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# International humanitarian organizations at the southern european border : (de)politicization and (de)bordering within and beyond the hotspot system in sicily

Roberto Calarco

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**INTERNATIONAL HUMANITARIAN ORGANIZATIONS AT THE SOUTHERN EUROPEAN  
BORDER: (DE)POLITICIZATION AND (DE)BORDERING WITHIN AND BEYOND THE  
HOTSPOT SYSTEM IN SICILY**

**LES ORGANISATIONS HUMANITAIRES INTERNATIONALES À LA FRONTIÈRE  
EUROPÉENNE MÉRIDIONALE: (DÉ)POLITISATION ET (DÉ)FRONTIÈRISATION À  
L'INTÉRIEUR ET AU-DELÀ DU SYSTÈME *HOTSPOT* EN SICILE**

Doctoral dissertation by / Présentée et soutenue publiquement par  
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## ABSTRACT

This thesis explores the contribution of international humanitarian organizations to the *(de)politicization* of the current EU border regime and to the legitimization or countering of *(de)bordering* processes.

This research focuses on the role of some international humanitarian organizations (the UNHCR, MEDU, Terre des Hommes, the Red Cross and Oxfam) operating on the southern Italian border (in Sicily) during different key *rebordering* phases (i.e. the introduction of the *hotspot approach* in 2015 and the adoption of the *security decree* of 2018). Based on ten months of fieldwork in Sicily, the present study adopts a *mix-method* approach and resorts to three main methods: document analysis, semi-structured interviews and direct observation.

This thesis suggests that the discourses and practices of international humanitarian organizations contribute to both *depoliticizing* and *re-politicizing* the current migration and border regime. Humanitarian discourses and practices can have inherent *depoliticizing* features that contribute to perpetuating the actual border management system in different ways: by legitimizing States' categories and processes of selection of migrants or by providing services that contribute to building States' capacity to manage migration. At the same time, the humanitarian *borderwork* of international humanitarian organizations is coupled with political *borderwork* and contributes to challenging the current border regime in different ways: by advocating for migrant rights, by criticizing governmental practices and policies, by promoting migrants' inclusion through direct engagement.

### Keywords

borders, migration governance, hotspots, humanitarian organizations

## RÉSUMÉ

Cette thèse explore la contribution des organisations humanitaires à la (dé)politisation du régime européen de gestion de la frontière et à la légitimation, ou la remise en cause, de processus de (dé)frontièrisation.

Cette recherche se concentre sur des organisations humanitaires internationales (le HCR, la Croix-Rouge, Medu, Terre des Hommes et Oxfam) qui sont intervenues à la frontière italienne méridionale (en Sicile) durant deux phases clés de ré-frontièrisation (i.e. l'introduction de l'approche *hotspot* en 2015 et l'adoption du *décret sécurité* en 2018). Basée sur dix mois d'enquête de terrain en Sicile, cette étude utilise trois méthodes principales: analyse de documents, entretiens semi-directifs et observation directe.

Cette thèse montre que les discours et les pratiques des organisations humanitaires internationales contribuent à la fois à dépolitiser et à ré-politiser le régime actuel. Discours et pratiques humanitaires ont des aspects dépolitisants inhérents qui contribuent à perpétuer le système en place de différentes manières: par la légitimation des catégories produites par les états et des processus de sélection des migrants ou par la fourniture de services qui renforcent la capacité des états à gérer les migrations. Cependant, l'intervention humanitaire de ces acteurs est accompagnée par l'intervention politique et contribue dans le même temps à remettre en question le système actuel à travers: l'activité de défense des droits des migrants, la critique des politiques et des pratiques gouvernementales, et la promotion de l'inclusion des migrants par des actions concrètes.

### Mots-clés

frontières, gouvernance des migrations, hotspots, organisations humanitaires

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## ACRONYMS AND ABBREVIATIONS

**ANCI:** *Associazione Nazionale Comuni Italiani* (National Association of Italian Municipalities)

**ASGI:** *Associazione per gli Studi Giuridici sull'Immigrazione* (Association for Juridical Studies on Immigration)

**CARA:** *Centro di Accoglienza per Richiedenti Asilo* (Reception Centre for Asylum Seeker)

**CAS:** *Centro di Accoglienza Straordinaria* (Extraordinary Reception Centre)

**CDA:** *Centro di Accoglienza* (Reception Centre)

**CIE:** *Centro di Identificazione ed Espulsione* (Identification and Expulsion Centre)

**CIR:** *Consiglio Italiano per I Rifugiati* (Italian Council for Refugees)

**CPSA:** *Centro di Primo Soccorso ed Accoglienza* (First aid and reception centre)

**DRC:** Danish Refugee Council

**EASO:** European Asylum Support Office

**ECRE:** European Council on Refugees and Exiles

**EU:** European Union

**EURODAC:** European Dactyloscopy (it is the European Union fingerprint database for identifying asylum seekers and irregular border-crossers)

**FRA:** European Union Agency for Fundamental Rights

**FRONTEX:** European Border and Coast Guard Agency

**ICRC:** International Committee of the Red Cross

**IFRC:** International Federation of Red Cross and Red Crescent Societies

**IGO:** Intergovernmental Organization

INGO: International non-governmental organization

IOM: International Organization for Migration

MEDU: *Medici per I diritti umani* (Doctors for Human Rights)

Mol: Ministry of the Interior

NGO: Non-governmental organization

SPRAR: *Sistema di Protezione per Richiedenti Asilo e Rifugiati* (Protection System for Asylum Seekers and Refugees)

TDH: Terre des Hommes

TCN: Third Country National

TSO: Third Sector Organization

UNHCR: United Nations High Commissioner for Refugees

## INTRODUCTION

The role played by humanitarian organisations in challenging (*politicizing*) or perpetuating (*depoliticizing*) the current migration and border management system is an object of debate within academic literature (Pandolfi, 2003; Ticktin, 2006, 2014; Fassin, 2010; Agier, 2008; Geiger and Pécoud, 2010, 2014; Walters, 2011; Sørensen, 2012; Feldman, 2012; Scheel and Ratfisch, 2014; Ambrosini, 2015b, 2017, 2018; Irrera, 2016; Pécoud, 2017; Pallister-Wilkins, 2017, 2018; Cuttitta, 2018a, 2018b). In particular, this study intends to contribute to the discussion about the tension between humanitarian and political *borderwork* in the context of the EU border regime (Walters, 2011; Pallister-Wilkins, 2017, 2018; De Jong and Ataç, 2017; Fleischmann, 2017; Fleischmann and Steinhilper, 2017; Cuttitta, 2018a, 2018b; Sandri, 2018; Sinatti, 2019; Vandevordt, 2019; Fechter and Schwittay, 2019).

The present study aims at exploring the contribution of international humanitarian organizations to the (*de*)*politicization* of the current EU border regime and to the legitimization or countering of (*de*)*bordering* processes<sup>1</sup>.

In the present research, *migration governance* is conceptualized as a *field* of struggles, negotiations and cooperation between heterogeneous actors guided by different interests and visions (Triandafyllidou and Dimitriadi, 2014; Ambrosini, 2015a, 2017; Ambrosini and Van der Leun, 2015; Eule et al., 2018): *migration governance* processes can contribute to establishing borders and to defining their functioning (Ambrosini, 2018). In this context, the concept of *bordering* is used to emphasize a dynamic viewpoint on borders: borders can be seen as socially constructed by the discourses and practices of heterogeneous actors (Van-Houtum and Van Naerssen, 2002; Rumford, 2006, 2008, 2012; Cooper, 2015). Non-State actors like humanitarian organizations play a central role in this process (Ticktin, 2006; Walters, 2011; Sørensen, 2012; Pallister-Wilkins, 2017, 2018; Ambrosini, 2017, 2018;

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<sup>1</sup> I use the term “(de)politicization” when I refer to both processes of *politicization* and *depoliticization*. I use the term “(de)bordering” when I refer to both processes of *bordering* and *debordering*.

Cuttitta, 2018a). More particularly, *bordering* practices involve the attribution of stratified legal statuses and rights to migrants and contribute to selectively denying their social and spatial mobility (Cuttitta, 2007, 2018a; Ritaine, 2009; Mezzadra and Neilson, 2010; Alberti, 2010; Mountz et al., 2012; De Genova and Peutz, 2010; Mezzadra, 2015; Pallister-Wilkins, 2018). From this perspective, borders are continuously stretched both inside and outside the EU territory (Salter, 2006; Euskirchen et al. 2007; Cuttitta, 2007; Walters, 2009; Mezzadra and Neilson, 2011; Paasi, 2014; Casas-Cortes et al., 2014; Mezzadra, 2015). The present research focuses on the role of international humanitarian organizations on the southern European *introverted* (or *internalized*) borders (Cuttitta, 2007; Euskirchen et al. 2007; Walters, 2009; Mezzadra, 2015). This study adopts a *multi-level governance* perspective and focuses on the interactions (and their possible outputs) occurring between actors positioned at different levels (Caponio and Pavolini, 2007; Zincone and Caponio, 2006; Stephenson, 2013; Caponio et al., 2017).

The present research explores the role of international humanitarian organizations operating on the southern Italian border (in Sicily) during different key *rebordering* phases (i.e. the introduction of the *hotspot approach* in 2015 and the adoption of the *security decree* of 2018) and both inside and outside the institutional system of the *hotspot*. The *hotspot approach*<sup>2</sup> is primarily considered a policy tool aimed at the *rebordering* of Europe and is seen as the outcome of multiple power relationships and interactions occurring at different levels within the migration governance field. In the same vein, the *security decree* of 2018 is considered as a restrictive migration policy tool that contributed to undermine migrant rights and to deteriorate migrant conditions.

This study focuses on some actors that operated inside the *hotspot system* (i.e. the Red Cross, the UNHCR, MEDU and *Terre des Hommes*) and on one actor that operated outside this system (i.e. Oxfam). Taking into account these actors could be useful in

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2 It is a policy tool implemented by Italy since 2015 following the indications of the *European Agenda of Migration* and oriented towards the reinforcement of the southern European borders.



order to explore if (and how) operating inside or outside the migration control system could influence their capacity to *(de)politicize* the current border regime.

A broad *structural/operational* definition of third-sector organizations (TSOs) (Viterna et al., 2015; Garkisch et al., 2017) is used to define and categorize the actors analysed in this study. This choice is useful in order to include both international non-governmental organizations (INGOs) and intergovernmental organizations (IGOs) that have been categorized in different ways by scholars (Fisher, 1997; Willets, 2001; Ahmed, 2011; Pastore and Roman, 2014; Garkisch et al., 2017; Caponio and Cappiali, 2018; Kortendiek, 2018). In particular, using a broad definition of *third-sector*, Garkisch and others (2017) included IGOs such as the UNHCR and the IOM within the domain of TSOs.

According to several scholars, international actors would hold a peculiar position within the humanitarian field and *vis-à-vis* the States (Pandolfi, 2003; Geiger and Pécoud, 2010, 2014; Pérouse de Montclos, 2015; De Lauri et al., 2020). International actors (in particular UN agencies and international NGOs) would form a transnational *oligopoly* and would play a central role in the definition of “...the norms, discourses, and practices of present-day humanitarian action” (De Lauri et al., 2020:41). International NGOs have been described as *parallel powers* that “...have created a direct and independent form of non-governmental diplomacy, allowing them to act in parallel to state governments” (Pandolfi, 2003:372; see also Pérouse de Montclos, 2015). In particular, some scholars underlined that the big INGOs would have gradually abandoned their role of counter-powers in favour of a logic of institutionalization and cooperation with States (Pérouse de Montclos, 2015:150). According to some migration and border scholars (Geiger and Pécoud, 2010, 2013, 2014; Pécoud, 2015; Caillault, 2012; Wolff, 2015; Lavenex, 2016), the gradual entry of international actors in the governance of migration would have crucially contributed to processes of *depoliticization* of the management of international borders and migration. The degree to which IGOs (that are constituted by States) are

organisations that depend from States, that act on behalf of States and that promote and pursue States' interests, is an object of debate. Some scholars suggested that IGOs act mostly for and on behalf of States (Andrijasevic and Walters, 2010; Caillault, 2012; Wolff, 2015; Lavenex, 2016); other scholars observed that these organizations are independent and autonomous actors that pursue their own agenda (Barnett and Finnemore, 1999; Merlingen, 2003; Piper, 2017). Within international migration governance processes, IGOs and INGOs closely cooperate, share principles and programs and participate to global forums (Willets, 2001; Geiger and Pécoud, 2010; Ahmed, 2011; Crépeau and Atak, 2016): at the same time they can enter into conflict and compete (Rother, 2013). The contribution of these actors to the (de)politicization of the migration and border regime is an object of debate within literature: the present research aims at empirically investigating their (de)politicizing role. In particular, I consider both INGOs and IGOs as belonging to the so-called *mainstream* humanitarianism: this research aims also at empirically investigating the (de)politicization role of this kind of humanitarianism, which for some scholars mostly perpetuates the current migration governance system and is challenged by civil or *grassroot* humanitarianism (Fleischmann and Steinhilper, 2017; De Jong and Ataç, 2017; Sandri, 2018; Vandevordt, 2019; Fechter and Schwittay, 2019).

The choice to focus on different types of international humanitarian organisations was aimed at contributing to the above-mentioned debate and at providing some insights concerning the (de)politicizing role of these actors on the southern EU border. Moreover, the fact that these international actors had a key role in the provision of humanitarian aid in eastern Sicily, and in particular within the *hotspot system*, made this setting particularly suitable in order to investigate the role of these humanitarian organizations.

The present study includes MEDU, *Terre des Hommes* and Oxfam (all INGOs) within the domain of TSOs. I chose to focus also on two international humanitarian organizations that I consider as not fully belonging to the third-sector: the UNHCR,

that is constituted by States, and the Red Cross that can be considered a *hybrid* international organization “(..) in which governments work with NGOs” (Willems, 2001: 369). I chose to categorize these two organizations as *quasi-third-sector* organizations. The choice to include the UNHCR and the Red Cross within a broad category of TSOs is guided by the will to empirically investigate a) whether or not these organizations behave as independent actors, b) how they position themselves within the migration governance field and c) to what extent they contribute to *politicize* and/or *depoliticize* the actual migration governance system. Moreover, including the Red Cross, the UNHCR and INGOs can be useful to investigate differences and similarities in their respective contribution to the *(de)politicization* of the current border regime.

The specific goals of the present research are:

- to investigate the role of humanitarian organisations (during different *rebordering* phases) in perpetuating or countering discourses, categories and practices that contribute to filtering and stratifying migrants’ access to the territory and to rights;
- to describe how humanitarian organizations operate and how they interact between them and with other relevant actors (e.g. Italian authorities and other types of TSOs);
- to investigate the extent to which operating inside or outside the migration control system influences the positioning, the discourses and the practices of humanitarian TSOs and their capacity to *(de)politicize* the current border regime;

- to analyse the contribution of the advocacy discourses and practices of humanitarian TSOs to the *(de)politicization* of the current migration and border management system.

*Chapter 1* focuses on the development of Italian migration and border management strategies since the 1990s in order to: a) describe the systematic involvement of international humanitarian organizations in the management of migration; b) contextualize two recent *rebordering* phases that characterized the Italian context (i.e. the introduction of the *hotspot approach* in 2015 and the adoption of the *security decree* of 2018).

*Chapter 2* focuses on the conceptualization of *migration governance* at different levels (i.e. global, European and local) and on the complementarities and nuances between the concepts of *governance*, *regime* and *management*. Moreover, I discuss different scholars' interpretations of the role played by TSOs within migration governance.

*Chapter 3* focuses on the main conceptualizations of *(de)politicization* provided by literature and on scholars' contributions about the relationships between *humanitarianism* and both *(de)politicization* and *(de)bordering* processes.

*Chapter 4* focuses on the analytical framework and the methodological approach of the present research.

*Chapter 5* focuses on the implementation of the hotspot approach in Sicily and discusses the main implications of the adoption of this *rebordering* policy tool in relation to the previous system: a) I analyse the rationales underpinning the introduction of the *hotspot approach* by the EU Commission and the Italian government and b) I analyse the functioning of the *hotspot system* in Italy.

*Chapter 6* focuses on the positions and discourses of MEDU, *Terre des Hommes*, Oxfam, the Red Cross and the UNHCR regarding the *hotspot approach* implementation. I try to give account of similarities and nuances and to discuss if and

how these discourses contribute to the *(de)politicization* of the current migration and border regime.

*Chapter 7* focuses on the *advocacy* carried out by these humanitarian organizations in relation to two restrictive policy tools and during two *rebordering* phases in Italy: the introduction of the *hotspot approach* and the adoption of the *security decree* of 2018. I discuss the *(de)politicization* role played by these *advocacy* discourses and strategies.

*Chapter 8* focuses on the practices carried out by the above-mentioned humanitarian organizations inside and outside the *hotspot system* and in response to the adoption of the *security decree* of 2018: I discuss the *(de)politicization* role played by humanitarian TSOs' practices and their possible tension with TSOs' discourses.

## CHAPTER 1

### THE CONTEXT OF STUDY: RETRACING ITALIAN MIGRATION AND BORDER MANAGEMENT POLICY STRATEGIES SINCE THE 1990s

#### *Aims of the chapter*

- to provide an overview of the main policy strategies implemented by Italy to manage migration by sea since the 1990s. This step is specifically aimed at describing the systematic involvement of humanitarian INGOs and IGOs in the management of migration by sea in Italy;
- to give an account of Italian governance strategies in relation to the European migration and asylum regime;
- to contextualize some recent key migration policy developments in Italy and in particular: the introduction of the *hotspot approach* in 2015 and the adoption of the *security decree* in 2018.

#### *Introduction*

European immigration policies have been characterized by the restriction of legal access for third-country nationals (TCNs) since at least the oil crisis of '73-'74 (Morice, 2000; Wihtol de Wenden, 2002; King, 2002). After this crisis, when northern European neighbouring countries closed their borders, significant migration flows towards Italy started to occur (Zincone, 2006). Since at least the end of the last century, a security paradigm gained prominence at the European level (Huysmans, 2000; Guiraudon, 2003). European countries increasingly restricted legal opportunities to immigrate for non-EU citizens (in particular for unwanted or “undesirable” ones) (Wihtol de Wenden, 2002; Dines et al. 2015). With the progressive introduction of the Schengen *acquis* in the three pillars of European common policy,

the European Union attempted to balance its internal openness with the reinforcement of external common borders (Henry and Pastore, 2014).

