Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers. By David Scott FitzGerald

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Aller au sommaire du numéro

Découvrir la revue

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Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers

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David Scott FitzGerald

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In *Refuge beyond Reach*, sociologist David Scott FitzGerald addresses the most significant challenge to the global regime of refugee protection—the actions of states in the Global North to block refugees' access to territories where they are safe from persecution. FitzGerald draws upon domestic law, court cases, bilateral agreements, communications between governments, and reports by intra-governmental and non-governmental organizations to trace the origins and evolution of "the architecture of refugee repulsion" in the United States, Canada, the European Union, and Australia. This architecture consists of interwoven policies that FitzGerald groups into five types and describes in the first chapter: cages, buffers, domes, moats, and barbicans. Cages and buffers keep refugees in their country of origin or in transit states, using refugee camps, readmission agreements, and safe third country agreements. Domes and moats prevent arrival of asylum seekers via airplanes and boats through visa checks, carrier sanctions, and interdiction at sea. Barbicans are fortifications near the border to prevent arrival, such as walls or excision of territory. Because the countries examined in the book seek to prevent refugees' arrival, FitzGerald characterizes the deaths of Syrians in the Mediterranean Sea, including Alan Kurdi, his brother, and his mother, as the intended outcome of these states' migration policies (4). This characterization sets the tone for the book, which at times reads as a catalogue of abuses. FitzGerald does not shy away from pointing out the personal consequences of the policy regimes he analyzes or their legal and humanitarian implications.

Chapters 2 and 3 document antecedents to contemporary policy manoeuvres that exclude refugees from state protection. For example, the techniques used to deny entrance to Jews—interceptions at sea, visa restrictions, pressure on transit countries to prevent migration, and sabotaging boats used by smugglers—resemble much of what we have witnessed recently in the Mediterranean and the us-Mexico borderlands. While the scope, resources, and capacity of such exclusion may be new, the practices and underlying imperatives are not. In spite of the often-repeated "never again" rhetoric following the Holocaust, FitzGerald argues that, while the contemporary refugee protection/repulsion regime follows the letter of international refugee laws, in practice it violates the spirit of those laws by engaging in tactics to deny refugees access to state protection.

Chapters 4–7 analyze refugee repulsion in the United States and Canada, as these two countries use all five apparatuses identified in the architecture of refugee repulsion. Thus, this first empirical section serves as an introduction to FitzGerald's typology. The practices of the United States and Canada extend all over the globe, from land borders and territorial waters to international waters and into the sovereign territory of sending and transit countries. The case studies of migration from Cuba and Mexico to the United States are particularly instructive, because they demonstrate how sending and transit countries affect the ability of receiving countries to regulate mobility.

Chapters 8 and 9 examine how refugee repulsion is practised in the European Union. The chapters pay particular attention to the contradictory effects of harmonization of immigration policy across the Union. Harmonization has been used to expand the reach of restrictive policies in order to prevent refugees from getting to countries located in the centre of the Union. Yet EU officials are less motivated than state actors within national EU states to adopt strict policies to regulate mobility. And, in turn, the EU legislation on human rights has demanded greater accountability for the national courts, constraining the actions of individual EU members in their efforts to prevent the arrival of refugees.

In Chapter 10 FitzGerald shows how Australia shifted relatively quickly from permitting boat arrivals to deterring boats carrying refugees. Various iterations of excision, interdiction, and off-shore processing have dramatically reduced the numbers of arrivals. FitzGerald argues that the Australian case is unusual in its weak rights of territorial personhood, the willingness of successive governments to violate international refugee law, and the ability of the government to pursue draconian policies at a great distance from Australian shores, allowing it to operate with relatively little public scrutiny. Compared to the European Union and North America, a very high percentage of people subjected to caging and off-shore processing are ultimately granted refugee status, although very few have been resettled onto mainland Australia, contradicting claims by Australian policy-makers that intercepting boats is important to prevent the irregular arrival of so-called economic migrants.

Refuge beyond Reach is a volume with an ambitious scope. It brings together case studies from across the globe and traces how each case has evolved. This allows FitzGerald to

draw attention to a broad convergence in the United States, Canada, Australia, and the European Union around the architecture of refugee repulsion in the Global North, while also pointing out distinct features of each case. In particular, Fitzgerald examines how rights of territorial personhood and sensitivity to international reputation configure state action. However, while FitzGerald provides concrete examples to back up his claims, the reader is often left wanting more details. Furthermore, the broad scope does not leave sufficient room to draw out tensions between the policies that regulate mobility and their implementation. For example, FitzGerald argues that states want to be seen as upholding their obligation not to deport people to a country where they face persecution, known as *refoulement*. However, he also relates numerous instances of *refoulement* and chain *refoulement* without exploring this tension.

The book feels very up-to-the minute and includes references to recent developments, such as the Trump administration's manoeuvres to end access to asylum in the United States and the subsequent increase in migration across the us-Canada border. Written in an accessible style, *Refuge beyond Reach* makes an excellent introduction to the topic of refugee deterrence.

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