pride, it will likely renew their commitment to partnership and openness, interview partners have ensured.⁷¹ For instance, cross border cooperation such as in Slovakia where BMPR partners felt that their cross-border cooperation with a Ukrainian NGO had been useful and led to improvements in Slovakia.

‘We (NGO staff) learned from the news that there was a group of people apprehended at night. Quite quickly we had a lawyer travelling to the spot, but he was refused contact with these people who were caught by the Slovak Authority, even after intervention of the UNHCR head of office, we were told that they didn’t ask for asylum, so we couldn’t do anything. So we

contacted our partners on the Ukrainian side to see if they could do anything and monitor the handover to the Ukrainian authorities [...]. When our Ukrainian NGO got to them they said they wanted to seek asylum in Slovakia. This was a major moment with us: since then [matters] have quite improved.’⁷²

Emerging empathy

A widespread consensus among interview partners was the changing attitudes and behaviour of individual border personnel. This was depicted as one of the most important factors in improving how persons with critical concerns are dealt with. Most interviewees observed some type of change in the behaviour and attitudes of border authorities who had gone through training in the BMPR. Border authorities stated themselves: ‘The most important benefit of the programme has been to change the way of thinking of border officials, so that they understand that they are not entitled to decide who is a refugee and who is not.’⁷³ UNHCR staff underlined this development: ‘Before, they used to see them just as “illegals”. Now, at least some are aware that the some of these people have needs for protection.’⁷⁴ The attitude of border authorities has ‘definitely changed’ as several interview partners have emphasized.⁷⁵ For example in detention facilities a ‘totally different way of thinking’ has commenced.⁷⁶ Nowadays they think

‘we (border authorities) are here not to punish somebody and be bad people and forbid the foreigners, we are here to safeguard the order of the court but that doesn’t mean that we have to be the bad guys. The police have this year actively asked to join

training on legal and asylum issues (provided through another programme). Their motivation in doing this is that they want to make sure that their decisions are not cancelled in the future – at present their decisions are not regarded as lawful by the courts for third country nationals when they are referred.’⁷⁷

‘Therapists noticed that group cohesion (among border authorities) got much better after 6 months – important as the group can support members in trouble. Second evaluation at 12 months showed a little progress but one person was still paranoid. But when asked about the training, most spoke in superlatives. They wrote that they had changed their attitudes to each other and to refugees. Some refugees were genuine, they realised this. They no longer used animal epithets.’⁷⁸

Interview partners pointed out further behavioural changes as regards border authorities. They observed that border guards became more confident and felt able to act on their own initiative. This confidence has had beneficial effects for those dealing with NGOs as well as the asylum seekers who are being dealt with more quickly and confidently: ‘The changes are visible. (Police) staff knows what to do, what is expected of them [...]. Before the training programme started police officers at border points would call headquarters about any case. Now headquarters no longer gets calls: staff in the field know what to do.’⁷⁹ Notably,

‘the attitudes of border guards have changed over 10 years.

Initially, they were very negative, very sceptical: when I rang them they would stall, or say they had to check with their boss etc. and I would never get any information [...]. But now we know that if we have a question we can get an answer quickly. And if police officers need an interpreter, or advice on the law, they will call UNHCR.’⁸⁰

Part of this confidence is around having a better understanding of the people that they are dealing with, and a better insight into the kind of situations which may lie ‘behind’ the presenting individuals at the border. It was found that a better understanding or the willingness to understand migrant’s life stories and life situation has led to more sensitive approaches. Tailored intercultural training and highly specific knowledge about, for example, methods of smuggling and what to look out for, can enable border guards to do a ‘better job’.⁸¹

‘Border guards [...] know the cultural differences between the nations as well and how to talk to Chechen, to the Afghan. They know the role of the different members of the families. [...]. Border guards now talk a lot about how people can be “spotted” as asylum seekers. [...] Border guards now don’t wear uniform when people want to file an application for asylum as a way of putting at their ease. They understand that uniforms may produce trauma. Also it is noticeable that there are a lot of

women at Terespol – this is deliberate, to create a more balanced and less male environment which is less threatening.⁸²