Italy was admitted to Schengen in 1990: this implied the gradual hardening of Italian policies regarding the entry and stay of TCNs (Paoli, 2018). The European security-oriented approach to migration in the Euro-Mediterranean area has been characterized by the outsourcing of EU borders towards southern neighbouring countries through two main tools: the adoption of the visa obligation for non-EU citizens and the externalization of border controls to neighbouring States (Clochard, 2003; Wihtol de Wenden, 2005; Cassarino and Tocci, 2011). The latter has been supported by the use of Mediterranean islands (Lampedusa, Malta, Cipro) as places of detention and sorting of migrants. According to some scholars (Bernardie-Tahir and Schmoll, 2014a) this “political use” of islands would imply their exploitation as Europe's sentinels in the Mediterranean and as laboratories for border performance (Martin and Mitchelson, 2009; Bernardie-Tahir and Schmoll, 2014b). In this context, European and national legislators have multiplied the legal statuses attributed to those migrants considered “vulnerable”<sup>3</sup>, creating a hierarchy of statuses through which differentiated rights are recognized (Pastore and Roman, 2014).

These are the main traits characterizing the context within which the unfolding of migration by sea towards Italy over the 1990s can be situated.

### **1.1 THE UNFOLDING OF MIGRATION BY SEA: THE *BALKAN CRISIS* AND THE FIRST ITALIAN STRATEGIES**

Since at least the second half of the 1990s, the Mediterranean sea has become one of the main routes of “irregular”<sup>4</sup> migration towards Europe and a *geographical fault line* where migration movements occurs with particular intensity. Italy is at the core of the geopolitics of “irregular” migration by sea in the Mediterranean and has

3 “(...) introducing new categories of forced migrants who fall outside the scope of the 1951 Refugee Convention, but nonetheless deserve some protection” (Pastore and Roman, 2014:4).

4 I use “irregular” in quotes when referred to migration or migrants in order to stress that irregularity is socially produced and mainly a product of immigration laws (see De Genova, 2002, 2013).

played a key role within the development of the European border regime (Lutterbeck, 2006; Campesi, 2018). Italian migration and border management strategies have followed a twofold logic of adaptation over time: a) adaptation to the changing paths and geographies of “irregular” migration by sea and b) adaptation to the changing political relations and choices within national and European institutional frameworks (Italian Chamber of Deputies, 2017). The following chart shows the number of migrant arrivals by sea in Italy from 1991 to 2017: it includes both the migrants detected after disembarkations and those rescued during SAR (search and rescue) operations at sea.

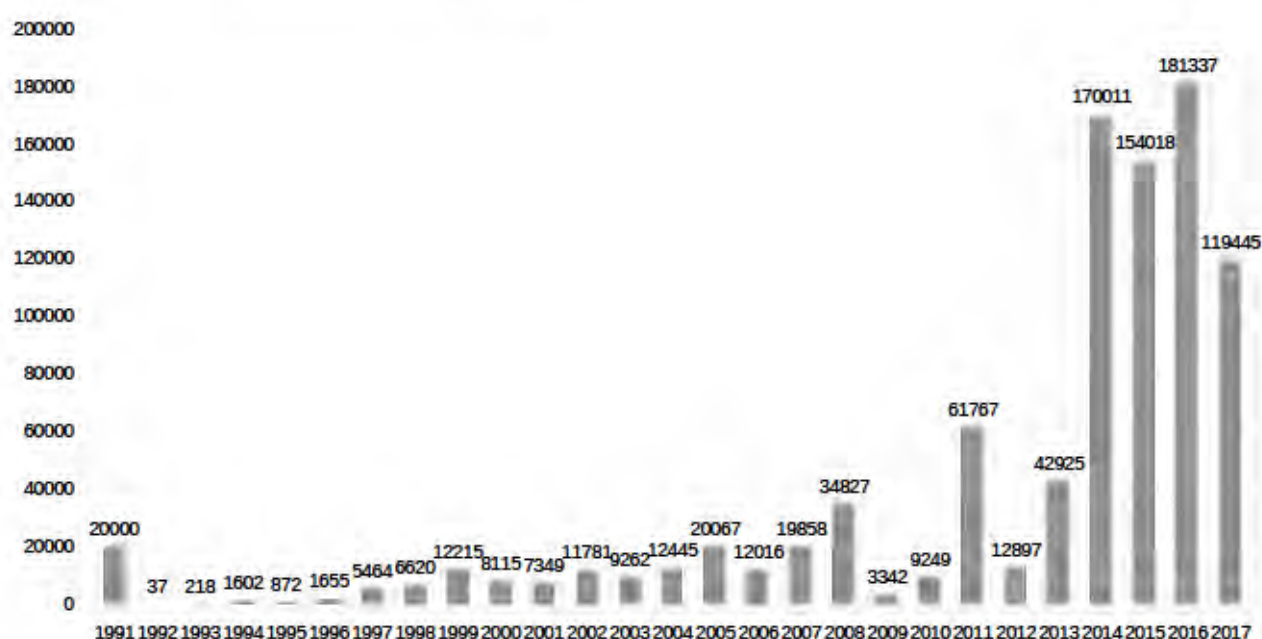


Figure 1. Number of migrant arrivals by sea in Italy from 1991 to 2017 (Source: Italian Coast Guard, 2017).

Between 1990 and 1991 significant migrant arrivals by sea from Albania began to occur (Lutterbeck, 2006; Colucci, 2018) and the Italian Navy was deployed to patrol the Adriatic sea (Lutterbeck, 2006; Campesi, 2017, 2018).

In 1991 Italy faced a first “refugee crisis”. In March, around 27 000 migrants arrived at the port of Brindisi (on the south-eastern shores of Italy): local and governmental authorities were unprepared to face the situation. The government authorized the disembarkation and first aid activities were improvised by private citizens and



volunteers at the port. After some days of indecision, the government accommodated migrants in social centres and in private houses and recognized them a form of protection<sup>5</sup>. The latter was an extraordinary permit of stay of one year during which these refugees had to follow training courses and find a job and housing<sup>6</sup>. Some months later, in August, the government adopted a different attitude. Around 20 000 Albanian citizens arrived by boat in Brindisi. At first, the government denied the authorization to disembark. Successively, these migrants were detained inside the stadium of Bari and, with the false promise to be transferred to Venice, they were repatriated<sup>7</sup>.

Some years later, with the enactment of the law n.563/1995 (so called *Law Apulia*), the government established in Apulia, on a temporary basis, the first reception centres for migrants arriving by sea<sup>8</sup>. The first reception centres were then stabilized by law in 1998. Scholars observed that this type of centre is characterized by an indefinite juridical status and oriented towards the more or less formal detention of migrants (Marchetti, 2012; Tassin, 2014; Migreurop, 2016; Bartholini, 2018; Bassi, 2018; Colucci, 2018).

In 1997, following economic and political instability in Albania, there were significant migrant arrivals through the Adriatic sea. The Italian government adopted a dual strategy:

- providing assistance and temporary permits of stay to those who were effectively in need of protection, while repatriating those recognized as not being in need of protection. In June, the government specified that this permit would be extended until the enactment of repatriation operations;

5 <https://www.dirittisociali.org/attualita/2016/03/25-anni-fa-lo-sbarco-degli-albanesi-a-brindisi-la-prima-grande-migrazione-verso-l'italia.aspx>; <https://www.repubblica.it/solidarieta/immigrazione/2011/03/06/news/1991-il-primo-grande-esodo-dall-albania-verso-l-italia-13263392/>;  
<https://www.camera.it/dati/leg17/lavori/documentiparlamentari/indiceetesti/022bis/021/00000003.pdf>;  
<https://thevision.com/attualita/albanesi-immigrati/>.

6 <http://www.adir.unifi.it/rivista/2010/mehillaj/cap1.htm#n31>.

7 <https://thevision.com/attualita/albanesi-immigrati/>; <http://www.adir.unifi.it/rivista/2010/mehillaj/cap1.htm#n31>; <https://www.ilmessaggero.it/blog/albanesi-tutti-casa-la-vera-storia-vlora-1371102.html>.

8 <http://www.osservatoriomigranti.org/?detenzione-normativa-nazionale>.

- signing a bilateral agreement with Albania oriented towards the containment and prevention of “irregular” arrivals by sea<sup>9</sup>.

Finally, in November 1997, the Italian government decided to close the reception centres and to repatriate all Albanian citizens having entered Italy after the 1<sup>st</sup> of March 1997<sup>10</sup>.

The cooperation with Albania has been explicitly aimed at deterring and containing the movements of migrants from the Balkans before they could reach Italian territory (Lutterbeck, 2006; Campesi, 2018). The Italian strategy of bilateral agreements with Albania converged with the European strategy of *externalization* of border control. As Lutterbeck highlights: “In the aftermath of the crisis of 1997, Italy, as well as the EU, have been engaging in very intense collaboration with Albanian law enforcement and internal security agencies, with the main objective of preventing irregular migration and human smuggling from and through Albania towards Italy” (Lutterbeck, 2006:71).

In 1999, thousands of refugees from Kosovo disembarked on Apulia’s shores. The government introduced a special measure of protection for refugees coming from the Balkan war areas: it comprised the recognition of a temporary permit of stay until the end of the year. This temporary humanitarian protection was extended until June 2000 due to the instability in Kosovo and, in parallel, a programme of *voluntary repatriation* was implemented in collaboration with the UNHCR and the IOM<sup>11</sup>.

9 <https://www.camera.it/dati/leg17/lavori/documentiparlamentari/indiceetesti/022bis/021/00000003.pdf>; The agreement with Albania involved the patrolling carried out by Italian Navy: this measure has been strongly criticized for being de facto a naval blockade, see at <https://www.ilpost.it/2015/04/22/blocco-navale-albania-1997/>.

10 <https://www.camera.it/dati/leg17/lavori/documentiparlamentari/indiceetesti/022bis/021/00000003.pdf>.

11 <http://www.adir.unifi.it/rivista/2010/mehillaj/cap1.htm#n60>.

## 1.2 THE DEVELOPMENT OF THE MIGRATION AND BORDER MANAGEMENT SYSTEM

The period from around 1997 to 2002 has been identified as a phase of development for the Italian integrated border policy (Campesi, 2018). This process is linked to the development of a European approach to migration management. In 1997, the Dublin agreements took effect in all signatory States of the convention of 1990<sup>12</sup>. With the enactment of the Treaty of Amsterdam (May 1999), the Schengen agreements became officially part of the EU *acquis* (Paoli, 2018). At the end of the 1990s, a series of European Councils took place (starting with the one in Tampere in 1999). The necessity to reinforce external border controls was placed at the core of this process, while the task of external controls remained the responsibility of each country (Lutterbeck, 2006).

The adoption of the Italian law n. 40/1998, the so called law *Turco-Napolitano*, can be placed in the context of the gradual entry of Italy in the Schengen framework<sup>13</sup> (Colucci, 2018; Paoli, 2018). For the purpose of this chapter, it is worth to focus on two specific measures introduced by this law. First, the introduction of administrative detention for “irregular” migrants – for the first time by law and in a permanent way. Second, the extension of the possibility to resort to the so called “rejection order at the border” (*respingimento del Questore*<sup>14</sup>) for Italian authorities: the law introduced the possibility to issue a rejection order to all people “immediately after” entry on Italian territory (through the so called *deferred rejection order – respingimento differito*) and attributed to officers a high discretionary power in terms of time and geographical extension in the use of these tools (Pastore et al., 2004; Cuttitta, 2007; 2015a). While these tools are also widely employed at “land borders” (Pastore et al., 2004), the rejection order, in particular the *deferred rejection*, has been the most

12 In 1990, the so called “Dublin” regulation was signed: the first European country of entry should have been the competent country in charge of migrants’ identification and fingerprinting and of the examination of asylum claims. Dublin II (2003), and Dublin III (2013) Regulations perpetuated these measures (Caponio and Cappiali, 2018).

13 In this context, the Italian government attempted to remove problematic issues that were inhibiting a total acceptance of Italy by European partners: Italy tried to harmonize its policies with the *Schengen* framework and to abandon an approach based on emergency measures (Paoli, 2018).

14 The *Questore* is the chief of the local police headquarter.

employed measure to repatriate migrants disembarked at southern Italian shores (Cuttitta, 2007; FRA, 2013:77; Campesi, 2017)<sup>15</sup>.

In 1995, migrant arrivals by sea at Lampedusa started to become more frequent and the Italian government deployed the Navy to patrol the Strait of Sicily. In 1996, a first reception centre was opened on the island and migrants were rapidly transferred to the mainland (Cuttitta, 2015b; Bassi, 2018). Some scholars (Dines et al., 2015) identified the adoption of the *Martelli law* (1990) as the roots for the island's transformation into a destination for “irregular” migrants. As observed by Dines and others (2015): “before this law introduced visas for North Africans and sanctions for airlines and ferry companies carrying passengers without correct entry documents, there were no ‘illegal’ crossings of the Mediterranean Sea” (Dines et al., 2015:432). In 1998, with the introduction of administrative detention (*law Turco-Napolitano*), the Lampedusa centre effectively became a detention centre “where people arriving on the island could be detained for up to thirty days” (Dines et al., 2015:432). In the following years, the management of the centre was delegated to the Red Cross and to a local cooperative (Migreurop, 2016). While the structure has worked mainly as a detention centre, its legal status has been uncertain and changed several times over the years (Bassi, 2018).

Between 1999 and 2004 the Strait of Sicily gradually became the more crossed Italian sea border area (Pastore et al., 2004) and the management of migration became characterised by a tension between security and humanitarian imperatives (Lutterbeck, 2006).

In this context, the externalization of migration controls was one of Italy's key strategies. In particular, in 1998, the left-wing government introduced the system of *flows decrees*, established year by year, which defined the quota of legal entry for workers (Caponio and Cappiali, 2018). *Flows decrees* have been important tools exploited in bilateral relations with neighbouring countries. The system of quota

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<sup>15</sup> See also, Ministry of the Interior (2011); National Guarantor for the rights of persons detained or deprived of liberty (2018:244).

reserved to specific countries has been used by Italy as a persuasion tool during negotiations with neighbouring countries in order to obtain their cooperation to contrast “irregular” migration.

The case of Tunisia is paradigmatic. In 1998, the first readmission agreement between Italy and Tunisia was signed. In exchange for more quotas reserved for Tunisians in the annual *flow decree*, the Italian government obtained cooperation in limiting “irregular” migration. Italy provided economic resources, technical means and police cooperation. Interestingly, when Italian economic provision established by the agreements stopped in 2001, a rise in the number of migrant arrivals by sea to Sicily was registered: this pushed Italy to renegotiate agreements with Tunisia in 2003 and to include a relevant increase of quota in the *flows decree* adopted in 2004<sup>16</sup>.

In 2000, Italy and Libya (another key Italian partner) signed the first cooperation agreement regarding migration control (Cuttitta, 2015a). Over the years, agreements with Libya have been mainly oriented towards the improvement of technical and police cooperation. At the same time, negotiations around *flows decrees* have been less relevant due to the fact that Libya has always been a country of immigration rather than of emigration<sup>17</sup>.

The Italian strategy of bilateral negotiation with southern neighbouring countries (Clochard, 2003; Wihtol de Wenden, 2005; Bensaâd, 2003, 2008; Cassarino and Tocci, 2011) converged with the EU strategy of border control externalization. During several meetings between European and neighbouring countries, two main goals were pursued: a) favouring legal migration and “regular” migrants’ integration and b) contrasting “illegal” migration through readmission agreements with partner countries. In the aftermath of the Council held in Tampere, the Presidency invited the European Council to implement readmission agreements and to include readmission clauses also in other kind of agreements (Carli, 2019:11). The Italian strategy adopted since 1998, consisting in providing funds for development to Tunisia in exchange for

16 <http://www.migreurop.org/article1418.html?lang=fr>; <http://www.altrodiritto.unifi.it/frontier/libia.htm>; Coslovi, 2007; Monzini, 2008.

17 <http://www.altrodiritto.unifi.it/frontier/libia.htm>.

migration control enforcement and readmission agreements, was formalized at the European level in 2002. Since then, this strategy has been adopted, both by the EU and by single member States, in following agreements with third countries<sup>18</sup>.

In 2001, a right-wing coalition won the general elections in Italy. The government's will to reinforce the control of Italian maritime borders was clear and the island of Lampedusa functioned as a place of detention rather than of reception of migrants (Cuttitta, 2015a). The following year, the government adopted and enacted the law n. 189/2002 (so called *Law Bossi/Fini*) (Campesi, 2018). Dines and others (2015) observed that the three key pieces of immigration legislation in Italy, the laws of 1990, of 1998 and of 2002, "primarily focused on restricting entry and combating irregular migration in order to comply with EU directives on migration management and the Schengen Acquis" (Dines et al., 2015:442).

### **1.3 THE CONSOLIDATION OF THE MIGRATION AND BORDER MANAGEMENT SYSTEM**

The 2000 – 2013 period was characterized by the consolidation of the European system of external border surveillance based on the patrolling of maritime borders and the agreements with southern neighbouring countries: Lampedusa became the centre of this surveillance system and arrivals were channelled towards this island (Cuttitta, 2014b; Campesi, 2017, 2018; Ciabbari, 2020). After the 2003 agreement with Tunisia, which until then had been the first place of departure towards Italy, Libya became the main country from which migrants attempted to cross the Mediterranean (Lutterbeck, 2006; Cuttitta, 2015c; Campesi, 2017). In this period, the Italian Ministry of the Interior defined three main guidelines for migration policing strategy. Control activities included (Cuttitta, 2015b; Campesi, 2017, 2018): a) cooperation with neighbouring countries of *transit and origin*, and b) monitoring international and territorial waters to intercept migrant vessels.

<sup>18</sup> <http://www.altrodiritto.unifi.it/frontier/libia.htm#n25>; see also (FRA, 2013:9); (Carli, 2019: 14).

After 2002, the number of arrivals in Sicily, in particular in Lampedusa, increased (Monzini, 2008). According to Monzini (2008), in continuity with the general functioning since at least 1998, the management of migrant arrivals in Lampedusa was carried out by the Italian police whose main task was to identify and register them. Migrants were often transferred towards the mainland, in first reception centres, in order to complete identification and sorting operations. The procedure comprised the filtering between those in need of protection and the others: after registration, minors, pregnant women and asylum seekers followed the reception path while the others (mainly “economic” migrants) were channelled towards removal and repatriation procedures (Monzini, 2008).

A restrictive phase in the Italian migration policy strategy could be situated around 2004 and 2005 when the Italian government:

- financed around 5000 operations of repatriation of potential asylum seekers directly from Libya;
- carried out several collective expulsions directly from Lampedusa and repatriated to Libya migrants who had been intercepted by Italian authorities (Andrijasevic, 2006; Vassallo-Paleologo, 2011; Cuttitta, 2015b).

It is worth highlighting that, in 2003, Germany and Italy proposed, at the European level, to establish *transit processing centres* in North-African countries in order to filter refugees directly there. The proposal was not adopted due to the opposition of Spain, France and Sweden (Andrijasevic, 2006:121).

Italy was reprimanded by the European Parliament and was asked to stop deporting migrants to Libya (Lutterbeck, 2006). Collective repatriations directly from Lampedusa received criticism also from the *Human rights Commissioner of the European Council* (Vassallo-Paleologo, 2011; Cuttitta, 2015b). Moreover, the refoulement strategy and the highly precarious reception conditions of migrants

accommodated in Lampedusa were criticized by journalists, NGOs and Italian MPs (Andrijasevic, 2006; Italian Red Cross, 2012).

According to some researchers, these were the premises that pushed the Italian government to abandon (at least temporarily) unlawful practices of refoulement, to turn the detention centre of Lampedusa in a CPSA (First aid and reception centre) and to adopt the *Praesidium Project*; this project contributed to the systematic involvement of international humanitarian organisations on the southern Italian border (Vassallo-Paleologo, 2011; Ministry of the Interior, 2011). In fact, while some international humanitarian organizations (e.g. the *Red Cross*, *Doctors without borders*) were already involved in the management of migration in Sicily (e.g. in Lampedusa) between the end of 1990s and the beginning of 2000s (Cuttitta, 2015c; Migreurop, 2016), after the adoption of *Praesidium* (2005-2006) this kind of actors started to be increasingly and systematically involved in the management of migration on the southern Italian border. The *Praesidium* approach was more focused on the improvement of the management of arrivals rather than on their pure limitation (Monzini, 2008; FRA, 2013). This renewed approach has been defined as the *Lampedusa Model* (Tassin, 2014; Migreurop, 2016) in order to highlight the amelioration of migrants' reception based on so called *multi-agency* cooperation (UNHCR, 2009; Italian Red Cross, 2012).

### 1.3.1 THE SYSTEMATIC INVOLVEMENT OF INTERNATIONAL HUMANITARIAN TSOs: THE LAUNCH OF THE *PRAESIDIUM* PROJECT

In 2005, the Italian Ministry of the Interior presented to the European Commission a project called "*Praesidium Project – Strengthening of reception capacity in respect of migration flows reaching the island of Lampedusa*"<sup>19</sup>. The project was implemented in partnership with three main humanitarian organisations: the

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19 <https://reliefweb.int/report/italy/praesidium-project-recommendations-and-good-practices-management-mixed-migratory-flows>.



Italian Red Cross, the UNHCR and the IOM. The motivations driving the implementation of *Praesidium* were to provide efficient measures of humanitarian reception and assistance to migrants arriving by sea (Ministry of the Interior, 2011). According to the Ministry of the Interior, the above-mentioned humanitarian agencies were chosen because they are internationally recognized for their historic commitment in the field of managing migration-related humanitarian emergencies and for their role in promoting human and civil rights of migrants and asylum seekers (Ministry of the Interior, 2011: 3). The three initial years of the project were co-financed by the European Commission within the framework of the *Argo 2005* and *Argo 2006* programs. Since its fourth year it has been financed only by the Ministry of the Interior (Ministry of the Interior, 2011). During the first year of implementation the different actors' intervention focused on the CPSA of Lampedusa. In the following years, the project was also extended to other areas of Sicily. Since the third year, the INGO *Save the Children* has been involved as partner organisation (Ministry of the Interior, 2011). The implementation of *Praesidium* improved the coordination between the four international humanitarian organizations and other institutional actors (e.g. prefectures, Italian Police, *Guardia di Finanza*, the Navy, local health authorities) operating at diverse phases of the migration management system: from rescue at sea to accommodation at final reception centres (UNHCR, 2009). The adoption of *Praesidium* can be considered within the development of a European border surveillance framework which is "regulated according to regional standards, such as the so-called Schengen Borders Code (regulation [EC] No. 562/2006), requiring member states to provide appropriate staff and resources to prevent 'illegal' border crossings, as well as close and constant cooperation between national services responsible for border control and between member-states, eventually coordinated by the EU coordinating border agency Frontex" (Campesi, 2018:53). At the same time, European regulation recalls the need to respect migrants' human rights, in particular the principle of non-refoulement and the right to claim asylum

establishing that “Entry may only be refused by a substantiated decision stating the precise reasons for the refusal’ (art. 13) with a related right of appeal” (StateWatch, 2010).

Vassallo-Paleologo (2011) noted that *Praesidium* possibly contributed to create a fracture between the humanitarian organizations involved in the project and other associations that did not sign agreements with the Ministry of the Interior. Moreover, with regard to the involvement of humanitarian organizations and private actors which managed the reception centre in Lampedusa, Tassin observed that “whereas before the centre had a negative reputation, opening it up to private players perceived as charitable shifted the paradigm: whether the centre should exist was no longer the burning question, all attention now focused on the shared question of the conditions in which migrants are held” (Tassin quoted in Migreurop, 2016: 57).

Over the years, the *Praesidium* project has been maintained and renewed. Since 2010, the above-mentioned organizations started to permanently intervene also in other regions such as Apulia, Calabria and Campania (UNHCR, 2009; Ministry of the Interior, 2011; Italian Red Cross, 2012). In a 2014 planning document, the Ministry of the interior reaffirmed the value of the project arguing that the *mixed* nature of migration made the intervention of humanitarian organizations crucial due to their support in taking care of vulnerable migrants and in finding solutions with authorities (Ministry of Interior, 2014). The ninth edition of *Praesidium* was the last under this denomination. Since 2015, the Ministry of Interior has substituted *Praesidium* with two projects, *Assistance* and *Monitoring*, carried out only by the UNHCR and the IOM. Since January 2017, the project has been renamed *Aditus*<sup>20</sup>.

### 1.3.2 THE PRAESIDIUM SYSTEM: IDENTIFICATION AND CONTROL PROCEDURES

In 2005 a special police task force was set up in Lampedusa. Accounts from police officers reported by Monzini (2008) suggest that *managing* the phenomena

<sup>20</sup> <https://italy.iom.int/it/aree-di-attivita%20C3%A0/assistenza-gruppi-vulnerabili-e-minori/progetto-aditus>.

rather than *contrasting* it was the main rationale guiding the authorities, and that *managing* became easier thanks to the involvement of humanitarian organisations (Monzini, 2008:25). According to official documents, routine control procedures established by *Praesidium* were in continuity with the past: the primary focus was on first assistance and reception and only at a later stage on the definition of the legal position of migrants (Ministry of the Interior, 2011). After identification, the police filtered migrants: those claiming asylum were channelled towards asylum procedures; those considered *voluntary* migrants received a rejection or expulsion order. Other migrants, identified as *in need of protection* (mainly pregnant women, vulnerable people and minors) followed reception, accommodation and asylum procedures (Monzini, 2008; Ministry of the Interior, 2011).

### 1.3.3 THE *PRAESIDIUM* SYSTEM: THE ROLE OF INTERNATIONAL HUMANITARIAN ORGANISATIONS

Within the framework of *Praesidium*, the main aim of humanitarian organisations was to intervene at disembarkation points in order to support reception and assistance procedures. Each humanitarian organization carried out specific tasks.

The Italian Red Cross provided first-aid items (e.g. water, snacks), provided medical and psycho-social support and monitored reception conditions, humanitarian assistance standards and the respect of fundamental human rights (Ministry of the Interior, 2011; Italian Red Cross, 2012). Over the years, the Red Cross expanded its interventions both in terms of scope and of geographical extension. With the 4<sup>th</sup> edition of the project, this organization also provided information about the reception system and about services for migrants in different areas of Sicily. For the 5<sup>th</sup> and the 6<sup>th</sup> editions, the Red Cross operated mainly in Sicily, Apulia and Calabria (Italian Red Cross, 2012).

*Save the Children* provided legal information to minors and, at the same time, intervened in order to improve the age identification system linked to minors' rights (Ministry of the Interior, 2011).

The IOM informed migrants about immigration regulation and about the consequences of “irregular” staying in Italy and identified victims of human trafficking. Another main task was the monitoring of reception conditions inside reception centres.

The UNHCR's involvement within *Praesidium* was grounded on the “ten points plan” for addressing migration issued by the same organization in 2000. In this respect, the UNHCR promoted cooperation among different stakeholders in order to improve the management of so called “mixed migration flows”<sup>21</sup>. In particular, the UNHCR provided migrants with legal information about international protection procedures, focusing in detail on the identification and support of potential asylum seekers. More generally, the agency contributed to the identification of vulnerable people and to the monitoring of reception standards (UNHCR, 2009; Ministry of the Interior, 2011).

These four organizations used the category of so called *mixed migration flows* to indicate migrant arrivals by sea: *mixed flows* required the intervention of different actors with specific mandates and capacities in order to improve the management of migrants arriving by sea and to better protect the rights of *people in need*<sup>22</sup>. *Praesidium* also provided the opportunity for these organizations to improve their skills and know-how concerning migration and to reinforce their capacity for the management of mixed migration flows (Italian Red Cross, 2012:2).

#### **1.4 THE UNFOLDING OF THE ECONOMIC “CRISIS” AND THE *PUSH-BACKS ERA***

Over the last decade, migration governance in Italy has been influenced by the unfolding of overlapping “crisis” ranging from the economic “crisis” of 2008 to

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21 <http://www.unhcr.org/4742a30b4.pdf>.

22 <https://www.unhcr.it/cosa-facciamo/progetto-praesidium>; Ministry of the Interior (2011:41); Italian Red Cross, (2012).

the “humanitarian crisis” of 2011. Scholars noted that “In Italy, similarly to other European countries (..) the economic crisis did not mark a turning point in migration policies, but rather strengthened the restrictive path already taken with the 2002 *Bossi-Fini Law*” (Caponio and Cappiali, 2018:117).

In 2008, the new right-wing government hardened immigration policies. In May 2008 the Italian government adopted a series of four legislative measures (the so called *security package*) introduced under the law n.94/2009<sup>23</sup>. Moreover, the government declared a state of emergency on the entire Italian territory in order to fight and to better manage “the persistent and extraordinary influx of non-EU citizens” (Merlino, 2009:11). Scholars noted that the driving logic behind these measures was oriented towards two main goals: a) to produce an effect of deterrence for would be “irregular” migrants; b) to reduce by 10% per year the arrivals of migrants by sea (Ferrero, 2010). The *security package* was criticized by several NGOs (e.g. *Action Aid, Emergency and Doctors without Borders*) and civil-society groups organized protests against these restrictive measures. The Council of Europe, the European Fundamental Rights Agency (FRA) and other international agencies, such as the Organisation for Security and Cooperation in Europe (OSCE), expressed criticism against the *security package* (Merlino, 2009).

In this context, a phase of unlawful push-back took place between the years 2008 – 2010. This phase is also known as the “push-backs era” or Italian “push-back policy” (Pastore and Roman, 2014:15). Italy concluded a new cooperation agreement with Libya in August 2008. After the signature of these agreements, the Italian government announced the beginning of a hardened policy of refoulement at sea in collaboration with neighbouring countries. This strategy was aimed at framing all migrants arriving by sea as “irregular” and at legitimizing the implementation of push-backs (StateWatch, 2010; Marchetti, 2012; Cuttitta, 2015b). Around the end of 2008, the government decided to slow down the transfer of migrants arrived in Lampedusa

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<sup>23</sup> Including: the introduction of the crime of *irregular entry and stay*; the extension of the period of administrative detention to a maximum of 18 months; restrictive measures for asylum seekers and asylum procedures (Merlino, 2009; Ferrero, 2010; State Watch, 2010).

blocking them on the island until their repatriation. In February 2009, the Ministry of the Interior decided to move the Territorial Commission of Trapani directly in Lampedusa in order to prevent migrants from appealing against a negative decision regarding their asylum claim (Vassallo-Paleologo, 2011; Cuttitta, 2015a). Migrants were pushed-back directly from international waters and they were arbitrarily returned to a country (Libya) where they risked inhuman and degrading treatment (Pastore and Roman, 2014; Cuttitta, 2015b).

Restrictive practices and unlawful push-back received criticism from both civil-society and international actors. For example, the UNHCR criticized mass push-backs towards Libya and the restrictive practices implemented for those who reached Lampedusa (Vassallo-Paleologo, 2011; Pastore and Roman, 2014). In 2011, the European Courts of Human Rights (ECHR) condemned Italy for push-backs that took place in 2009 (Cuttitta, 2015b) and, according to some scholars, the Italian government suspended unlawful refoulement already in 2010 (Pastore and Roman, 2014). During this phase, critical positioning emerged at the European level with regards to the Italian strategy. According to Ciabbarri (2020), the European migration containment system faced a crisis in legitimacy during which the European Parliament and other international actors pushed for a mitigation of the extremely restrictive policies at the EU external border (Ciabbarri, 2020:40). The push-back strategy of 2008 – 2010 can be considered in continuity with that of 2004 – 2006. At the same time, a tension can be identified between this kind of strategies and the *routinised* management based mainly on first assistance, reception and selection of migrants on the grounds of the *voluntary/forced* migrants dichotomy (Monzini, 2008; Pastore and Roman, 2014; Jeandesboz and Pallister-Wilkins, 2014).

### **1.5 2011's "CRISIS" AND THE EMERGENCY NORTH AFRICA (ENA)**

Restrictive strategies adopted by the Italian government during the 2008 – 2010 period contributed to contain migrant arrivals by sea (McMahon, 2012). At the beginning of 2011 the Lampedusa centre was empty primarily due to the fact that cooperation with Libya and push-backs contributed to contain migrant arrivals by sea (Cuttitta, 2015a). At the same time, following the collapse of the Tunisian government, control and readmission agreements were de facto suspended. From February 2011, the beginning of the conflict in Libya caused the interruption of negotiations with Italy regarding cooperation on migration. In consequence of the collapse of controls in these neighbouring countries, arrivals on Italian coasts increased (McMahon, 2012; Pastore and Roman, 2014).

The 15<sup>th</sup> of January 2011 is generally considered as the beginning of the migration of thousands of Tunisian citizens that arrived mainly in Lampedusa. In 2011, around 63000 migrants arrived in Italy by sea (Marchetti, 2012; Colucci, 2018). According to Pastore and Roman, "the reaction in terms of policy consisted in the implementation of operations primarily aimed at rescuing migrants at sea and conducting them to a safe Italian port (...) authorities and staff involved in maritime operations had a strong rescue-oriented attitude, as opposed to a merely control-oriented operational behaviour" (Pastore and Roman, 2014:16).

Initially, the Italian government kept the first reception centre in Lampedusa closed and tried to collectively return migrants towards Tunisia. The failure of this mass repatriation strategy pushed the government to reopen the reception centre on the island (Vassallo-Paleologo, 2011). The 12<sup>th</sup> of February the government decided to declare the *state of national humanitarian emergency* until the 31<sup>st</sup> of December (Marchetti, 2012; McMahon, 2012). At the end of March, around 6 200 migrants were stuck in Lampedusa as a result of the government's choice to overcrowd the island in order to justify the adoption of exceptional measures (Cuttitta, 2015a). However, as

some scholars observed, the situation was not actually exceptional if we consider the trend of arrivals by sea since the end of the 1990s (Marchetti, 2012; McMahon, 2012). As reported by Marchetti (2012) “The plan was threefold: to make full use of the island's reception facilities; to organize an airlift to the existing centres in the rest of Italy; to open temporary camps to absorb the increasing number of people landing in Lampedusa” (Marchetti, 2012:2-3). Special powers were attributed to the Civil Protection and a new kind of temporary structures for the reception of asylum seekers were created (the so called ENA centres). This kind of centres were renamed CAS (*extraordinary reception centres*) in 2014 and were spread across the entire Italian territory (Colucci, 2018; Garelli and Tazzioli, 2020). In 2011, the high number of arrivals led, for the first time, to a significant growth in the number of asylum claims. In fact, new arrivals from Libya were automatically classified as asylum seekers and entered the reception system (Marchetti, 2012; Colucci, 2018). Migrants were transferred from Lampedusa to the above-mentioned temporary camps (that had an unclear legal status) and to *Reception centres for asylum seekers* (CARA). Despite these transfers, at the end of March the situation on the island was still highly problematic and on the 5<sup>th</sup> of April two main measures were adopted:

- a decree establishing that all Tunisian migrants entered in Italy between the 1<sup>st</sup> of January and the 5<sup>th</sup> of April would receive a 6 months permit of stay for humanitarian reasons;
- an agreement with the Tunisian government for the return and readmission of undocumented Tunisian citizens arrived after the 5<sup>th</sup> of April (Marchetti, 2012).

In this phase Italian authorities adopted a *turning a blind eye* approach aimed at turning migrants towards other EU countries (Marchetti, 2012; McMahon, 2012:8; Caponio and Cappiali, 2018).



In 2011, migrants received different treatments at different phases of the “humanitarian crisis”. They were not treated in relation to their individual claims but in relation to their nationality and the moment of their arrival. Tunisian citizens having arrived before the 5<sup>th</sup> of April automatically received a permit of stay on humanitarian grounds while those having arrived after this date were treated as “irregular” and detained or repatriated. Non-Tunisian migrants who left Libya after April 2011 were channelled within the Civil Protection reception system and were compelled to enter the asylum procedures (Marchetti, 2012).

Alongside this overall strategy, the Italian government carried out refoulement and push-backs directly at sea, in particular that of Tunisian migrants. The UNHCR took a position on this issue claiming that each person’s situation must be examined individually. At the same time, the UNHCR’s spokesperson at the time stated that Tunisians could often be considered “economic” migrants<sup>24</sup>. The UNHCR’s framing of Tunisian as “economic” migrants can be understood within a wider discourse of both European and Italian institutions depicting these migrants as mainly *voluntary* ones (Campesi, 2011)<sup>25</sup>.

Around 2011, the Italian reception system for asylum seekers began to expand with the spread of reception centres and the spread of cooperatives, private actors and NGOs as centres managers (Caponio and Cappiali, 2018). During the “crisis” of 2011, besides *Praesidium* organisations, other humanitarian INGOs such as *Doctors without borders* and *Terres des Hommes* were present in Lampedusa (FRA, 2013). *Terre des Hommes* implemented a project called “Faro” that focused on the psycho-social support of unaccompanied minors, families with children and pregnant women (Terre des Hommes, 2017).

Scholars noted that the overlap of the economic and humanitarian “crisis” contributed to change the role played by European institutions in the governance of migration within the Italian context. In particular, with the unfolding of the

24 <https://www.terrelibere.org/4327-lampedusa-da-mesi-respingimenti-in-mare-ecco-come-litalia-viola-le-leggi-internazionali/>

25 See also <https://stranieriinitalia.it/attualita/lue-qtunisini-migranti-economici-se-ne-occupi-litaliag/?cn-reloaded=1>.

“humanitarian crisis” of 2011, EU institutions increased their influence and pursued a restrictive European asylum policy in Italy (Caponio and Cappiali, 2018:125).