Performance and caring moments

This last finding demands a more in depth discussion by which the perspective of ‘seeing like border authorities’ will be further elaborated. To do a ‘better job’ adds a new dimension to the matter of performance at the border. Louise Amoore and Alexandra Hall⁸³ have rightly discussed performance at the border as a ritual of proliferating security practices and iterative acts.⁸⁴ Persons crossing a border repetitively perform this ritual. However, this performance of security demands (removing shoes, emptying bags etc.) is only one side of the *stage* and instead has – considering above evidence – two dimensions: the migrant dimension and the border guard’s dimension. Naturally there is a drastic difference between the two stages of the performances. For the former the performance may have distressing consequences if it is not well performed while for the latter it is a matter of performing a ‘good job’ or ‘better job’. Yet, both sides become herewith part of the place where the unexpected, chaotic and unruly is compressed,⁸⁵ not only the body that is watched but also the body that is watching is part of this place or of this *stage* called border. It becomes a *performance of the border* and not necessarily at the border.

It is not entirely clear what the impact of this assemblage of a performance will have. Taking the argument of Nick Megoran et al.⁸⁶ who describe the purpose of border-crossing policy as a representational performance of the state’s sovereignty, national identity and territoriality and thus ‘the border, whilst at the skin of the state literally, rhetorically is at its heart’,⁸⁷ this assemblage of performance is of highest significance. This article showed evidence for one side of the performance but the

change that was found for this side of the performance is striking: the change of greater empathy and sympathy for asylum seekers.

For instance, one of the NGOs taking part in the BMPR, Cordelia Foundation for the Rehabilitation of Torture Victims, has offered expert country of origin advice relating to torture, and has provided ‘sensitisation training’ with mid-level managers and frontline staff at the airport. The Cordelia Foundation’s training, which focused intentionally on attitudes and the psychological support needs of border authorities, seems to have been particularly successful in achieving significant changes in this regard. Tailored training focused on the lived experiences of the border authorities, which gave them an opportunity to think about and process the work they did.

Interview partners ensured a direct effect on asylum processes:

‘Before the training the staff were fed up. A person who is mentally all right has a much better relationship with clients. The Cordelia Foundation were called to the airport a few days ago to deal with a psychotic Algerian. They reported that the police (who had been trained) were both kind to him and concerned. They took him to hospital. They showed genuine care.’⁸⁸

Practices of “genuine care” at the EU external border reminds on an attribute of border that was used in earlier, but seminal, contributions such as by Thomas Wilson and Hastings Donnan⁸⁹. They have not only defined borders as a term of discourses in nationalism, identity building and security frameworks but also a term that has an attribute of *caring* to it. An attribute that fits squarely into Malcolm Anderson’s⁹⁰ role description of state and the border epitomizing the belief in the homology between culture, identity, territory and nation. A caring element that clearly

stems from the need for security provided by a wall, a boundary or a territorial border and its governance⁹¹. This caring element of border was, however, attached to the citizens of the given territory that is surrounded by the border and not to the *non-citizens*, the *outsider* at the border. The outsider in the above case was a ‘psychotic Algerian’ which was taken ‘genuine care’ of. This empirical evidence expands the caring attribute by Wilson and Donnan⁹² to some extent since this caring action is directed towards the outsider at the border and not the citizen, the insider. And again, as Amoore and Hall⁹³ have argued, there are two sides that emerge, similar to the two-sided stage of performance. Not only the performance by the outsider at the border but also by the *authoritative insider*. Interview partners and especially NGOs have emphasized that there are evident benefits of psychological supervision for border police training. Hence both sides of the performance become relevant to the border: the inside and the outside. With this caring moment that is, however, born from the inside and directed toward the outside, another and novel attribute can be identified: an *inclusive* attribute that is taking place on the border. Surely, both compassion and repression are profound political phenomena and they cannot be understood outside of their historical and local context. Didier Fassin⁹⁴ argued that they are not mutually exclusive, others rightly engage in the argument of such practices being fundamentally at odds with structures of violence at EU border sites (abandonment at sea, push backs, detentions, deportations)⁹⁵. Nevertheless, for this moment or snapshot of the time, the narratives found in this empirical data show this additive attribute of *inclusion* that was born from this *caring moment*, which to some extent ironically contradicts with the elementary meaning of border itself: separation, delineation and *exclusion*.

This inclusive attribute was found in the empirical material, for example the General Director of Alien and Border Police of Slovakia made a statement pointing to it: ‘While talking about migration and aliens, human destinies are involved, and this is the area of our common interests and our common tasks.’ Yet to be treated with care as this might be a strategic statement, language of ‘human destinies’ (upon which the border and its authorities have the power to decide upon) and ‘common interest’ (including the outsider at the border) is an empirical hint that not only points to this novel attribute but also to a potential shift on the theoretical agenda of political geography. Such a shift would consider less the spatial structures of social relations, but dedicates more attention to relations and correlations of meaning and significance in *intersubjectivity*. This shift does not refute the rather traditional understanding of ‘spatiality’ but it adds a constructive and seemingly evolving caveat to it. It points to Tim Cresswell’s⁹⁶ arguments of rethinking relationships between mobilities and borders, but also adds an *intersubjective component* to it.

Humane refoulement?

This novel *inclusive attribute* and the rather positive narratives found in this research project should not be overestimated. Shedding light on this inclusive attribute from another angle, its meaning changes and much more critical considerations arise. This other angle would in fact reverse or even pervert the very meaning of inclusion. The crucial caring moment could also be interpreted as strategic matter which is in line with the purpose of the EU’s high moral ground: humane treatment but *de facto* exclusion/expulsion. I posit that such a hypocritical practice would amount to *humane refoulement*. Thus, people at the border are included in an ethical and human

framework but excluded from polity. It means rejecting ‘leave to enter’ but doing so in a humane and discrete way. As NGO member of staff put it bluntly:

‘If you don’t get people into the country, it’s senseless to talk about receptions standards, fairness of procedure, legal standards. You might end with a beautiful system and not a single asylum seeker [admitted].’⁹⁷

In case this strategic angle has some truth, the UNHCR, the EU and its member states would fail to comply with their set aims to uphold the basic principles of refugee protection. Whether humanely or inhumanely, the return of a refugee to a territory where his or her life or freedom would be threatened (that is, *refoulement*) can have disastrous consequences. The aim of establishing a regime that put the right of asylum as entrenched in international human rights law (Article 14 of the 1948 Universal Declaration of Human Rights) into practice and distinguish between refugees that have ‘a distinct legal personality’ and other kind of migrants would not be reached yet. A more humane treatment during the rejection process is an improvement but the bottom line of improving the increasing legal and practical convulsion of the principle of non-*refoulement* in an era of mixed migration flows remains a major challenge to policy-makers, border authorities and the judiciary, that is, the migration apparatus as Gregory Feldman⁹⁸ put it. Training sessions for border authorities conducted by NGOs to ensure that they need to ‘know that asylum seekers are human beings’⁹⁹ are not sufficient.

Humane *refoulement* presents an additional threat to the principal of non-*refoulement*. But how is humane *refoulement* from the perspective of ‘seeing like

border authorities' justified? Potentially the justification is channelled through the necessitated argument of the ever-increasing blurry nature of migrant categories which points to an ever-growing challenge for border regimes and its authorities. The arising question considering this ever-growing challenge and the current distribution of wealth across the world is: does the category of economic migrants (defined by most migration and border regimes as non-refugees since they move by "choice") start to mix with the category of *de facto* refugees? Given the global economic situation (which has not changed for decades¹⁰⁰ and become more recently even more precarious), millions of people live at the edge of survival and these would-be economic migrants are similarly forced to move and would not choose to move, that is, as refugees. Karolina Follis¹⁰¹ argues similarly in her book on the Polish-Ukrainian border where people cannot make a living and their life is threatened by poverty. They feel forced to move which does not constitute a matter of choice but of destitution (which came to a breaking point in early 2014)¹⁰². In this light, overt reservations are attached to the above-described improvements of *refoulement*, but at the same time, it serves to underline the existing challenges for border regimes and their need to justify *border practices* by changing *border discourses*. It demonstrates once more the significance as well as overlapping agendas of the study, theorization and practice of bordering.¹⁰³

Conclusion

The article looked at *narratives* and analysed the 'voice of civil servants'¹⁰⁴. Data of this research project provide only a snapshot but the identified narratives are worth discussing. Besides the perspectives of 'seeing like a state' and 'seeing like a border', another perspective was presented and this is 'seeking like border authorities'.