Considering the 2011’s “crisis”, the strategy of Italian authorities in the management of “crisis” events can be situated in continuity with the past. As in the case of the “emergencies” of the 1990s, the strategy oscillated between the direct recognition of temporary protection on humanitarian grounds for some and the repatriation of others. Moreover, Italian authorities adopted the so-called strategy of “turning a blind eye” that consisted in relaxed security and registration checks contributing to turn migrants towards other EU countries (Caponio and Cappiali, 2018:125). Simultaneously, Italy pursued its neighbourhood policy strategy and continued to carry out push-backs at sea, even if to a lesser extent in comparison with the past (Campesi, 2011; Ciabbari, 2020).

Besides “crisis” events, the *routinised* actual management of migration (Jeandesboz and Pallister-Wilkins, 2014) was mainly focused on providing first assistance and then filtering migrants between those in need of protection (to be oriented towards asylum and reception paths) and “economic” migrants to be repatriated (Monzini, 2008; Pastore and Roman, 2014; Ciabbari, 2020). Migrants were, as a general rule, rapidly transferred from disembarkation sites towards reception centres. Identification procedures were generally carried out by the Italian police a few days after disembarkation and in reception centres directly (such as CDA – *centri di accoglienza* or CARA). At this stage, the authorities were supposed to identify asylum seekers, vulnerable people or “economic” migrants (Pastore and Roman, 2014:23).

## **1.6 THE SHIPWRECKS OF 2013 AND THE LAUNCH OF *MARE NOSTRUM***

Some scholars observed that the *Arab Springs* marked a turning point in the geopolitical scenario in the Mediterranean area, challenged European migration policies, and produced long-lasting effects that would still be in progress (McMahon,

2012; Campesi, 2018; Colucci, 2018). However, the above-mentioned *turning a blind-eye* approach remained a crucial feature of Italian governments' strategy. In fact, in the 2011 – 2015 period, Italian border controls (in particular complete identification and fingerprints) were not strict (Caponio and Cappiali, 2018; Campesi, 2018). According to Pastore and Roman (2014), Italy would have somehow boycotted the Dublin principle using the *turning a blind-eye* approach as a negotiation leverage in order to push the EU to provide further support in managing migration by sea (Pastore and Roman, 2014:25).

In parallel, the externalization policy continued to be pursued both by Italy and the European Union. In March 2012, the cooperation between Italy and Tunisia was strengthened through the signature of a *Memorandum of understanding* that consolidated the agreement adopted the year before. In April 2012, Italy negotiated a *Memorandum* with Libya and, in 2013, the European Union launched a mission to assist Libyan border management operations (Cuttitta, 2015b). Between 2012 and 2013, under the umbrella of these agreements, and in continuity with the past strategy, Italy returned to Tunisian and Libyan authorities around 5000 migrants detected at sea (Campesi, 2018:62).

In October 2013, two shipwrecks occurred and several hundreds of people lost their lives<sup>26</sup>. The Italian government, “in a context of substantial institutional immobility at the European level” (Pastore and Roman, 2014:5), decided to launch the *Mare Nostrum* operation (based on the already existing program *Constant Vigilance* launched in 2004). This new program increased the Italian Navy's engagement in patrolling the Central Mediterranean and extended the geographical area of its intervention (Cuttitta, 2015b; Campesi, 2018). Despite the presentation of *Mare Nostrum* as a humanitarian operation essentially centred on the rescue of people at sea, the aims of policing migration and arresting traffickers remained central (Cuttitta, 2014a, 2015b). The activities of *Mare Nostrum* were carried out in

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26 <https://cild.eu/blog/2018/10/03/strage-del-3-ottobre-ricordare-per-cambiare-le-politiche-nel-mediterraneo/>.

collaboration with *Frontex* (the European border and coast guard agency)<sup>27</sup>. At the same time, with the enactment of the European regulation 1052/2013, the EU officially launched the program *Eurosur*. This program, presented as a key tool for saving lives at sea, focused on the improvement of the cooperation between member States to improve the fight against “clandestine” immigration<sup>28</sup>.

In the aftermath of the October 2013 shipwrecks, and with the activation of *Mare Nostrum*, there were some developments in the Italian migration management system. Italian authorities decided to divert most disembarkations from Lampedusa towards other Sicilian ports in order to unburden, at least partially, the island. In this sense, the launch of *Mare Nostrum* led to a more systematic use of other Sicilian ports and to the improvement of the synergy among different actors involved (Pastore and Roman, 2014:22 – 23).

At the same time, the actual management and sorting procedures on the ground seemed to be in continuity with the past. According to Pastore and Roman, “in many cases it is here, i.e. in reception facilities, that identification procedures take place; the authority responsible is the Immigration Office of the local *Questura* and the procedure is usually carried out a few days after the arrival of a group of migrants in the facility” (Pastore and Roman, 2014: 24). Following filtering procedures migrants were: a) referred to domestic reception and asylum procedures (potential asylum seekers, minors, victims of traffic) or b) channelled towards return and removal procedures (FRA, 2013:88). It is worth highlighting that, over the years, the effective *repatriation capacity* of Italy has been quite limited (if compared to official goals): see Table n.1 below. Furthermore, according to Campesi (2017), data concerning the period 1997 – 2015 show that, for a long time, the number of *rejection* orders issued by the *questori* followed a decreasing trend similar to that of the number of arrivals. A shift occurred in 2011 when the number of *rejection* orders did not increase despite the rapid increase in the number of migrant arrivals by sea (Campesi, 2017: 212).

27 <http://www.marina.difesa.it/cosa-facciamo/per-la-difesa-sicurezza/operazioni-concluse/Pagine/mare-nostrum.aspx>.

28 <http://www.asiloineuropa.it/2014/01/08/eurosur-cose-quanto-costa-a-cosa-serve-origini-e-analisi-del-regolamento-10522013-quasi-articolo-per-articolo/>.

<u>Year</u>	<u>Number of TCNs repatriated</u>
2010	4890
2011	6180
2012	7365
2013	5860
2014	5310
2015	4670

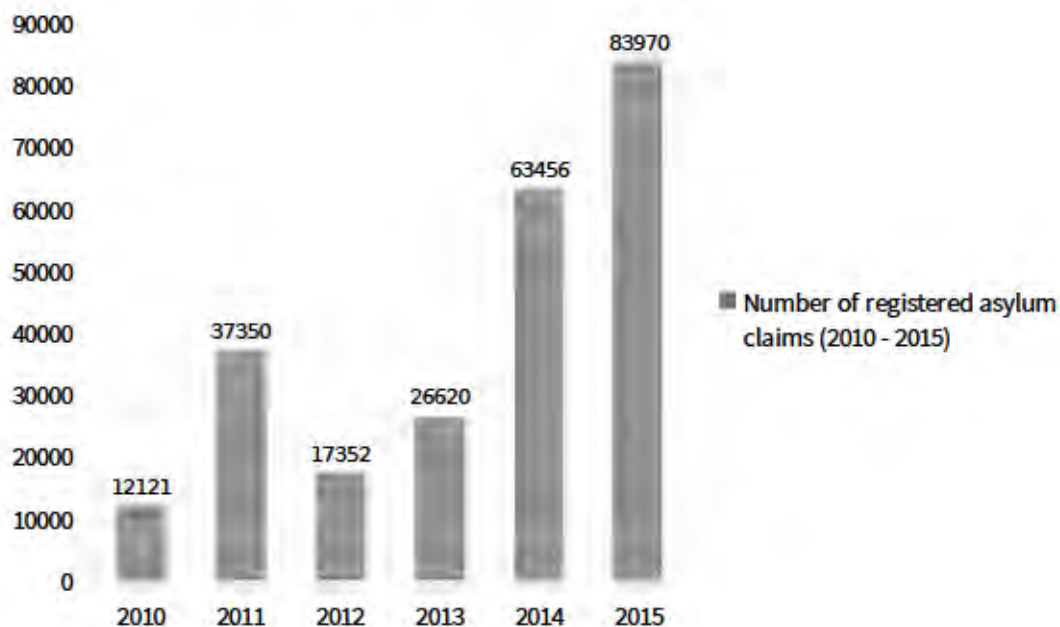
**Table 1.** Number of TCNs effectively repatriated by Italy following an order to leave during the period 2010 – 2015. These data include all TCNs repatriated from Italy and not only those arrived by sea (Source: Eurostat, [https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_eirtn&lang=en](https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_eirtn&lang=en)).

Moreover, scholars highlighted that, since long before 2013, “Egyptian and Tunisian migrants, once disembarked, are usually not allowed access to the asylum procedure: they are issued a repatriation order and are either immediately returned to their countries of origin (on the basis of existing bilateral readmission agreements) or end up in pre-removal detention inside CIE” (Pastore and Roman, 2014:26). These practices have been repeatedly denounced, in particular by the UNHCR (Ibidem:26). This kind of practices, based on the externalization policy (like push-back and refoulement), can be understood as part of the restrictive Italian approach towards asylum in the treatment of arrivals by sea (Cuttitta, 2007; Pastore and Roman, 2014).

### **1.7 FROM MARE NOSTRUM TO TRITON: TOWARDS THE MIGRATION “CRISIS” OF 2015**

According to Caponio and Cappiali (2018), in particular after the launch of *Mare Nostrum*, the Italian *turning a blind-eye* approach became an object of divergence with the European Union: “The enforcement of internal controls, i.e., EU regulations, fingerprinting and identification, was considerably relaxed (..) information on screening, and identification procedures became less transparent and accessible (..), drawing harsh criticism from other European countries, and leading the EU Commission to start an infringement procedure against Italy (..) in

December 2015” (Caponio and Cappiali, 2018: 125). *Mare Nostrum* officially ended the 31<sup>st</sup> of October 2014. The Italian pressure on the European Union for a reinforcement of the role of *Frontex* partially succeeded with the launch of a new operation named *Triton*. Implemented from the 1<sup>st</sup> of November 2014, *Triton* was coordinated by *Frontex*, had less funds compared to *Mare Nostrum* and covered a narrower area limited to the territorial waters of Italy (Pastore and Roman, 2014; Cuttitta, 2015b). In 2014, around 170 000 migrants arrived by sea. The number of arrivals reached a peak that had never been reached. From at least 2013, asylum applications increased reaching a peak in 2015 (Caponio and Cappiali, 2018).



**Figure 2.** Number of registered asylum claims during the period 2010-2015 (Source: Foundation ISMU<sup>29</sup>).

As some scholars observed (Pastore and Roman, 2014:10), during the period 2011 – 2014 the great majority of asylum applications lodged in southern EU member-States consisted in claims submitted by migrants who had arrived at maritime borders. Italy reached a high number of applications and, in several occasions, the Italian

<sup>29</sup> Available at: <https://www.ismu.org/calano-le-richieste-di-asilo-aumentano-i-dinieghi/>.

government declared that migrants arriving in Italy by sea were to be considered as “potential asylum seekers” (Pastore and Roman, 2014:11)<sup>30</sup>.

In July 2014 a Unified Conference took place (involving the national government, regional and local authorities) that adopted a national plan in order to deal with the *extraordinary* flow of non-European citizens, adults, families and unaccompanied foreign minors<sup>31</sup>. The operational plan established a system that included: rescue and first reception activities involving identification procedures; the transfer to reception centres and regional hubs; the successive transfer to the SPRAR system (Protection System for Asylum Seekers and Refugees) of asylum seekers and beneficiaries of international protection<sup>32</sup>.

In the aftermath of 2013, other INGOs entered the migration governance field in Sicily. This is the case of *MEDU – Doctors for Human Rights* that started to intervene in the provinces of Catania and Ragusa around 2014. The NGO implemented a project of psychological and psychiatric assistance for torture survivors coming from sub-Saharan countries. *Emergency* entered the migration management system in Sicily around 2015 with two mobile-clinics in order to provide socio-medical assistance to migrants during disembarkations<sup>33</sup>.

## **1.8 THE FIRST POLICY MEASURES ADOPTED IN RESPONSE TO THE “CRISIS” OF 2015**

In April 2015, a shipwreck off the Libyan coast caused the death of around 800 people. The UNHCR considered it as the worst shipwreck ever registered in the

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30 According to the statements of government’s members reported by Pastore and Roman (2014:11), since the end of 2013, the *type* of migrants arriving on Italian shores changed: almost 80% complied with the requirements to claim asylum.

31 <http://www.libertaciviliimmigrazione.dlci.interno.gov.it/it/governance-dellaccoglienza>.

32 Office of the Italian President of the council of ministers, 10 July 2014, *Agreement between the Government, Regions and local authorities about the national plan in order to address the extraordinary flow of non-European citizens, adults, families, and unaccompanied minor migrants*, available at [https://www.interno.gov.it/sites/default/files/sub-allegato\\_n.\\_25\\_-\\_intesa\\_conferenza\\_stato\\_regioni\\_del\\_10\\_luglio\\_2014.pdf](https://www.interno.gov.it/sites/default/files/sub-allegato_n._25_-_intesa_conferenza_stato_regioni_del_10_luglio_2014.pdf).

33 <https://mediciperidirittiumani.org/on-to-stop-alla-tortura-dei-rifugiati-lungo-le-rotte-migratorie-dai-paesi-sub-sahariani-al-nord-africa/>; <https://www.emergency.it/comunicati-stampa/emergenc-assistenza-agli-sbarchi-in-queste-ore-in-sicili/>.

Mediterranean<sup>34</sup>. In the aftermath of the shipwreck, a meeting involving European Ministers took place on the 20<sup>th</sup> of April 2015 and a ten-points plan was formulated. The plan promoted, among other things, the sharing of responsibility regarding the processing of asylum claims and the relocation and resettlement of asylum seekers. The UNHCR supported these measures and recommended the reinforcement of asylum seekers' protection through several measures: the improvement of a SAR mission in the Mediterranean following the *Mare Nostrum* example; the engagement of States in accommodating a relevant number of refugees through quotas; the support to front-line States such as Italy and Greece; legal migration channels in order to avoid that people in need of international protection would be obliged to undertake perilous journeys across the Mediterranean<sup>35</sup>.

In June 2015, enacting the European Council Decision 2015/778, the operation *Eunavfor Med* (later renamed *Sophia*) was launched. This operation entrusted the Italian Navy with conducting patrol operations in the Central Mediterranean with the support of other member-States' resources (Garelli and Tazzioli, 2018; Campesi, 2018).

In May 2015, the European Commission adopted a political document (ASGI, 2016), called *European Agenda on Migration*, to define goals and measures (both of short and long term) in order to address the refugee "crisis". Among the short-term measures there was the *hotspot approach* to be implemented in Italy and in Greece in order to support these States in managing particular migratory pressure (European Commission, 2015:6). The adoption of the *hotspot approach* in Italy was characterized by the lack of a clear legal framework concerning the definition of its functioning. These topics will be described more in detail in *chapter 5*.

Scholars have observed that these European interventions were mainly aimed at preventing the Italian *turning a blind-eye* approach and at restoring security within the Schengen area. This EU goal was pursued "through direct intervention in

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34 <https://www.unhcr.it/news/naufregio-nel-mediterraneo-mai-cosi-tante-vittime-in-un-singolo-incidente.html>.

35 <https://www.unhcr.it/news/naufregio-nel-mediterraneo-mai-cosi-tante-vittime-in-un-singolo-incidente.html>.



overseeing controls in the Mediterranean, as indicated by the above-mentioned *Triton* and *Eunavfor Med Sophia* operations; and by ensuring the enforcement of migrant identification procedures on Italian soil through the establishment of hotspots” (Caponio and Cappiali, 2018:126).

On the 18<sup>th</sup> of August 2015, the Italian government adopted the legislative decree n. 142/2015 also called *reception decree*. According to Savino (2016:988), this was a long awaited reform in order to regulate the migrants reception activities. The adoption of this decree, through which Italy enacted the European directive 2013/33/UE on the reception of asylum seekers, can be understood within the process developing of a common European asylum system (ASGI, 2015; Savino, 2016). The decree established the principle of loyal collaboration among the different levels of governance (national, regional, local) and identified the so called *Table of National Coordination* (established within the Ministry of the Interior) as the main arena in which to plan and identify adequate measures concerning the reception of migrants<sup>36</sup>. To involve all stakeholders, the *Table of National Coordination* was open to several TSOs operating in the field of migration and reception (Ministry of the Interior, 2017).

## **1.9 THE 2017 AGREEMENTS WITH LIBYA AND THE DROP IN MIGRANT ARRIVALS BY SEA**

According to Ciabbari (2020), during the 2014-2018 period, the exacerbation of conflicts in Libya and in Syria contributed to producing huge movements of refugees towards Europe; after initial disordered responses, EU and national governmental institutions returned to a containment and restrictive approach (Ciabbari, 2020). As reported in Figure n. 1, starting in 2014 the number of arrivals by sea significantly increased in comparison to the trend of previous years. At the beginning of 2017, Italy adopted policy strategies that contributed to curb the trend of migrant arrivals by sea during the following months. In continuity with the Italian and European policy of

<sup>36</sup> <https://temi.camera.it/leg18/post/il-decreto-legislativo-n-142-del-2015-cd-decreto-accoglienza.html>.

externalization, in February the Italian government signed a *Memorandum of understanding* with the Al Serraj Libyan government<sup>37</sup>. The main measures of the *Memorandum* included: the support to Libyan authorities in order to contain “illegal” migration; the reinforcement of migration controls, in particular at the southern border of Libya; the improvement of Libya’s migrant “reception” capacity through Italian funds<sup>38</sup>. In addition, the Italian government introduced the obligation for NGOs to sign, and to submit their interventions to, a *code of conduct* in the attempt to hinder NGOs’ SAR operations. According to ASGI, this action contributed to undermine the efficiency of these NGOs’ operations<sup>39</sup>.

At the national level, on the 17<sup>th</sup> of February 2017, the Italian government adopted the decree law n.13 (also known as *Minniti-Orlando decree*) that was converted into law on the 13<sup>th</sup> of April 2017. For the first time, this law mentioned the *hotspots* (defined as “*punti di crisi*”) in the Italian legislative system but did not contribute to clearly define their functioning (Algotino, 2017; ASGI, 2017). The border enforcement strategy pursued by the Italian government contributed to produce a drop in the number of arrivals by sea through the Central Mediterranean<sup>40</sup>. In particular, between the 16<sup>th</sup> of July 2017 and the 31<sup>st</sup> of May 2018 (also called *Minniti policies period*), migrant arrivals by sea decreased by about 78% in comparison with the previous twelve months<sup>41</sup>. The decreasing trend in the number of arrivals continued the following year, reaching the number of 23 370 arrivals in 2018 (87% less compared to 2016 and 80% less compared to 2017)<sup>42</sup>.