Interviews, border observations and the analysis of the internal reports suggest that areas of institutional cooperation, access to territory and complying with principle of non-refoulement have improved. After a long promotion of the significance of human security by predominantly the academic and the NGO community, this significance might have increased. These rather positive and new narratives from the EU external border might be somewhat surprising considering the security/military environment that dominates discourses of threat, angst and terror. Although Feldman¹⁰⁵ has already predicted such development taking place in the context of the EU ‘migration apparatus’, the extent to which this development was found in this research project and considering ongoing dominant security discourses, this finding can still be regarded as novel. However, these narratives should not be overestimated in its positive meaning. Serious issues exist regarding border practices that were also found in this research. These include authorities ignoring requests for asylum, unlawful detention, or harassment and beatings of migrants. Most recently, in March 2015, the UNHCR has expressed its concern about border practices after deaths of two Iraqis at the Bulgaria-Turkey border (presumably harassed by Bulgarian border authorities).¹⁰⁶ Other studies confirm such concerns as for instance Bethan Loftus¹⁰⁷ or Cetta Mainwaring¹⁰⁸, whilst the ‘refugee crisis’ of 2014/2015 has transported some of such harassments and violence into a wider discourse.

Nevertheless, the UNHCR and its BMPR, but also international (e.g., Human Rights Watch) and national NGOs (e.g., ProAsyl and its Border Monitoring Project Ukraine) promoted the need for changes of practices at the EU border. A possibly more sensitive narrative of border security was found among staff of state authorities that primarily follow their mandate of protecting the state’s border and territory. Comparing this development with research of the 1990s, e.g. Malcolm Anderson and

Monica den Boer¹⁰⁹, but also in the view of more recent work, e.g. Didier Bigo and Elspeth Guild¹¹⁰ or Henk van Houtum and Freerk Boedeltje¹¹¹, it represents a different signal. Further to this, having participated in a UNHR conference and having been listening to the statements of the heads of border police from the central and eastern European region, the bottom line of these statements were: ‘We are here to facilitate the crossing of the border’; ‘We want to help and this is just humane (*menschlich*).’ The sustainable impact is questionable - but is this a beginning of a new consciousness and changing culture among border authorities and policing staff at the EU external border?

Humane treatment but *de facto refoulement* would fail to effectively improve the situation for people seeking protection. I have called this hypocritical practice *humane refoulement* which stands for a strategic tool (employed by the responsible authorities) of how to *enact improvement* and *demonstrate heightened performance*. It would pervert the underlying humane foundation that is lied down in the principle of non-refoulement. Thus, refoulement is still a challenging or presumably an increasingly challenging issue for the international community taking into account the ever more complex categorization of ‘people in need for protection’ or ‘people in destitution’ who are similarly forced to move: either caused by physical, political or by the threat of poverty or malnutrition.

Critical questions arise. The EU has a history of bringing its border regime in line with international human rights standards. The EU has struggled to show and justify that humane treatment is not at odds with tight or ever-more tighter borders, for which the EU has set aside substantial budget. The EU erected entire agencies (Fundamental Rights Agency, FRONTEX, etc.), and has collaborated with institutions such as the UNHCR and to some extent deliberate training of compassion and

empathy has improved the situation of *humane treatment vs tight borders*, as this article has cautiously argued. However, the critical question is: Why is there a need to train compassion to the *homo limes* in the first place?¹¹² Is this sign of empathy found in the presented empirical data stemming from some essential humanity of border authorities or is it due to a new configuration or new discourses of contemporary borders?

Although border studies have experienced a renaissance,¹¹³ this field of research is in need for more in-depth research that either compares policing cultures of different borders across the world which most recently Loftus¹¹⁴ also appealed to, or new studies that look at different kind of discourses that generate new meanings of borders and how this discursive developments are related to or have an impact on border realities and configurations.¹¹⁵ Such research could get a little closer to the arising normative questions of ‘what are border supposed to do’ or ‘what is a “good” border in the 21st century’.

Equally, these are questions that go right to the centre of statehood¹¹⁶ and to theories of democracy. EU citizens are increasingly aware of what is happening at the EU external border. Most recent events (the ‘refugee crisis’ and the Paris terror attacks of 2015) have added new dimensions but have generally heightened this awareness. Citizens have the right and the power to take part in the practice of *bordering* as they feel increasingly responsible for these practices. It points to forms and participatory theories of democracy. In the context of participatory theory, deliberation or deliberative democracy was extensively discussed in the past¹¹⁷, but I claim that deliberation in public and political discourses becomes increasingly a normative demand in the policy field of border practices and migration control. Deliberation and the theory of ethical discourse¹¹⁸ could become prominent not only

as theoretical playground in the field of democracy studies but also as a novel approach of policy-making in the field of migration control and *bordering*. The moment of caring from which the new attribute of inclusion was derived in this article is possibly one of the sparks that are needed for such new approaches of *deliberative bordering*.

¹ International law regulating unlawful push backs; prevention of sending refugees back to countries where their lives could be in danger. See article 33 of the 1951 Convention which contains the following two paragraphs which largely defines the principle of *non-refoulement*: (1) No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion; (2) The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

² O. T. Kramsch and C. Brambilla, ‘Transboundary Europe through a West African Looking Glass: Cross Border Integration, ‘Colonial Difference’ and the Chance for ‘Border Thinking’’, *Comparative. Zeitschrift für Globalgeschichte und vergleichende Gesellschaft* 17/4 (2007) pp. 95–115.

³ D. Papadopoulos, N. Stephenson, V. Tsianos, *Escape Routes: Control and Subversion in the 21st Century* (London: Pluto Press 2008); V. Squire (ed.) *The Contested Politics of Mobility: Borderzones and Irregularity* (London: Routledge 2011); S. Mezzadra and B. Neilson, *Border as Method, or, the Multiplication of Labor* (Durham: Duke University Press 2014); A. Mitropoulos, ‘Autonomy, recognition, movement’, in S. Shukaitis, D. Graeber, E. Biddle (eds.), *Constituent imagination: militant investigations collective theorization* (Oakland: AK Press 2007).

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⁵ B. Vollmer, *Ukrainian migration and the European Union – dynamics, subjectivity, and politics* (Basingstoke & New York: Palgrave Macmillan 2016).

⁶ E.g., E. Feller, ‘Refugees are not Migrants’, *Refugee Survey Quarterly* 24/4 (2005) pp. 27-35; G. Goodwin-Gill, ‘Who to Protect, How... and the Future?’, *International Journal of Refugee Law* 9/1 (1997) pp. 1-79; G. Goodwin-Gill, ‘The Politics of

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⁷ Z. Bauman, *Liquid Modernity* (Cambridge: Polity 2000); Z. Bauman, 'Migration and identities in the globalized world', *Philosophy Social Criticism* 37/4 (2011) pp. 425-435.

⁸ B. Vollmer, *Policy Discourses on Irregular Migration in Germany and the United Kingdom* (Basingstoke and New York: Palgrave Macmillan 2014); J. Huysmans, 'The EU and the Securitisation of Migration', *Journal of Common Market Studies* 38/5 (2000) pp. 751-777; M. Castells, *The power of identity: The information age: Economy, society, and culture* (Wiley-Blackwell 2011).

⁹ R. Andrijasevic and W. Walters, 'The International Organization for Migration and the international government of borders', *Environment and Planning D: Society and Space* 28/6 (2010) pp. 977-999; E. Brouwer, 'Data Surveillance and Border Control in the EU: Balancing Efficiency and Legal Protection', in T. Balzacq and S. Carrera (eds.), *Security versus Freedom? A Challenge for Europe's Future* (Aldershot: Ashgate 2006) pp. 137-154; F. Düvell and B. Vollmer, 'European Security Challenges. EU-US Immigration Systems' (San Domenico di Fiesole: European University Institute/Robert-Schuman Centre for Advanced Studies 2011).

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¹² A. Edwards, 'Human Rights, Refugees, and The Right 'To Enjoy' Asylum', *International Journal of Refugee Law* 17/2 (2005) pp. 293-330.

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¹⁴ Vollmer (note 8).