37 <https://www.internazionale.it/notizie/2017/01/10/accordo-italia-libia-migranti>;  
[http://www.rainews.it/dl/rainews/articoli/Immigrati-Minniti-in-Libia-primo-passo-per-nuova-cooperazione-ceb31db3-caaa-4edd-8f06-e1a33a63e59f.html?refresh\\_ce](http://www.rainews.it/dl/rainews/articoli/Immigrati-Minniti-in-Libia-primo-passo-per-nuova-cooperazione-ceb31db3-caaa-4edd-8f06-e1a33a63e59f.html?refresh_ce).

38 <http://www.governo.it/sites/governo.it/files/Libia.pdf>;  
[https://www.repubblica.it/esteri/2017/02/02/news/migranti\\_accordo\\_italia-libia\\_ecco\\_cosa\\_contiene\\_in\\_memorandum-157464439/](https://www.repubblica.it/esteri/2017/02/02/news/migranti_accordo_italia-libia_ecco_cosa_contiene_in_memorandum-157464439/).

39 <https://www.asgi.it/media/codice-condotta-ong-governo-mina-efficacia-soccorso/>.

40 <https://www.ispionline.it/it/pubblicazione/sbarchi-italia-il-coste-delle-politiche-di-deterrenza-21326>;  
<https://www.ilsole24ore.com/art/migranti-patto-la-libia-frena-arrivi-luglio-68percento-AEQsV7HC>.

41 <https://www.ispionline.it/it/pubblicazione/sbarchi-italia-il-coste-delle-politiche-di-deterrenza-21326>.

42 [http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati\\_cruscotto\\_statistico\\_giornaliero\\_31-12-2018\\_0.pdf](http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati_cruscotto_statistico_giornaliero_31-12-2018_0.pdf).

## 1.10 THE FURTHER STRENGTHENING OF MIGRATION POLICIES IN 2018

In the second half of 2018, a new government, formed as a coalition between the *Five-Stars movement* and the *Northern League*, took office. This government pursued stricter migration policies that, while hardening some aspects (e.g. the fight against NGOs intervening at sea), were in continuity with the action of the previous government.

From June 2018, the Italian government continued with the strategy of agreements with Libya. At the same time, it reinforced strategies of prevention and criminalization of NGOs saving migrants' lives in the Central Mediterranean. Between June and September 2018 there was a further decrease in the number of disembarkations (by around 48% compared with the *Minniti period*)<sup>43</sup>.

The period from June to December 2018 was characterized by a further restrictive turn. Besides preventing the action of NGOs at sea, during the summer of 2018 the government started to work on a new law decree on migration. The so called *security decree* (adopted on the 5<sup>th</sup> of October 2018 and converted into law in December 2018) included renewed restrictive measures concerning immigration. The new decree included (ASGI, 2018b, 2018c; Amnesty International, 2019):

- new measures for administrative detention of “irregular” migrants and asylum-seekers (e.g. the extension of detention time inside detention centres, the possibility to hold asylum seekers inside hotspots for identification purposes for up to 30 days);

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43 <https://www.ispionline.it/it/pubblicazione/sbarchi-italia-il-costo-delle-politiche-di-deterrenza-21326>.

- the abolition of *humanitarian protection*<sup>44</sup> and the introduction of new typologies of permits of stay<sup>45</sup> (almost always non-convertible in other types of permit of stay and, in particular, in a permit of stay for work reasons)<sup>46</sup>;
- more complicated procedures for asylum-seekers' registration at the Registry Office;
- the cutback of the SPRAR reception system and, except for some specific cases, the exclusion from the SPRAR of asylum seekers, beneficiaries of *special protection* and migrants formerly beneficiaries of humanitarian protection; moreover, beneficiaries of the "new" *special protection* and migrants formerly beneficiaries of humanitarian protection were also excluded from both first and second level reception centres.

It is relevant to underline that humanitarian protection (before its abolition) was one of the forms of protection most commonly granted in Italy. Table n.2 shows the number of humanitarian protection statuses granted in relation to the number of claims examined from the 1<sup>st</sup> of August 2016 to the 31<sup>st</sup> of July 2018.

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44 *The humanitarian protection* was possibly granted in those cases in which the Territorial Commission, even rejecting the international protection claim (refugee status or subsidiary protection), took into account severe humanitarian reasons, also in line with constitutional and international obligations (ASGI, 2018b:3).

45 e.g. for "special protection", for natural disasters in the country of origin, for medical care, for specific acts of civic values (ASGI (2018b), Amnesty International (2019)).

46 <https://www.asgi.it/asilo-e-protezione-internazionale/il-senato-approva-il-decreto-legge-sicurezza-e-immigrazione-tavolo-asilo-mancato-senso-di-responsabilita-istituzionale/>.

	1 August 2016 – 31 July 2017	1 August 2017 – 31 July 2018
<b>Asylum claims</b>	144.099	82.782
<b>Claims of international protection treated:</b>	81.617	89.054
Form of protection granted:	49%	39%
refugee status	7,6%	7,1%
subsidiary protection	13,4%	5%
humanitarian protection	28%	26,9%
Decisions of denial:	46%	53,8%

**Table 2.** Number of humanitarian protection statuses granted in relation to the number of claims examined between the 1<sup>st</sup> of August 2016 and the 31<sup>st</sup> July 2018 (Source: Ministry of the Interior, 2018, “*Dossier Viminale. 1 August 2017 – 31 July 2018*”).

## TO SUM UP

Since the 1990s, the Italian migration and border management strategy seems to be articulated around two main poles:

- the attempt to prevent, deter and contain migration in collaboration with neighbouring countries;
- the *routinised* management (and filtering) of migrants reaching Italian shores based on the *turning a blind-eye* approach.

Since at least the beginning of the 2000s, actual procedures adopted to manage migrants reaching Sicily included (as a general rule): the first aid and transfer of migrants in reception centres; their successive registration and identification; the sorting between *forced* (in need of protection) and *voluntary* (to be repatriated) migrants and the attribution of different legal statuses on the basis of this dichotomy (Monzini, 2008; Jeandesboz and Pallister-Wilkins, 2014; Pastore and Roman, 2014).

This overall strategy was consolidated over time, in particular with the launch of *Praesidium* and the gradual standardization of procedures.

Moreover, while the *turning a blind-eye* approach gradually became an element of conflict between Italian governments and the European Union (in particular between 2013 and 2015), since the 1990s these actors converged on a common strategy of *externalization* of border controls in collaboration with north-African countries.

Despite an overall continuity characterizing Italian border and migration management strategies, some variations can be identified in relation to specific conjunctures generally framed as “crisis” or “emergencies”. The almost automatic recognition of *humanitarian protection* to entire groups of migrants without the standard scrutiny of individual situations was carried out during the “Balkan crisis” and during the 2011’s “humanitarian crisis”. In both cases, the granting of humanitarian permits of stay to some migrants was coupled with the treatment of others as “irregulars”. Moreover, collective refoulement and push-backs at sea were carried out by Italy with particular intensity during three specific periods: in 2004-2006, just before the launch of *Praesidium*; in 2008 – 2010 and between 2011 and 2013. These practices received criticism from civil-society actors, humanitarian organisations and European institutions.

Since the refugee “crisis” of 2015, and at least until 2018, Italian governments adopted restrictive policies in the attempt to contain migratory flows and to exclude migrants.

Since the adoption of the *Praesidium Project* (2005-2006) international humanitarian organisations started to be increasingly and systematically involved in the management of migration on the southern Italian border. This project was adopted as a sustainable model on which the operational management of migrants continued to be based. The presence of international humanitarian organisations increased in the aftermath of the 2011 humanitarian “crisis”, and increased again after the implementation of *Mare Nostrum*, possibly reaching a peak in 2015-2016.

## CHAPTER 2

### THEORETICAL FRAMEWORK: MIGRATION GOVERNANCE AND TSOs

#### *Aims of the chapter*

- to review the literature on *migration governance* in order to a) highlight complementarities and nuances between the concepts of *governance*, *regime* and *management* and b) provide an operational definition of *migration governance*;
- to discuss the concepts of *civil-society* and *third-sector* and explain the choice of the latter for this study;
- to give an account of different scholars' visions regarding the role played by TSOs within migration governance;
- to introduce literature about *migration governance* at different levels (global, European and local).

#### 2.1 MIGRATION GOVERNANCE: COMPLEMENTARITIES AND NUANCES BETWEEN CONCEPTUALIZATIONS

##### 2.1.1 CONCEPTUALIZING *MIGRATION GOVERNANCE*

Since at least the 1990s, the debate in social and political sciences over the concept of *governance*<sup>47</sup> entered the field of migration and border studies producing a rich discussion. Scholars provided heterogeneous contributions regarding the role played by non-State actors in the regulation of migration (Guiraudon and Lahav, 2000; Guiraudon, 2006; Menz, 2009; Geiger and Pécoud, 2010, 2013, 2014; Sørensen, 2012; Sørensen and Gammeltoft-Hansen, 2013; Dünwald, 2013; Garnier, 2014; Wolff,

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47 See Treib, O. et al. (2007); Smismans, S. (2008); Bevir, M. (2010); Salamon, L. M. (2011).

2015; Ambrosini, 2015a, 2017; Lopez-Sala and Godenau, 2016; Kalir and Wissink, 2016; Vandevordt, 2017, 2019).

The governance of migration has primarily to do with the production, development and implementation of migration policies and involves different actors positioned at different levels in the processes of decision-making and implementation (Wihtol de Wenden, 2012, 2017; Betts, 2013; Ambrosini and Van der Leun, 2015; Ambrosini, 2015a, 2017). *Migration governance* can be understood as a complex process which develops both in time and space and includes visions, discourses, decisions, agreements as well as actual practices oriented towards the regulation of migration. Various actors (e.g. local and national governments, international agencies and TSOs) driven by diverse interests, economic, moral, humanitarian, civic and religious, are involved in the process of migration governance (Ambrosini, 2014; Ambrosini and Van der Leun, 2015; Ambrosini, 2015a, 2017, 2018; Lavenex, 2016). As synthesised by Crépeau and Atak (2016), migration governance would take “a variety of forms, including the migration policies and programmes of individual countries, inter-State discussions and agreements, multilateral forums and consultative processes, and the activities of international organisations, as well as relevant international standards and norms” (Crépeau and Atak, 2016: 115). Wihtol de Wenden (2012) emphasized that contemporary migration governance involves attempts to harmonize the position of various actors moved by different principles and bearers of heterogeneous interests. According to some scholars (Ambrosini and Van der Leun, 2015; Ambrosini, 2015a, 2017), the interaction between these actors would often produce outcomes that possibly contradict the initial expectations of policy-makers and, in this sense, “irregular” migration governance could be grasped in terms of a complex (*battle*)*field*. This perspective is helpful in order to grasp the role played by non-State actors in the field of migration governance and how they possibly affect and counteract restrictive migration policies (Ambrosini, 2013, 2015a, 2018; Ambrosini and Van der Leun, 2015). Moreover, a close relation exists between migration



governance processes, the role of TSOs, and processes of *bordering*. Quoting Ambrosini (2018:123), “the mobilization of ‘native’ civil society affects the governance of immigration, or in other words, the establishment and functioning of borders” (see also Eule et al., 2018).

### 2.1.2 CONCEPTUALIZING THE *MIGRATION REGIME*

In border and migration studies, the term *regime* is mainly used to indicate processes of regulation of human mobility involving relations among heterogeneous actors. In this sense, the concept of *regime* conveys the idea of a field of negotiation practices among these actors (Berg and Ehin, 2006; Eule et al., 2018; Sciortino et al. 2018).

Within the field of international relation studies, Krasner (1982:2) conceptualized the term *regime* as a set of decision-making procedures, rules and norms around which actors’ expectations converge within a specific area or issue belonging to international relations. Following this approach, some scholars stressed that a formal migration regime at the international level would not yet exist due to the fact that States have not defined or recognized the regulation of migration as a collective good (Hollifield, 1992; Koslowski, 2011). As Crépeau and Atak (2016:115) suggested, “Today, despite the existence of complex normative and institutional structures, a comprehensive framework for migration governance is still lacking”. However, it would be possible to talk about an international *refugee regime* mainly referring to the establishment of the UN Geneva Convention of 1951, to the Protocol on the Status of Refugees of 1967 and to the activities carried out by the UNHCR (Hollifield, 1992; Koslowski, 2011; Henry and Pastore, 2014; Punter et al., 2019).

Another strand of literature (Berg and Ehin, 2006; Mezzadra and Neilson, 2010, 2012, 2013; Tsianos and Karakayali, 2010; Casas-Cortes et al., 2014; Tazzioli, 2015, 2016; Lo Schiavo, 2017), uses the concept of *migration or border regime* focusing primarily on

discourses and practices that influence migrant behaviour and contribute to fragment the movement of migrants. In this perspective, migration control would contribute to “distribute”, slow down, divert and also prevent human movements (Punter et al., 2019). According to some scholars (Mezzadra and Neilson, 2010, 2012, 2013; Lo Schiavo, 2017), the neo-liberal governance of borders can be seen as a *process* in which governments and non-State actors contribute to organize, categorize and select human capital and trajectories rather than merely exclude migrants. From this perspective, border *regimes* are defined as relational processes characterized by the interaction between control procedures, migrant practices of resistance and the practices and discourses of heterogeneous actors (Berg and Ehin, 2006; Adrijasevic and Walters, 2010; Mezzadra and Neilson, 2010, 2012, 2013; Tsianos and Karakayali, 2010; Casas-Cortes et al., 2014; Tazzioli, 2015, 2016; Lo Schiavo, 2017; Ciabbari, 2020).

Despite the slightly different use of the *regime* concept, scholars from both approaches investigate whether migration regulation is based on a common set of principles or is better grasped as the uncoordinated effects of control policies and practices (Sciortino et al., 2018; Punter et al., 2019).

Both concepts of *governance* and *regime* convey the idea of the important role played by non-State actors in the establishment of principles, rules and decision-making processes regarding migration regulation (Tsianos and Karakayali, 2010; Eule et al., 2018). Some scholars (Eule et al., 2018) highlighted the complementarity between the concepts of migration *regime* and *governance* suggesting that migration or border *regime* can be understood as a field of continuous struggle and negotiations among multiple actors involved in asymmetrical power relations. From this perspective, border and migration regimes are shaped by the position of actors within the field and are characterized by the encounter between controls and related forms of contention and negotiation (Eule et al., 2018:2). This conceptualization converges with the above-mentioned definition of migration governance as a

*(battle)field*. Finally, Wihtol de Wenden (2012:77), focusing on migration governance at the global level, talked about “world regime or governance system for migration” indicating the complementarity of the two concepts.

### 2.1.3 CONCEPTUALIZING *MIGRATION MANAGEMENT*

The concept of *migration management* has been widely employed to define the above-mentioned governance processes characterized by the interaction between heterogeneous actors positioned at different levels in the field of migration regulation. However, a strand of literature (Ghosh, 2005, 2012; Taylor, 2005; Newland, 2005; Marchi, 2010) gradually employed the term *migration management* to indicate a specific approach to migration governance. In fact, over the last thirty years, some scholars emphasized the need to manage international migration and claimed that migration policies oriented exclusively towards restriction and control would be inadequate to govern contemporary human mobility. At the same time, these scholars stressed that a paradigm based on freedom of mobility would not be sustainable in the long term due to its untenable impact on the receiving countries' economic, welfare and social systems. The definition and pursuit of a third way between control and freedom of movement would be found in a *regulated-openness* approach based on inter-State and multilateral cooperation. This approach is based on the acknowledgement that migration is a normal human phenomenon and, if well-managed (with the aim of reaching a *human and ordered* migration), international human mobility could provide advantages for all: sending, transit, receiving countries and migrants. The discourse about this third way approach found its success with the diffusion of the *migration management* paradigm (Ghosh, 2005, 2012; Taylor, 2005; Newland, 2005; Marchi, 2010).

Several authors defined *migration and border management* as a set of institutions, techniques, practices and discourses that are involved in the government of

migration and contribute to facilitate mobility for desirable (or legitimate) travellers while hindering the mobility of undesired ones (Tholen, 2010; Papademetriou and Collet, 2011; Geiger and Pécoud, 2010, 2014; Casas-Cortes et al., 2014; Cuttitta, 2018a; Cassarino and Del Sarto, 2018). From this point of view, *border and migration management* is defined and widely used as complementary to governance.

Over the last two decades, some scholars (Georgi, 2010; Geiger and Pécoud, 2010, 2012, 2014; Kalm, 2010, 2012) explored the diffusion of the *migration management* paradigm. These authors interpreted *migration management* as a global policy approach that involves a set of non-State actors (such as IGOs and INGOs) and includes mainly a) a range of discourses on what migration is and on how it should be addressed and b) a set of subtle governance techniques including persuasion and protection (Geiger and Pécoud, 2010, 2014; Pécoud, 2013). In this sense, migration management draws on a liberal and post-control vision and entails a comprehensive approach to human mobility linking it to development, human rights and other priorities on the international policy agenda (Georgi, 2010; Geiger and Pécoud, 2012, 2014; Kalm, 2010, 2012). These authors highlighted the ambivalence of this paradigm, suggesting that while claiming for more openness and protection of migrants, it would contribute to perpetuate a restrictive approach to migration and it would reproduce subtle forms of migration control (Geiger and Pécoud, 2010, 2012, 2013, 2014). These insights contributed to the debate on migration governance emphasizing that liberal visions, discourses and policies would deserve further analysis given that migration control also takes place through soft and non-coercive practices. These types of “disciplining migration” techniques entail subtle and indirect modalities to steer, organize and influence human mobility (Geiger and Pécoud, 2010, 2012, 2013).

These studies contributed to extend the notion of *migration control* expanding its traditional conceptualization as an issue merely related to the role played by law enforcement actors (Pécoud, 2010). This literature contributes to the debate on

migration regulation by highlighting the fact that various actors, besides nation-States, are involved in the governance of migration (Geiger and Pécoud, 2010, 2012, 2013). Finally, while this literature focused primarily on international organizations, Ahouga (2017) recently argued that *migration management* has started to be diffused at the local level and to be adopted by local actors<sup>48</sup>.

The concepts of *migration governance*, *regime* and *management* are broadly used in literature, in a somewhat complementary way, to indicate processes of migration regulation involving heterogeneous actors (national governments, international actors, TSOs and migrants) that compose a field of struggles and negotiations.