¹⁵ B. Vollmer, 'Policy Discourses on Irregular Migration in the EU - 'Number Games' and 'Political Games'', *European Journal of Migration and Law* 13/3 (2011) pp. 317-339; B. Vollmer, 'Irregular Migration in the UK: Definitions, Pathways and Scale', Migration Observatory Briefing, available at: <http://migrationobservatory.ox.ac.uk/sites/files/migobs/Briefing%20-%20Irregular%20Migration%20v2.pdf>; M. Ruhs and B. Anderson, 'Semi-Compliance and Illegality in Migrant Labour Markets: An Analysis of Migrants,

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²⁴ H. van Houtum, 'The Geopolitics of Borders and Boundaries', *Geopolitics* 10/4 (2005) pp. 672-679.

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²⁷ J. Scott, A. Sweedler, P. Ganster and W.-D. Eberwein, 'Dynamics of trans-boundary interaction in comparative perspective', in P. Ganster, A. Sweedler, J. Scott and W.-D. Eberwein (eds.), *Borders and border regions in Europe and North America* (San Diego, CA: Institute for Regional Studies of the Californias 1997) pp. 3-23.

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- ³⁹ H. van Houtum, 'Human blacklisting: the global apartheid of the EU's external border regime', *Environment and Planning D: Society and Space* 28/6 (2010) pp. 957-976.
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⁴⁴ Vaughan-Williams (note 41).

⁴⁵ Vollmer (note 8)

⁴⁶ E.g., G. Agamben, *State of Exception* (Chicago, IL: University of Chicago Press 2005); G. Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press 1998); Mbembe 2003; H. van Houtum and F. Boedeltje, 'Europe's Shame. Death at the Borders of the EU' *Antipode* 41/2 (2009) pp. 226-230; M. Ticktin, *Casualties of Care. Immigration and Politics of Humanitarianism in France* (Berkeley: University of California Press 2011).

⁴⁷ Thenumbers are likely to be higher as these are only the bodies found and recorded by NGOs.

⁴⁸ United Against Racism (UNITED) List of 17306 documented refugee deaths through Fortress Europe (2012), www.unitedagainstracism.org.

⁴⁹ J. Scott, *Seeing Like a State* (Yale: Yale University Press 1999).

⁵⁰ Johnson et al. (note 41).

⁵¹ A. Mountz, *Seeking Asylum: Human Smuggling and Bureaucracy at the Border* (Minneapolis: University of Minnesota Press 2010) p. xx.

⁵² M. Salter, 'The practice turn', in M. Salter and C. E. Mutlu (eds.) *Research Methods in Critical Security Studies: An Introduction* (New York: Routledge 2013) pp. 85-92; K. Côte-Boucher, F. Infantino and M. Salter, 'Border security as practice: An agenda for research', *Security Dialogue* 45/3 (2015) pp. 195-208.

⁵³ E.g., A. Pratt, 'Between a hunch and a hard place: Making suspicion reasonable at the Canadian border', *Social & Legal Studies* 19/4 (2009) pp. 461-480; M. Salter, 'When the exception becomes the rule: Borders, sovereignty, and citizenship', *Citizenship Studies* 12/4 (2008) pp. 365-380.

⁵⁴ A. Pratt and S. Thompson, 'Chivalry, 'race' and discretion at the Canadian border', *British Journal of Criminology* 48/5 (2008) pp. 620-640.

⁵⁵ Although evidences need to be treated with care, since they merely refer to a snapshot of bordering practices, and they are based on a small research project, the identified narratives are yet worthwhile discussing.

⁵⁶ The UNHCR commissioned the project. However, my research team and myself have entirely independently conducted the project. We were not influenced by the UNHCR in one or the other way.

⁵⁷ One certainly has to read these first two findings in the given context, that is, the improvement of the situation, and especially for the persons directly involved in it, is presumably in ‘everybody’s interest’. To demonstrate efficiency and ongoing improvement is a general requirement in politicized policy domains, yet, the interview partner’s views are given high significance in this article explores ‘seeing like a border authorities’. In order to systematically attest for the above two findings, a detailed longitudinal study on all of those individuals at risk of refoulement or seeking access to status determination – which is an almost an impossible task –, would be required.

⁵⁸ A. Hall, *Border Watch: Cultures of Immigration, Detention and Control* (London: Pluto Press 2012).

⁵⁹ N. Gill, ‘Governmental Mobility: the Power Effects of the Movement of Detained Asylum Seekers around Britain's Detention Estate’, *Political Geography* 28 (2009) pp. 186-196; D. Moran, N. Gill, D. Conlon (eds.) *Carceral Spaces: Mobility and Agency in Imprisonment and Migrant Detention* (Ashgate: Aldershot 2013).

⁶⁰ M. Nussbaum, *Upheavals of Thought: The Intelligence of Emotions* (Cambridge: Cambridge University Press 2001).

⁶¹ P. Pallister-Wilkins, ‘The Humanitarian Politics of European Border Policing: Frontex and Border Police in Evros,’ *International Political Sociology* 9/1 (2015) pp. 53-69; Basaran, T. ‘Saving Lives At Sea: Security, Law and Adverse Effects’, *European Journal of Migration and Law* 16 (2014) pp. 365-387; J. M. Williams, ‘From Humanitarian Exceptionalism to Contingent Care: Care and Enforcement at the Humanitarian Border’, *Political Geography* 47 (2015) pp. 11–20.

⁶² On request by the interview partners, most names and institutions will be kept anonymous in the following presentation of data.

⁶³ The following country examples illustrate this finding whilst interviewees across the region reported this view.

⁶⁴ Interview with NGO.

⁶⁵ United Nations High Commissioner for Refugees (UNHCR), Note on Dublin transfers to Hungary of people who have transited through Serbia (Geneva 2012), available at: <http://www.unhcr.org/refworld/docid/507298a22.html>; Following action by the Hungarian government to remedy the situation, this note was updated in December 2012, see United Nations High Commissioner for Refugees (UNHCR), Note on Dublin transfers to Hungary of people who have transited through Serbia (Geneva December 2012), available at: <http://www.unhcr.org/refworld/docid/50d1d13e2.html>.

⁶⁶ Interview with border authority/enforcement staff.

⁶⁷ Interview with NGO.

⁶⁸ Interview with border authority/enforcement staff.

⁶⁹ Interview with NGO.

⁷⁰ Interview with NGO.

⁷¹ Interview with NGO and border authority/enforcement staff.

⁷² Interview with NGO.

⁷³ Interview with border authority/enforcement staff.

⁷⁴ Interview with UNHCR.

⁷⁵ Interview with NGO and UNHCR

⁷⁶ Interview with NGO.

⁷⁷ Interview with border authority/enforcement staff.

⁷⁸ Interview with UNHCR.