## **2.2 CIVIL-SOCIETY AND THE THIRD-SECTOR: A CONCEPTUAL CLARIFICATION**

### **2.2.1 CONCEPTUALIZATIONS OF CIVIL-SOCIETY AND THE THIRD-SECTOR**

The concept of *civil-society* has been used in contradictory ways in the academic debate and a multiplicity of meanings has been attached to it; scholars have not yet reached consensus on a shared definition of civil-society (Fowley and Edwards, 1996; Hemment, 2004; Jenei and Kuti, 2008; Corry, 2010; Viterna et al., 2015; Barbulescu and Grugel, 2016; Mayblin and James, 2019). However, in its modern understanding, civil-society broadly indicates a third party different from the State and the market, and also from the private sphere of the family (Hemment, 2004; Jenei and Kuti, 2008; Viterna et al., 2015; Salamon and Sokolowski, 2018). Some scholars stressed that, while this definition entails the idea of a clear-cut separation between these three entities, the boundaries between the State, the market and civil-society actors are often blurred and barely identifiable (Fowley and Edwards, 1996; Van der Leun and Bouter, 2015; Barbulescu and Grugel, 2016). Some scholars defined

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<sup>48</sup> The author highlighted the attempt of the IOM to diffuse the *migration management* paradigm towards local actors, building alliances with them, transferring to them *national functions*, discursively constructing them as more able to deal with migration issues (Ahouga, 2017).

the concept of *global civil-society* as an international public sphere that operates across national borders and that functions as “a counter-weight to states, markets and international organizations” (Jaeger, 2007: 2).

Likewise, the concept of *third sector* is also not unequivocally defined within literature (Corry, 2010; Defourny and Pestoff, 2019). Salamon and Sokolowski identified the “enormous diversity in the way the term ‘third sector’ is used, and in the range of organizational and individual activity it could be conceived to embrace (..)” (Salamon and Sokolowski, 2018: 20). A dual interpretation of *third-sector organizations* (TSOs) can be identified: a) TSOs as *civil-society organizations* (CSOs) rooted on social engagement and relying on a democratic culture (Augustin and Jorgensen, 2013; Ambrosini, 2013, 2015a; Papadopoulos et al., 2013) and b) TSOs as providers of public services constituting a branch of governmental institutions (Fisher, 1997; Jeneni and Kuti, 2008; Corry, 2010; Defourny and Pestoff, 2019). Another view that can be found within literature defines the *third sector* as a process, which means, as the range of interactions occurring between citizens and economic or political powers (or, in other words, between private and public societal sectors) (Corry, 2010).

The concepts of *civil-society* and of *third-sector* often overlap and are frequently used to indicate the same range of actors such as NGOs, informal groups, religious groups, human rights and advocacy organizations, non-profit and voluntary organizations (Hemment, 2004; Jeneni and Kuti, 2008; Corry, 2010; Defourny and Pestoff, 2019; Viterna et al., 2015; Mayblin and James, 2019). These actors intervene in different domains, carry out different actions and provide services at different levels within society – at the local, national and international level.

Following the suggestion of some sociologists (Viterna et al., 2015), it can be useful to clearly distinguish the use of these two concepts in order to better operationalize them. These authors noted that the concept of civil society embeds simultaneously a *normative*, a *functional* and a *structural* dimension. The separation of these three

dimensions would allow to clarify the confusion that characterizes the use of this concept within academic literature. In its *normative* dimension, civil society is identified by the fact that it promotes a more civilized and enlightened society and citizens' organizations are seen as *a priori* producers of positive outcomes in terms of civilization and development.

The *functional* dimension conveys the idea that civil-society is defined by its effects and, in particular, by the effect of democratization through the mobilization of citizens in public engagement.

The *structural* dimension refers to the individual or collective actors (and their more or less organized actions) that constitute civil-society and correspond to what is generally understood as the *third-sector* (Viterna et al., 2015). According to this view, adopting the concept of *third-sector* to indicate the above mentioned actors would allow scholars to use the concept of *civil-society* as an idealized theoretical platform whose normative and functional dimensions could be useful to advance the debate about *civility*. This standpoint would allow researchers to overcome the obstacles that a normative and functional approach to civil-society would produce on empirical investigations relating to the intervention of third sector organizations (Viterna et al., 2015).

Following Viterna and others (2015), I use the term *third sector organizations* (TSOs) to indicate the group of international humanitarian organizations that are the focus of this study.

## **2.3 THE ROLE OF TSOs IN THE GOVERNANCE OF MIGRATION**

### **2.3.1 TSOs AND THE RISE OF THE *MIGRATION INDUSTRY***

Guiraudon and Lahav (2000) identified a crucial trend, beginning during the 1990s, in the way through which nation-States have attempted to (re)gain control on

migration. Over the last three decades, States have employed a complex strategy to circumvent international constraints (e.g. international laws and agreements or international human rights resolutions). This strategy included the shifting of decision-making and of the implementation of migration policies upwards towards international settings, downwards towards local authorities, and outwards including towards private and non-State actors. States have been able to regain (or to maintain) their crucial position in the field of migration regulation through delegation of migration control to private and non-State actors (Guiraudon and Lahav, 2000; Guiraudon, 2006; Menz, 2009).

A specific strand of literature (Sørensen, 2012; Sørensen and Gammeltoft-Hansen, 2013; Hernandez-Léon, 2013; Lopez-Sala and Godenau, 2016) dealt with the role of non-State actors as *service providers* and suggested that their increasing presence within migration governance contributed to the development of the so called “migration industry”.

These scholars described the complex network of (both legal and illegal) private actors that are involved in migration governance: formal institutions, lawyers, control agents, traffickers, brokers, and other types of service providers. The concept of *migration industry* emphasizes the process of commercialization of international migration and highlights the role of actors that are mainly guided by economic interests and that can both facilitate or hinder migration (Sørensen, 2012; Sørensen and Gammeltoft-Hansen, 2013; Hernandez-Léon, 2013; Lopez-Sala and Godenau, 2016). The restrictive trend that characterized migration policies over the last decades increased the opportunities for different actors to provide heterogeneous services. These actors can contribute to perpetuate migration control or to bridge the asymmetry between migrants’ attempts to move freely and restrictive policies (Lopez-Sala and Godenau, 2016).

According to Sørensen (2012), it is possible to identify three main sub-categories within the *migration industry*: a) the *facilitation industry*, involving individuals or



organizations who gain profit through the provision of assistance to migrants; b) the *control industry*, involving private actors to which border and migration control tasks are increasingly delegated; and c) the *rescue industry* involving actors not primarily guided by economic interests (e.g. NGOs, humanitarian organizations, and migrant organizations)<sup>49</sup> (Sørensen, 2012).

### 2.3.2 IGOs AND NGOs AS MIGRATION MANAGERS

Scholars critical about international migration management (Geiger, 2005; Geiger and Pécoud, 2010, 2013, 2014; Georgi, 2010; Ashutosh and Mountz, 2011; Koch, 2014; Korneev, 2014; Scheel and Ratfisch, 2014; Wolff, 2015) focused primarily on the role played by *inter-governmental organizations* (IGOs) and, to a lesser extent, by NGOs. These authors pointed out that international actors, and IGOs in particular, contribute to assist and support States in the pursuit of migration control objectives (Betts, 2009; Georgi, 2010; Andrijasevic and Walters, 2010; Ashutosh and Mountz, 2011; Koch, 2014). In this perspective, IGOs stand at the intersection between States' interests, international human rights regimes and the neo-liberal governance agenda; these actors play a key role as managerial service-providers and contribute to building States' capacity to regulate migration (Geiger, 2005; Geiger and Pécoud, 2010, 2014; Rother, 2013; Garnier, 2014; Wolff, 2015).

Several scholars (Andrijasevic and Walters, 2010; Pécoud, 2010; Caillault, 2012; Korneev, 2014) observed that the IOM contributes to the government of borders in different ways: using its expertise on migration issues, shaping the discursive context relating to migration, collecting data and diffusing best practices. In this way, this organization acts as a partner of nation-States and supports them in building their capacity to manage migration (Andrijasevic and Walters, 2010; Korneev, 2014).

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49 "(...) non-state actors may become involved in the migration industry for reasons other than (solely) financial gain. A growing number of NGOs, social movements, faith-based organisations and migrant networks may thus be seen to engage in what has been termed 'the rescue industry', e.g. running 'information centres' that focus on the risks involved in irregular migration, philanthropic and social projects rescuing trafficked women and minors, (...) or provide counselling to deportees" (Sørensen, 2012:2).

Caillault suggested that the IOM's programmes implemented in Morocco, on the one hand, try to alleviate the restrictive effects of European policies and, on the other hand, contribute to control migration on behalf of EU States (through activities such as the training of Moroccan border guards) (Caillault, 2012). The IOM played a crucial role in transmitting EU norms and standards of migration management in non-EU countries such as Albania, acting as a *quasi-governmental* and *quasi-European Union* actor (Geiger, 2010). Pécoud observed that the IOM's information campaigns, aimed at warning migrants (directly in sending countries) about the dangers of "irregular" migration, use heterogeneous tools, such as billboards or television advertisement, and resort to the cooperation of actors such as NGOs, schools and universities. Through these techniques, formally oriented towards the protection of migrants, western States attempt to influence the behaviour and the choices of would-be migrants (Pécoud, 2010).

Koch (2014) analysed the role of the UNHCR and of the IOM in the implementation of migrant return programmes and highlighted that the UNHCR promoted returns as a durable solution to address refugee issues. The partnership between the UNHCR and the IOM (the actor effectively engaged in the return of migrants) allowed the former to preserve its humanitarian stance and helped improve States' capacity to manage migration (Koch, 2014). IGOs would also be able to influence decision-making processes, national policies and their concrete implementation (Geiger, 2005; Hess, 2010; Geiger and Pécoud, 2014; Korneev, 2014; Wolff, 2015). Wolff argued that the IOM and the UNHCR play the role of advocates for a more human EU policy by asking to save lives at sea, to open safe and legal routes and to address "mixed migration flows". At the same time, these agencies are influenced by their funders and end up playing the role of migration managers (Wolff, 2015). Scholars noted that these IOs would act as reinforcers of the EU governance agenda and as instruments of expansion of the EU border regime towards third countries (Geiger, 2010; Caillault, 2012; Korneev, 2014; Garnier, 2014; Wolff, 2015). Lavenex (2016) highlighted that the

UNHCR and the IOM have been involved in the “multi-leveilling European external governance of migration”. This author indicates three specific ways through which these IGOs play a role in the European governance of migration: a) as counterweights, playing an independent role by influencing or correcting European policies; b) as subcontractors, contributing in implementing European policies; c) as “norm transmitters”, transferring European norms and rules towards third countries (Lavenex, 2016). Authors underlined the convergence between the European Union and the UNHCR, and the fact that both would embrace, legitimize and reproduce the *migration management* paradigm and logics (Garnier, 2014; Wolff, 2015).

Vandevoordt suggested that NGOs involved in *Assisted Voluntary Return* programs (AVR) in Belgium have been exploited by their funders (mainly the European Union and the State) to legitimate the implementation of AVR as a migration management tool (Vandevoordt, 2017). Dünwald highlighted the role played by NGOs, charity organizations and IGOs as intermediaries between the German State and migrants in order to carry out returns programmes. In this way, non-State actors improve the State’s capacity to manage and return migrants (Dünwald, 2013). Kalir and Wissink showed that NGOs are not only co-opted by the State as service-providers. In the Netherlands, State actors and NGOs involved in return programs for undocumented migrants would share the same logics, categories and visions (Kalir and Wissink, 2016). Scholars highlighted the fact that, by managing reception and detention centres, private actors and NGOs contribute to reinforcing States’ migration management capacity (Tassin, 2014; Cosentino, 2014; Bartholini, 2018; Bassi, 2018; Vandevoordt, 2019). Finally, Rother argued that NGOs, while contributing to migration management, are also able to counter States’ and IGOs’ discourses and their disciplining effects (Rother, 2013).

### 2.3.3 TSOs FILLING THE GAP BETWEEN EXCLUSIONARY POLICIES AND MIGRANTS' NEEDS

Scholars highlighted the existence of a gap between control policies and their actual outcomes on the ground. Restrictive measures announced by governments and EU institutions, ultimately would not reach their goals (Castles, 2000, 2004; Cornelius and Rosenblum, 2004; Van der Leun, 2006; Engbersen and Broeders, 2009; Andersson, 2016).

Non-State actors (e.g. TSOs) guided by different motivations (humanitarian, religious, moral, civic) intervene to support migrants at different stages of their journey. Several scholars highlighted that these actors represent a pivotal factor that bridges the gap between exclusionary policies and migrants' chances of crossing borders and settling in receiving countries (Castles, 2000, 2004; Ambrosini, 2013, 2015a, 2017; Van der Leun and Bouter, 2015; Garkisch et al., 2017; Bonizzoni, 2017; Mayblin and James, 2019). Some scholars (Ambrosini, 2015a, 2017; Ambrosini and Van der Leun, 2015; Ambrosini and Fontanari, 2018) emphasized the crucial role played by these actors as *intermediaries* or, better, as *migrant supporters*. This perspective can be considered as complementary to the *facilitation industry* view, but it does not use the *migration industry* conceptual lens.

In this context, *intermediation* is considered to have a positive impact in terms of the inclusion of migrants (e.g. facilitating settlement, integration, access to the labour market) (Ambrosini, 2013, 2015a, 2017; Ambrosini and Van der Leun, 2015). Five main forms of *intermediation* have been identified: a) *connection*, e.g. connecting migrants with opportunities for entry, accommodation and work; b) *provision of services*, e.g. transport across borders, support for entrance, but also language courses and health care services; c) *immediate help*, e.g. providing food, clothes, or other first-hand material goods; d) *tolerance* and e) *political pressure* (Ambrosini, 2015a, 2017). Making *political pressure* is a typical action carried out by NGOs and other collective

actors to promote the interests of specific groups of migrants (Ambrosini, 2017). Among the broader range of intermediaries, four main categories of supporters have been identified in the literature: “organised actors, including trade unions, churches and associations, which often combine practical support with political and cultural pressure; social movements, which place the defence of immigrant rights alongside other battles against the state and the capitalist system; support groups that spontaneously coalesce around refugees settled in particular localities; and individuals who offer specific assistance with food, money and accommodation” (Ambrosini and Fontanari, 2018:591). Mayblin and James (2019) focused on the role played by *Refugee TSOs* (RTSOs) in the UK. These authors suggest that RTSOs (specifically engaged in supporting asylum seekers and rejected asylum seekers) play a key role in filling the gap between their target population and the State. RTSOs provide services not only for rejected asylum seekers but also for people who are still under the asylum process (for whom, according to the law, services and support should be provided by the State) (Mayblin and James, 2019).

In the Italian case, civil-society has been depicted as a strong coalition oriented towards the advocacy of migrants’ rights (Zincone and Caponio, 2005, 2006; Zincone, 2006; Caponio and Cappiali, 2018). The economic and humanitarian “crisis” unfolding in Italy between 2008 – 2011 contributed to two processes regarding TSOs operating in Italy: a) TSOs’ *professionalization* (i.e. their involvement as managers of reception centres and service providers competing for funds), and b) TSOs’ *internationalisation* (i.e. the mobilisation of several international NGOs to help migrants in distress) (Caponio and Cappiali, 2018).

## 2.4 CONCEPTUALIZING GLOBAL, EUROPEAN AND LOCAL MIGRATION GOVERNANCE

### 2.4.1 GLOBAL MIGRATION GOVERNANCE

Over the last two decades, the literature has focused on the study of the system of *global migration governance* that emerged since at least the beginning of the 1990s (Wihtol de Wenden, 2012, 2017; Betts and Kainz, 2017). Crépeau and Atak (2016) underlined that the beginning of the discussion on migration issues within international multilateral forums is a relatively recent development and that, until recently, multilateral cooperation had little space within international arenas (except for the UNHCR's role with regards to refugees).

Global migration governance mainly refers to a set of principles and organizational structures for the implementation of responses to international migration: several actors are involved, including States, non-State and international agencies (Newland, 2005; Betts, 2013; Wihtol De Wenden, 2012, 2017; Betts and Kainz, 2017). As Crépeau and Atak observed: "In addition to States, migration governance involves global bodies and institutions, as well as non-state actors, such as NGOs and private companies which have become increasingly influential in policy making, implementation, monitoring and enforcement of regulations" (Crépeau and Atak, 2016: 128). Within this framework, global governance of migration would widely resort to a *soft* normative regime both at the national and international level: scholars observed the widespread use of so called "soft law"<sup>50</sup> as key tools employed for the government of international migration (Ciervo, 2016; Algostino, 2017; Gjergji, 2018).

Some scholars suggested that global migration governance can be understood as a *polycentric* process (Betts, 2013): global governance of migration would be

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<sup>50</sup> Soft law is understood as a set of "(...) rules of conduct which, in principle, have no legally binding force but which nevertheless may have practical effects", (Algostino, 2017:147). These tools are widely used at the international level and in particular at the EU level due to the fact that they do not undermine at all the State sovereignty (Ciervo, 2016; Carta, 2017).

fragmented, including a plurality of heterogeneous actors, and governance processes would take place at different and interconnected levels (local, national and supra-national) (Withol de Wenden, 2012, 2017; Betts, 2013; Ambrosini, 2015a; Lavenex, 2016; Betts and Kainz, 2017). Scholars noted the proliferation of international, regional and trans-regional arenas within which IGOs and INGOs cooperation have gained relevance. States have gradually recognized that these actors have the adequate tools in order to address international migration and refugee issues. Over the last decades, governance settings characterized by coordination, cooperation but also competition among intergovernmental and supra-national actors emerged (Barnett and Finnemore, 1999; Betts, 2009; Crépeau and Atak, 2016; Piper, 2017). Some scholars observed that international actors contribute to improve global migration governance settings and tools and support States in maximizing benefits and minimizing losses (Geiger and Pécoud, 2010; Betts and Kainz, 2017). At the same time, international organizations would be able to “conduct the conduct” of States, inducing them to identify specific problems and priorities, and to adopt specific behaviours in order to manage these issues (Merlingen, 2003). IGOs have also been considered as actors which are autonomous in relation to their creators (States), with their own agenda and able to shape the social context within which they have been created (Barnett and Finnemore, 1999). While formal access to global forums still remain restricted for NGOs, scholars highlighted that NGO networks have gained both space and consultative status and play a relevant role in influencing migration management and migration policies (Rother, 2013; Crépeau and Atak, 2016; Kortendiek, 2018).

#### 2.4.2 EUROPEAN MIGRATION GOVERNANCE

Within the global migration governance framework, regional arenas (e.g. the European Union) have gradually gained relevance. The majority of the EU migration

norms and standards have initially been adopted within the framework of an intergovernmental mechanism (i.e. the Schengen process) detached from the European Union: this process was not accountable neither at the political level (to the European Parliament) nor at the legal level (to the European Court of Justice) (Henry and Pastore, 2014:8; Crépeau and Atak, 2016:137). The so called *Schengen acquis*, that emerged from the Schengen process, established an internal area of freedom of movement and balanced it with the hardening of external border control (Crépeau and Atak, 2016). As highlighted by Henry and Pastore: “Schengen is a paradigmatic example of cooperation outside the Treaties, which was progressively incorporated into the main body of the EU *acquis* (the Amsterdam Treaty in 1999)” (Henry and Pastore, 2014: 8). The implementation of compensatory measures at external borders in particular has been identified as part of the dominant “techno-political” logic guiding the European Union regulation of migration over the 1990s (Henry and Pastore, 2014:8). The establishment of the *visa regime* was coupled with the so called *European neighbourhood policy*. In this respect, the European strategy was to outsource EU borders towards neighbouring countries using two main tools: the adoption of visa obligations for TCNs and the externalization of control activities through bilateral agreements with neighbouring States (Clochard, 2003; Bensaâd, 2003, 2008; Cassarino and Tocci, 2011).

Progressively, governments started to adopt a comprehensive approach to migration and asylum, going beyond the *compensatory measures* principle (Geddes, 2013; Henry and Pastore, 2014). The adoption of a common migration policy was aimed at an efficient management of migration and involved measures focused on: facilitating legal migration, fostering development, providing protection to those in need and preventing “illegal” migration (De Haas and Sigona, 2012). At the same time, the building of a common migration and asylum policy can be seen as the EU’s response to *crisis* events and to periods of migratory *pressure* (Henry and Pastore, 2014:4).



With the Lisbon treaty (2009) a common European migration and asylum policy was institutionalized (Henry and Pastore, 2014). However, member States have been reluctant to delegate the competence and the mandate on migration policies to the European Union. Individual States have remained fully independent in defining the number of non-EU immigrants to admit to their territory (Geddes, 2013; Henry and Pastore, 2014). The building of a common migration and asylum policy has been characterized by the progressive adoption of the above-mentioned *migration management* paradigm that reached an official status through its inclusion in the Lisbon treaty (Schotel, 2013; Wolff, 2015). As Schotel underlined, it would be possible to “characterize the logic of EU’s migration management as one of comprehensiveness, realism and maximization (..) The comprehensiveness means that migration management engages all relevant policy areas and stakeholders. (..) The reality suggests that a full migration stop is not possible. However, migration can be managed (..) The maximization suggests that if migration flows are managed properly everyone wins” (Schotel, 2013: 70 – 71). In this respect, the aim to manage “irregular” migration through prevention and deterrence has shaped the European migration regime over the last decades (Comte, 2012; Geddes, 2013).

Some authors defined the European *border management* mainly as the policing of external land or sea EU borders (Hills, 2006; Alper and Hammond, 2009; Kasperek and Karamanidou, 2018; Szulecka, 2019). Others highlighted that EU *border management* has not only to do with border-crossing points but also with controls taking place far away from physical border lines (Prokkola, 2012). Moreover, the European Union is creating a *global border web* characterized by a selective control architecture oriented towards the distinction between welcomed travellers and those to be refused (Van Houtum, 2010). The *Fortress Europe* metaphor, that emphasizes the fortification of its external limits, has been questioned. Europe can be seen as a *gated community*: the EU border regime would produce a strategical selective closure by which immigrants are filtered (Van Houtum and Pijpers, 2007; Tsianos et al., 2009;

Tsianos and Karakayali, 2010) and differentially included within Global North societies (Mezzadra and Neilson, 2010, 2013; De Genova, 2013).

Finally, in line with the concept of *(battle)field*, several scholars agree on the definition of the European border and migration governance as a field of continuous negotiations, struggles, agreements and cooperation. Triandafyllidou and Dimitraidi highlighted that: “EU governance is made of various agencies, tools, policies and systems that attempt to control and regulate irregular entry/exit, residence and legal migration, at the border, within the border and by extension, across the border. This management of mobility is neither completely successful nor altogether ineffective” (Triandafyllidou and Dimitraidi, 2014:25). Eule and others (2018) defined the European border or migration regime as “a conflictual field of interests, negotiations, discourses and struggles on inclusion and exclusion between different actors (..) They have in common that their border practices and border knowledge contribute to the formation of the European migration regime” (Eule et al., 2018: 2). IGOs and NGOs have a relevant role in this *multi-actor* and *multi-level* field and they have an influence in areas such as policy-making, monitoring and implementation of EU migration policies (Crépeau and Atak, 2016; Spencer, 2017; Kortendiek, 2018).

#### 2.4.3 LOCAL MIGRATION GOVERNANCE

*Local governance* indicates the “fragmentation of institutions” at the local level and the increasing relevance of “local bodies performing local services functions” (Andrew and Goldsmith, 1998: 106). The concept of *local governance* of immigration focuses specifically on the role played by local institutions (e.g. city councils, municipalities) and heterogeneous TSOs (Caponio, 2004; Bonizzoni et al., 2017a, 2017b) in the management of immigration in a specific territory and is generally used to indicate the *horizontal* and the *vertical*<sup>51</sup> system of relations among

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51 The *vertical* dimension of governance focuses on interactions between actors at different hierarchical levels such as local governments, States, and supranational institutions. The concept of *horizontal governance* indicates the exercise of power based on consensus and shared responsibility rather than hierarchy (Phillips, 2004; Ferguson and Phil, 2009).

these actors (Bonizzoni et al., 2017a). More in detail, the horizontal dimension of governance has to do with policy-making relationships occurring between various public (e.g. local institutions) and private (e.g. private companies, NGOs) social actors (Caponio and Pavolini, 2007; Zincone and Caponio, 2006; Bonizzoni et al. 2017a, 2017b).

In Italy, local institutions have traditionally held a major role in affecting policies on migrant welfare and assistance services rather than in policy-making processes linked to migration management (Caponio, 2004; Zincone and Caponio, 2005). Scholars suggested that civil-society actors and local institutions constitute an alliance that mitigate and counteract exclusionary policies that target “irregular” migrants and asylum seekers (Zincone and Caponio, 2006; Ambrosini, 2013, 2015a, 2017; Ambrosini and Van der Leun, 2015; Caponio and Cappiali, 2018). Zincone and Caponio (2006) highlighted that in Italy local powers (e.g. municipalities, provinces, city council unions, local health authorities) play a dual role in the governance of immigrants. On the one hand, these actors are responsible for the implementation of national laws on the ground. On the other hand, they have to take into account the demands and needs of local populations and to respond to them. From this viewpoint, the administrative discretion of local authorities has been shown to be one of the elements that contribute to the failure of the implementation of restrictive immigration policy (Zincone and Caponio, 2006). However, the fact that the pragmatic positioning of local institutions in the implementation of immigration policies produces migrant inclusion outputs cannot be taken for granted (Caponio and Pavolini, 2007; Bonizzoni et al., 2017a, 2017b). Local authorities’ position, and the outputs in terms of migrant inclusion, are influenced by heterogeneous factors linked not only to their political orientation: resources’ management and the tradition of social engagement in a specific territory also play a role (Bonizzoni et al., 2017a, 2017b). Finally, in the Italian case, local authorities could also direct their

governmental activity towards the overt adoption of exclusionary measures regarding migrants (Ambrosini, 2013).

## TO SUM UP

The gradual entry of non-State actors in *migration governance* processes has been a topical issue addressed by literature and the role played by these actors is subject to debate. Some scholars focused on the role of IGOs and NGOs and described how they possibly reproduce migration control and the current border regime. Others focused on the role of TSOs (both at the local and international level) in filling the gap between exclusionary policies and migrant rights and needs. Others emphasized the commercialization of international migration and the diffusion of TSOs that help both to facilitate and to hinder migrant mobility.

In the present research the concept of *third-sector* is considered as separate from that of *civil-society* and the term *third sector* is used in its *structural* dimension (Viterna et al., 2015) to indicate the collective actors (and their more or less organized actions) that are involved in the governance of migration at the southern Italian border.

In the present study, *migration governance* is defined as a field that includes visions, discourses and practices of different actors involved in the regulation of migration; this conceptualization is useful to emphasize the key role of TSOs involved in migration governance processes. In this perspective, *migration governance* can be seen as a field of struggles and negotiations characterized by the heterogeneous positioning of actors in relation to power structures and to dominant values. The *(battle)field* of migration governance is characterized by the encounter between controls and forms of contention and negotiation that can produce unexpected outputs (Triandafyllidou and Dimitraidi, 2014; Ambrosini and Van der Leun, 2015; Van der Leun and Bouter, 2015; Ambrosini, 2015a, 2017, 2018; Eule et al., 2018). In particular, in the present research migration control is considered as including,

besides coercion and repression, soft and subtle discourses and techniques that contribute to steer and influence migrants' mobility (Geiger and Pécoud, 2010, 2013).

## **CHAPTER 3**

### **THEORETICAL FRAMEWORK: THE RELATION BETWEEN HUMANITARIANISM, MIGRATION GOVERNANCE AND (DE)POLITICIZATION**

#### *Aims of the chapter*

- to discuss the concepts of (de)politicization, paying particular attention to the relation between (de)politicization, governance processes and the role of TSOs;
- to analyse humanitarianism in relation to migration control and (de)politicization, focusing on the debate about the role of humanitarian actors in challenging or legitimising the current border and migration regime;
- to illustrate the relation between humanitarianism, (de)politicization and processes of *bordering* as selective controls, categorization and stratification of migrants' rights.

#### **3.1 CONCEPTUALIZING THE RELATION BETWEEN GOVERNANCE, (DE)POLITICIZATION AND TSOs**

##### **3.1.1 (DE)POLITICIZATION THROUGH THE LENS OF “POLITICS AS INSTITUTIONS OF GOVERNMENT”**

It is possible to identify three main conceptual lenses through which scholars conceptualized *politics*: “politics as the institutions of government (politics – lens 1), politics as choice opposed to contingency and fate (politics – lens 2) and politics as the apparatus of order and consensus versus ‘political’ moments of antagonism

(politics – lens 3)” (Beveridge, 2017:2; see also Burnham, 2001, 2017; Flinders and Wood, 2014a, 2014b; De Nardis, 2017).

According to the first vision, politics is defined referring to the institutions of government as the formal structures entrusted with the elective legitimation to exercise power and to adopt political choices (Flinders and Wood, 2014a). *Politicization* indicates mainly the exercise of political power and the adoption of political decisions by institutions of government (e.g. politicians, State managers and governmental agencies) (Burnham, 2001, 2017). Within this framework, *depoliticization* indicates the process through which politicians displace and delegate decision-making to other arenas and actors perceived as neutral, objective and distinct from institutional governmental bodies (Brändström and Kuipers, 2003; Flinders and Wood, 2014a; Burnham, 2017; De Nardis, 2017). This process contributes to the creation of a *buffer zone* between politicians and certain policy fields (Flinders and Buller, 2006). In this perspective, *depoliticization* can be seen as a governmental strategy through which politicians give the appearance to have their hands tied and attribute the responsibilities for choices to other arenas or agents (Burnham, 2001, 2017; Flinders and Buller, 2006). Through *depoliticization*, governments can pursue the State’s agenda shifting responsibilities towards other actors (e.g. TSOs) considered less distinctly political (Foster et al., 2014). Scholars identified a close relation between *depoliticization* and the spread of governance processes: therefore they considered the delegation of power to a growing plethora of non-State actors as a peculiar feature of *depoliticization* (Jaeger, 2007; Flinders and Wood, 2014a).

A slightly different point of view is fostered by some scholars (Della Porta and Kriesi, 1998; McAdam et al., 2007) who focused on the study of social movements. The rise of international political arenas has been considered as an opportunity for *transnational social movements* (TSMOs) to increase their relevance within international decision-making settings. TSMOs have been considered capable of influencing States and IOs’ decisions as well as contributing to democratization

processes through the exercise of so called *soft power* (Della Porta and Kriesi, 1998; McAdam et al., 2007). These actors would become, at least partially, *institutions of government* due to the fact that they take part in decision-making processes and that they influence the adoption of political choices. At the same time, these forms of cooperation would influence the capacity of TSMOs to maintain radical conflictual positions vis-à-vis States and international arenas. Certain TSMOs adopted a more pragmatic position (e.g. becoming service-providers for governments and IOs) and opted for *small steps* strategies (e.g. lobbying or raising public awareness) that can be oriented towards the radical transformation and the democratization of society (Della Porta and Kriesi, 1998:476).

### 3.1.2 (DE)POLITICIZATION THROUGH THE LENS OF “POLITICS AS CHOICE OPPOSED TO CONTINGENCY”

Within the second vision of politics, *(de)politicization* processes are mostly interpreted in relation to the degree of deliberation and public debate to which social issues are submitted. In this context, *(de)politicization* includes mainly two closely interconnected dimensions (Himmelstrand, 1962; Brändström and Kuipers, 2003; Flinders and Wood, 2014a):

(a) social problems are brought to the public attention in order to be debated (*politicization*) or are instead removed from public debate and marginalized within the private sphere (*depoliticization*);

(b) instead of being considered as objects of alternative choices (*politicization*), social problems are discursively framed as issues of contingency, fate or tragedy, which makes it impossible to choose between potential alternative choices (*depoliticization*).



Brändström and Kuipers (2003) observed that the extent to which specific events are questioned by political actors in terms of violation of public values would tell us the degree of politicization of these events (i.e. the degree to which they become object of political and societal debate) (Brändström and Kuipers, 2003). The questioning of what is taken-for-granted or perceived as morally or politically fixed is one among the possible strategies of politicization of social issues (Jenkins, 2011). Moreover, public participation and raising awareness on social problems (typical activities of certain TSOs) have been considered as key forms of politicization from below that can contribute to the democratization of society (Della Porta and Kriesi, 1998; Della Porta et al., 2003). Framing events as “crisis” can contribute to their *depoliticization*: the more attention is given to immediate causes of social problems the more those issues remain at a technical and operational level (Himmelstrand, 1962; Brändström and Kuipers, 2003). In particular, presenting issues as “humanitarian crisis” can contribute to inhibit debate over alternatives (Cuttitta, 2015c; Jeandesboz and Pallister-Wilkins, 2016; De Genova, 2016). Processes of *technocratization* (i.e. shifting issues towards the sphere of technicality, of experts’ language and of managerial skills) can contribute to inhibit political agency, deliberation and debates over decisions (Sayad, 1999; Jenkins, 2011; Geiger and Pécoud, 2010, 2014; Flinders and Wood, 2014a; Burnham, 2017; Avallone, 2018).

### 3.1.3 (DE)POLITICIZATION THROUGH THE LENS OF “POLITICS AS CONSENSUS VERSUS CONFLICT”

Some scholars (Barry, 2002; Hay, 2014; Cuttitta, 2018b) interpreted (de)politicization processes as primarily characterized by the promotion of antagonism, contention and criticisms (politicization) and the attempts to contain and conceal them (depoliticization). The extent to which an action provides chances for disagreement and conflict define its *political* dimension (Barry, 2002). In

particular, moving from the idea that *politicization* “involves the emergence and intensification of friend-enemy conflict, while depoliticization involves attempts to stifle or diffuse conflict” (Flinders and Wood, 2014b:139), some scholars emphasized that politicization can be seen as a process based on antagonism and conflict (Barry, 2002; Hay, 2014; Cuttitta, 2018b). *Politicization* involves the maintaining of antagonistic views of the world, the questioning of the existing order (Beveridge, 2017) and also forms of non-institutional practices, social conflict and mobilizations (De Nardis, 2017; Bosi and Zamponi, 2018). Collective action is considered as contentious as long as it concerns the mobilization of *ordinary* people in order to challenge authorities or elites, it questions taken-for-granted world-views and promotes alternative perspectives (Barry, 2002; Hay, 2014; Cuttitta, 2018b). For some scholars *political* action has ultimately to do with challenging and altering the order of things in a more egalitarian sense (Fleischmann and Steinhilper, 2017:22; Sinatti 2019:140).

Since the 1990s, scholars of social movements (Della Porta and Kriesi, 1998; Della Porta et al., 2003; McAdam et al., 2007; Bosi and Zamponi, 2018) specifically focused on the study of conflictual and contentious forms of politics. In this context, *politicization* indicates the public and non-conventional forms of contentious struggles oriented towards the change of issues concerning the collectivity (Della Porta and Kriesi, 1998; Della Porta et al., 2003; Bosi and Zamponi, 2018). Social movements’ politics are characterized by the transition of issues from the private to the public sphere and by having recourse to unconventional forms of political claims (e.g. protests) (Della Porta and Kriesi, 1998; Della Porta et al., 2003; McAdam et al., 2007; Bosi and Zamponi, 2018). An issue can be considered *political* (or *politicized*) as long as it promotes alternatives to the actual state of affairs through conflictual and antagonistic claims or methods (Bosi and Zamponi, 2018).

### 3.1.4 TSOs, ADVOCACY AND (DE)POLITICIZATION

*Advocacy* can be seen as a set of “active interventions” (Onyx et al., 2010:43) through which social actors contribute to the politicization of social issues, promoting debate and change. Advocacy involves attempts to influence public policy as well as the decisions and the practices of institutional elites on behalf of the collective interests represented by advocacy organisations (also referred as *systemic advocacy*) (Onyx et al., 2010; Casey, 2011). TSOs can be considered as key intermediaries that use advocacy to promote the democratic exercise of power (e.g. through critically claiming for and monitoring changes in policies) (Kimberlin, 2010:166). Advocacy and third-sector literature identified different advocacy types and strategies, while the extent of TSOs’ advocacy impact vis-à-vis the politicization of social issues is still an object of debate (Chaves et al., 2004; Kamat, 2004; Child and Gronbjerg, 2007; Onyx et al., 2010; Kimberlin, 2010; Casey, 2011; Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017).

*Individual* advocacy concerns the promotion and the defence of the interests of an individual or a small group of persons (Onyx et al. 2010:51; Casey, 2011). According to Casey (2011), the relationship between *individual* and *systemic* advocacy is an object of debate. For some, *individual* advocacy can contribute to *systemic* changes while others consider that individual advocacy ignores structural problems and inhibits the pursuit of structural solutions (Casey, 2011:8).

Forms of *radical* and *institutional* advocacy can be distinguished: the former are more overtly political and conflictual while the latter are more based on cooperation and dialogue with governments and elites (Onyx et al. 2010). In this sense, advocacy can involve heterogeneous activities, from overtly political actions (e.g. legal challenges, protests, public criticism) to more discreet activities (e.g. negotiation and influence through cooperation) (Onyx et al., 2010; Kimberlin, 2010; Casey, 2011).

Literature (Kamat, 2004; Binderkrantz, 2005; Onyx et al., 2010; Kimberlin, 2010; Casey, 2011; Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017) distinguished between *insider* and *outsider* advocacy strategies. *Insider* strategies concern tactics of direct interaction with governments or institutional elites in order to influence their choices. *Outsider* strategies are indirect tactics aimed at influencing decision-makers mainly through public-opinion mobilisation (Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017).