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- ⁷⁹ Interview with border authority/enforcement staff.
- ⁸⁰ Interview with NGO.
- ⁸¹ Interview with NGO; Interview with border authority/enforcement staff.
- ⁸² Interview with NGO.
- ⁸³ Amooore and Hall (note 42)
- ⁸⁴ See also J. Butler, *Precarious Life: Powers of Mourning and Violence* (London: Verso Books 2005).
- ⁸⁵ Agamben (note 46)
- ⁸⁶ Megoran, Raballand and Bouyjou (note 42).
- ⁸⁷ See also W. Allen, "'I Am From Busia!': Everyday Trading and Health Service Provision at the Kenya-Uganda Border as Place-Making Activities', *Journal of Borderlands Studies* 28/3 (2013) pp. 291-306.
- ⁸⁸ Interview with NGO; Interview with border authority/enforcement staff.
- ⁸⁹ Wilson and Donnan (note 41)
- ⁹⁰ M. Anderson, *Frontiers: Territory and state formation in the modern world*. (Cambridge: Polity Press 1996).
- ⁹¹ I. Feldman and M. Ticktin (eds.) *In the name of humanity: the government of threat and care* (Durham, NC: Duke University Press 2010).
- ⁹² Wilson and Donnan (note 41).
- ⁹³ Amooore and Hall (note 42)
- ⁹⁴ D. Fassin, 'Compassion and Repression: The Moral Economy of Immigration Policies in France', *Cultural Anthropology* 20/3 (2005) pp. 362-387.
- ⁹⁵ N. Vaughan-Williams, "'We are not animals!'" Humanitarian border security and zoopolitical spaces in Europe', *Political Geography* 45 (2015) pp. 1-10; W. Walters, 'Migration, vehicles, and politics - three theses on viapolitics', *European Journal of Social Theory* (2014) pp. 1-20. van Houtum (note 43); M. Ticktin, 'The Offshore Camps of the European Union: At the Border of Humanity, Paper presented at the American Anthropological Association Annual Meetings, November/December 2007, The New School, New York.
- ⁹⁶ T. Cresswell, 'Mobilities II: Still', *Progress in Human Geography* 36/5 (2012) pp. 645-653.
- ⁹⁷ Interview with NGO.
- ⁹⁸ G. Feldman, *The Migration Apparatus* (Stanford, CA: Stanford University Press 2011).
- ⁹⁹ Interview with NGO.
- ¹⁰⁰ J. Edkins, *Whose Hunger? Concepts of Famine, Practices of Aid* (Minneapolis: Minnesota University Press 2008).
- ¹⁰¹ K. Follis, *Building Fortress Europe* (Philadelphia, PA: University of Pennsylvania Press 2013).
- ¹⁰² Vollmer (note 5).
- ¹⁰³ Jones (note 41); C. Rumford and A. Cooper, 'Monumentalising the Border: Bordering Through Connectivity', *Mobilities* 8/1 (2013) pp. 107-124; H. van Houtum and T. van Naerssen, 'Bordering, Ordering, and Othering', *Journal of Economic and Social Geography* 93/2 (2002) pp. 125-136.
- ¹⁰⁴ Mountz (note 51).
- ¹⁰⁵ Feldman (note 98).
- ¹⁰⁶ UNHR, 'UNHCR concerned by border practices after deaths of two', News Stories 31 March 2015, <http://www.unhcr.org/551abb606.html>.
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- ¹⁰⁷ B. Loftus, *Police Culture in a Changing World* (Oxford: Oxford University Press 2009).
- ¹⁰⁸ C. Mainwaring, 'Constructing a Crisis: the Role of Immigration Detention in Malta', *Population, Space and Place* 18/6 (2012) pp. 687-700.
- ¹⁰⁹ M. Anderson, M. den Boer (eds.) *Policing Across National Boundaries* (London: Pinter 1994).
- ¹¹⁰ D. Bigo and E. Guild (eds.) *Controlling Frontiers: Free movement into and within Europe* (Aldershot: Ashgate 2005).
- ¹¹¹ van Houtum and Boedeltje (note 46).
- ¹¹² see also G. Feldman, 'The specific intellectual's pivotal position: action, compassion and thinking in administrative society, an Arendtian view', *Social Anthropology* 21 (2013) pp. 135-154.
- ¹¹³ D. Newmann, 'Borders and bordering. Towards an interdisciplinary dialogue', *European Journal of Social Theory* 9/2 (2006), pp. 171-186; N. Parker and N. Vaughan-Williams, 'Critical Border Studies: Broadening and Deepening the 'Lines in the Sand' Agenda', *Geopolitics* 17/ 4 (2012) pp. 727-733; D. Newman, 'Boundaries', in J. Agnew, K. Mitchell and G. Toal (eds.), *A Companion to Political Geography* (Oxford: Blackwell 2002) pp. 123-137; Pallister-Wilkins (note 61); Basaran (note 61); Williams (note 61).
- ¹¹⁴ B. Loftus, 'Border regimes and the sociology of policing', *Policing and Society* 25/1 (2015) pp. 115-125.
- ¹¹⁵ See also ongoing research projects on border discourses and practices such as: <http://www.compas.ox.ac.uk/research/dynamics/border-security-discourses-and-practices-in-the-uk/>.
- ¹¹⁶ Megoran, Raballand and Bouyjou (note 42); O'Dowd (note 41).
- ¹¹⁷ D. Thompson, 'Deliberative Democratic Theory and Empirical Political Science', *Annual Review of Political Science* 11 (2008) pp. 497-520.
- ¹¹⁸ J. Habermas, *Erläuterungen zur Diskursethik* (Frankfurt: Suhrkamp 1991); J. Habermas, *Theorie des kommunikativen Handelns* (Frankfurt: Suhrkamp 1981).