*Insider* tactics include: working within the system, taking part in government sponsored consultation/advisory processes, participating in meetings with decision-makers, providing policy expertise to decision-makers and informing them about the needs of the groups for which TSOs advocate. *Outsider* strategies include tactics mainly linked to *public* advocacy such as: raising public awareness and campaigning through media and social platforms, publishing reports, publicizing research and data about specific issues, promoting public events and protests (Onyx et al., 2010; Casey, 2011; Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017). According to Verschuere and De Corte (2015:229) *outsider* advocacy strategies can be *non-conflictual* (e.g. gaining mass-media coverage and developing information campaigns to the public) or *conflictual* (e.g. taking issues into court and organizing protest actions). At the same time, *outsider* strategies are generally grasped as more conflictual and confrontational than *insider* ones (Casey, 2011). *Sector coordination*, that indicates the cooperation among different TSOs in order to make joint advocacy campaigns, has been identified as a further advocacy strategy (Onyx et al., 2010).

Binderkrantz (2005) suggested that *insider* and *outsider* strategies can be interpreted as complementary rather than exclusive. Other scholars (Dellmuth and Tallberg, 2017) emphasized that, empirically, advocacy strategies can be interpreted as combinations of tactics or activities. The extent to which TSOs' cooperation with (and the fact of being contracted by) governments inhibits or enables TSOs' capacity to advocate is object of debate (Kamat, 2004; Chaves et al., 2004; Onyx et al., 2010;

Kimberlin, 2010; Casey, 2011). Some scholars argued that government funding of TSOs, the bureaucratization of TSOs, the diffusion of formal policy processes and the diffusion of lobbyists contributed to the *professionalization* of advocacy (Kimberlin, 2010; Onyx et al., 2010; Casey, 2011). From this perspective, a general tendency of TSOs has been to move from confrontational advocacy to “advocacy with the gloves on” (Onyx et al., 2010:43) that is non-conflictual and more focused on cooperation and negotiation with governments (Kamat, 2004; Onyx et al., 2010; Casey, 2011). *Professionalization* has been indicated as a process contributing to *de-politicization* processes because the more an actor is professionalized, the less non-institutional conflictual tactics are put to work (Onyx et al., 2010; Bosi and Zamponi, 2018). On the other hand, some scholars (Chaves et al., 2004; Child and Gronbjerg, 2007; Kimberlin, 2010) highlighted that bureaucratization, and the availability of more resources, can promote TSOs’ ability to carry out advocacy actions. In this context, some scholars underlined that processes of *professionalization* do not mean that TSOs do not carry out political actions and claims; this kind of TSOs can mix the provision of services with demands for change (Chaves et al., 2004; De Jong and Ataç, 2017).

## **3.2 CONCEPTUALIZING THE RELATION BETWEEN HUMANITARIANISM, MIGRATION GOVERNANCE AND (DE)POLITICIZATION**

### **3.2.1 DEFINING HUMANITARIANISM**

The concept of humanitarianism is an ambiguous one and its use within literature has been characterized by the attribution of heterogeneous meanings. This concept includes discourses based on compassion for the suffering human fellow, specific practices of support of people in emergency settings, a cluster of moral principles that can be at the basis of ethical claims and political strategies and also the body of humanitarian law protecting civilians and refugees in war contexts (Cutts,

1998; Fassin, 2010; Redfield and Bornstein, 2011; Feldman, 2012; Barnett, 2013). However, scholars broadly agree on a core feature of humanitarianism: the involvement in the independent, neutral and impartial intervention in contexts of crisis in order to save lives at risk and to provide relief to suffering human fellows with the main aim of doing more good than harm (Minn, 2007; Redfield and Bornstein, 2011; Ticktin, 2014; Nascimento, 2015; Barnett, 2016). This central feature of humanitarianism is linked to the more or less organized attempt of addressing human suffering and providing relief regardless of cultural, spatial or political boundaries (Barnett and Weiss, 2008; Redfield and Bornstein, 2011; Barnett, 2016). The fact that humanitarian actors represent and frame their actions in opposition to politics has been underlined by scholars (Malkki, 1996; Nyers, 1998; Barnett and Weiss, 2008; Barnett, 2016). Impartiality, neutrality and independence imply an a-political positioning that in turn facilitates the possibility for humanitarians to access people in need (Barnett and Weiss, 2008; Barnett, 2016). At the beginning of the 2000s, some anthropologists produced critical accounts highlighting the contradictory effects, in terms of domination and depoliticization, that would be inherent to humanitarian logics and practices. These scholars observed a number of unintended consequences of humanitarianism such as: a) its contribution in *depoliticizing* and *dehistoricizing* political causes and conflicts<sup>52</sup>, b) its contribution in creating spaces of exception<sup>53</sup>, c) its contribution to the hierarchical classification and valuation of human lives<sup>54</sup>, d) its contribution to the victimization of people by making them objects of compassion rather than political subjectivities (Malkki, 1996; Nyers, 1998; Fassin, 2001, 2005, 2010; Belloni, 2005; Ticktin, 2006, 2014; Barnett and Weiss, 2008; Agier, 2008, 2010; Feldman, 2012).

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52 e.g. resorting to crisis and emergency rhetoric and to technocratic explanations or operational solutions.

53 e.g. the refugee camps.

54 e.g. the saviour and the victim, the vulnerable and the non-vulnerable.

### 3.2.2 CONCEPTUALIZING THE HUMANITARIAN GOVERNANCE OF MIGRATION

A strand of literature focused specifically on the diffusion of humanitarianism within the broader field of the governance of marginalized populations (Fassin, 2005, 2010; Ticktin, 2006, 2014; Agier, 2008, 2010; Barnett, 2013). The notion of *humanitarian government* (Fassin, 2007, 2010) highlights the key role of the *humanitarian reason* in the management of the population: in particular, the alleviation of suffering and the improvement of well-being would function as driving logics in the administration of marginalized human collectivities. A dialectical tension between repression and compassion would be increasingly incorporated in the government of precarious populations: oscillating between these two dimensions of contemporary politics, compassion and humanitarian gestures would function as instruments of population management perpetuated by both State and non-State actors (Fassin, 2005, 2010; Ticktin, 2006). From this perspective, humanitarianism would be inherently political and would constitute a transnational system of governance in which humanitarian organizations play a key political role (Pandolfi, 2003; Fassin, 2007, 2010; Agier, 2010; Newhouse et al., 2015). Contemporary humanitarianism would constitute a modality of management, categorization and containment of populations labelled as undesirable by Global North countries (Agier, 2008). In this vision, humanitarianism would be political insofar as it embeds a desire of control and of exercise of power (Agier, 2010).

Over the last two decades, the concept of *humanitarian government* of the population has spread in migration and border studies and has been employed to emphasize the emergence of a system of *humanitarian governance* of migration. The involvement within migration governance regimes of actors characterized by humanitarian logics and practices contributed to producing effects of domination and exclusion of migrants (Pandolfi, 2003; Ticktin, 2006; Agier, 2008; Fassin, 2010; Walters, 2011; Barnett, 2013; Tazzioli, 2015, 2016; Pallister-Wilkins, 2017, 2018). Some

scholars (Fassin, 2005, 2010; Ticktin, 2006) illustrated how, in the context of the French asylum system, the injured bodies would be recognized as deserving ones and the suffering individual would become the most mobile. Moreover, medical and humanitarian workers would increasingly perform the role of gatekeepers. The shift towards humanitarian logics in the government of migrants would undermine the recognition of their political subjectivities and human rights, producing forms of differential inclusion based on vulnerability and compassion (Fassin, 2005; 2010; Ticktin, 2006).

Some scholars talked about the formation of the so called *humanitarian border* (Walters, 2011) to emphasize the fact that politics of border closure go hand in hand with the growing presence of humanitarianism in border areas: these areas (such as the Central Mediterranean one) would become spaces of *humanitarian government of migration* (Walters, 2011). The *humanitarian border* would be multi-scalar, stretched and diffused beyond these specific areas (Mezzadra, 2015). The contemporary border and migration regime would be characterized by the intertwining between control imperatives and moral imperatives such as protecting human life and alleviating sufferings (Vaughan Williams, 2015; Pallister-Wilkins, 2015b, 2018; Williams, 2016; Aas and Gundhus, 2015; Jeandesboz and Pallister-Wilkins, 2016; Mavelli, 2017).

Focusing in particular on the *Euro-Mediterranean* border, certain scholars talked about a process of *humanitarization* of border governance (Pallister-Wilkins, 2017, 2018; Cuttitta, 2018a, 2018b). This process is related to both the increasing relevance of the *humanitarian borderwork* and the diffusion of the humanitarian paradigm in the governance of migration. Pallister-Wilkins (2017, 2018) defined *humanitarian borderwork* as a set of interventions aimed at saving lives and bringing relief to migrants in need: in this sense, humanitarian and protection logics and practices would contribute to reproduce selection, categorization and simultaneously inclusion and/or exclusion of migrants on the basis of their vulnerability (Walters, 2011; Tazzioli, 2015, 2016; Pallister-Wilkins, 2017, 2018; Cuttitta, 2018a, 2018b).



### 3.2.3 HUMANITARIAN ACTORS DEPOLITICIZING THE MIGRATION AND BORDER REGIME

Humanitarian actors' logics and practices (including victimization, classification, categorization, filtering and the management of transit camps) would produce depoliticization effects and contribute to perpetuate the actual migration management system (Ticktin, 2014; Vandevordt, 2019; Sinatti, 2019). In particular, humanitarianism would reproduce and legitimize the established order perpetuating dominant categories, hierarchies and forms of exclusion (Malkki, 1996; Belloni, 2005; Agier, 2008; Fassin, 2005, 2010; Ticktin, 2006, 2014). From this perspective, humanitarian action can contribute to depoliticize the governance of migration when it uncritically supports the official system of migrants' reception and reproduces the categories and rules of the actual migration regime (Fleischmann and Steinhilper, 2017; Vandevordt, 2019; Sinatti, 2019). Malkki suggested that *bureaucratized humanitarian interventions*, when they represent, and speak on behalf of refugees, tend to use universal categories that deny the contingent, historical and political subjectivity of people (Malkki, 1996). Moreover, humanitarian actors would legitimize the current regime when they use the same categories created and used by States and by the global refugee regime's institutions. This occurs because of the close link between entitlement to rights and migrants' legal status, which is defined by national policies and international rules (Vandevordt, 2019). De Jong and Ataç (2017) distinguished between humanitarian actors oriented towards *problem-solving* activities<sup>55</sup> and actors informed by a *critical* approach guiding their activities<sup>56</sup>: TSOs can also mix both approaches (De Jong and Ataç, 2017:30).

Some scholars focused on the ways through which humanitarian rhetoric employed by IGOs (e.g. UNHCR) possibly contributes to justifying, to legitimizing and perpetuating migration control activities and migration management programs

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55 e.g. services for asylum seekers and migrants such as consulting, shelter and social services.

56 e.g. expressing solidarity, advocating for migrant rights, promoting pro-migration policies, and making political pressure.

(Geiger and Pécoud, 2010, 2013, 2014; Georgi, 2010; Hastie, 2013; Scheel and Ratfisch, 2014; Wolff, 2015). In this view, the UNHCR would contribute to (re)produce selective border controls by using and diffusing the *mixed flows* rhetoric and by justifying the perpetuation of a clear distinction between refugees and “economic” migrants in order to protect “real” refugees (Scheel and Ratfisch, 2014). This kind of humanitarianism would perpetuate the global *migration management* rationale (Scheel and Ratfisch, 2014) and would contribute to legitimising “the perfection of border controls” (Wolff, 2015:15).

The co-existence of both control and humanitarian logics, discourses and practices has characterized the Central Mediterranean border for a long time (Lutterbeck, 2006; Cuttitta, 2015c, 2015d; Pallister-Wilkins, 2015a; Tazzioli, 2015, 2016; Perkowski, 2016; Garelli and Tazzioli, 2018). In contexts framed as spaces of “humanitarian crisis” like the Mediterranean border-zone (De Genova, 2016), humanitarian discourses and activities would in the end (re)produce control outcomes for rescued individuals (Pallister-Wilkins, 2015a, 2018; Tazzioli, 2015; Cuttitta, 2018a).

Bassi and Fine (2013) underlined that TSOs engaged in service-provision to migrants would contribute to the perpetuation of the migration and border regime: these actors hold a humanitarian and apolitical vision and would be unable (or unwilling) to challenge the selective and repressive EU border framework (Bassi and Fine, 2013). Focusing on the Apulia case in Italy, Campesi (2015) talked of a system of *humanitarian confinement* of asylum seekers. In this case, the reception system contributed to the spatial confinement and social disempowerment of asylum seekers. The author suggested that humanitarian practices (and logics) put to work by a range of non-State actors can work as an effective migration management tool.

Some studies (Cusumano, 2017; Stierl, 2018; Cuttitta, 2018b) focused on the role played by humanitarian NGOs in SAR operations in the Central Mediterranean. In this context, NGOs would be co-opted by the State and would contribute to perpetuate the current system through their *humanitarian borderwork* (e.g. discharging States

from their responsibilities and slackening the adoption of long-term solutions) (Cusumano, 2017; Stierl, 2018; Cuttitta, 2018b). Cuttitta (2018b) suggested that it is not sufficient for NGOs to be part of the migration governance system in order to be considered as *political* actors. The author argues that NGOs should be considered political actors in relation to the kind of politics they concur to produce and, in particular, to the extent that they are able to question and to challenge the driving logics underpinning the actual migration governance system (Cuttitta, 2018b).

Some studies about the *rescue industry* suggested that the growing presence of humanitarian organizations in the management of migration would not counter restrictive *bordering* practices and would instead concur in (re)producing undocumented migrants' statuses (Andersson, 2016). Connelly suggested that the organizations that provide information about asylum would be co-opted within the framework of western States' restrictive approach to migration and would not challenge the repressive neo-liberal system (Connelly, 2015). The role of providing information to migrants at different stages of their paths has not been widely explored by literature (Browne, 2015). Some scholars (Pécoud, 2010; Browne, 2015) analysed information campaigns carried out by IOs (both in countries of origin and in countries of transit) and observed that these initiatives, oriented towards the protection of migrants, contribute to persuading migrants to stay home as well as containing "irregular" migration.

#### 3.2.4 HUMANITARIAN ACTORS POLITICIZING THE MIGRATION AND BORDER REGIME

While some scholars consider NGOs and humanitarian actors as contributors to the migration control apparatus, others suggested that these actors play a key role in challenging restrictive policies (Thouez, 2003; Lester, 2005; Papadopoulos et al., 2013; Ambrosini, 2013, 2015a, 2017, 2018; Irrera, 2016; Fleischmann and Steinhilper, 2017; Vandevort and Verschraegen, 2019).

Among the five main types of *intermediation* (see chapter 2), *lobbying* for migrants' rights and *political pressure* on governments against restrictive policies represent two of the key actions carried out by humanitarian TSOs (Ambrosini, 2015a, 2017). From this perspective, the UNHCR would be able to contrast governments' policies of border closure and of restriction of asylum seekers' rights (Ambrosini, 2015b). NGOs would be crucial watchdogs that influence States by making pressure for the respect of international obligations concerning refugees and the protection of vulnerable groups (Thouez, 2003; Lester, 2005; Irrera, 2016). From this viewpoint, victimization can also be used by TSOs in order to claim for more rights and to criticize restrictive migration policies (Ambrosini, 2014, 2018).

Researchers that focused on the Greek context suggested that NGOs are able to shape migration policy-making processes and to influence the policy agenda in order to improve migrants' inclusion (Papadopoulos et al., 2013). Peterson suggested that humanitarian NGOs are key actors that, through their interventions (e.g. providing water, food, guidance to migrants), contribute to undermine the current border regime (Peterson, 2016).

Other scholars emphasized that NGOs engaged in the Mediterranean sea have been able to hold a political position in clear contrast with judicial and political actors (Irrera, 2016; Ambrosini, 2018). NGOs acted as watchdogs of EU member States (Irrera, 2016) making the Mediterranean a *battleground* in which EU and national restrictive policies have been questioned and contrasted (Ambrosini, 2018). Other scholars (Stierl, 2018; Cuttitta, 2018b) observed that INGOs engaged in SAR zones would be able to *re-politicize* the European border regime through their *political borderwork* (i.e. questioning, influencing and actively contrasting the current border regime). In particular, NGOs' *political borderwork* was characterized by the following actions: monitoring the situation and the practices of authorities, defending migrant rights, denouncing and criticizing the current restrictive migration and border regime, campaigning for more openness (Cuttitta, 2016, 2018b).

Ticktin (2014) suggested that the amount of critique to humanitarianism has driven the discussion about the role of humanitarian action into a *cul de sac* and called for the need of new studies to achieve a better understanding of the role of humanitarianism and its effects of (de)politicization (Ticktin, 2014:283). Trying to respond to Ticktin's suggestion, a recent strand of literature focused on a "new *dispositif* of helping" (Fleischmann and Steinhilper, 2017) mainly referring to civil, volunteer and grassroots groups that rose in the aftermath of the refugee "crisis" of 2015. These groups are considered to be different to more structured, *institutionalized* or *mainstream* humanitarian organizations that belong to the so called *humanitarian machine* (Fleischmann and Steinhilper, 2017; De Jong and Ataç, 2017; Sandri, 2018; Vandevoordt, 2019; Sinatti, 2019; Fechter and Schwittay, 2019). These new actors are seen as independent from big donors or structured aid agencies and as able to carry out political *borderwork* (De Jong and Ataç, 2017; Sandri, 2018; Fechter and Schwittay, 2019; Vandevoordt, 2019).

Some among these scholars (Yokuhana and Sutter, 2017; Fleischmann, 2017; Fleischmann and Steinhilper, 2017; Sinatti, 2019; Vandevoordt, 2019) highlighted the ambivalent role played by these grassroots actors: on the one hand, these groups would legitimate the restrictive migration regime when they perpetuate the hierarchies, paradigms and categories disseminated by States and by international institutions; on the other hand, they would be able to criticize and to politicize the EU border regime, contributing to promote its transformation.

With the concept of "subversive humanitarianism", Vandervoort (2019) indicated the politicizing role played in the EU border regime by solidarity *civil initiatives* that supported migrants as social subjects rather than reducing them to bare life. The greater ability of informal groups (in comparison to professional NGOs such as MSF and the Red Cross) to carry out conflictual political action is also explained by the fact that they are less influenced by humanitarian principles (e.g. impartiality and neutrality) (Vandevoordt, 2019). Moreover, grassroots actors would politicize their

relations with authorities precisely when governments restrict migration policies (Vandervoordt and Verschraegen, 2019). Fleischmann (2017) suggested that volunteers can use their a-political positioning as a strategic tool in order to promote social change and that they can act as *political dissidents* criticizing governmental decisions and laws. Fechter and Schwittay argued that grassroots humanitarians can also resort to “acts of protest and resistance”: within these politicizing activities these authors include activism and advocacy for migrants’ rights (Fechter and Schwittay, 2019). Some authors (De Jong and Ataç, 2017; Yokuhana and Sutter, 2017; Sandri, 2018; Sinatti, 2019) highlighted that these *non-mainstream* actors engage in politics by expressing dissidence through the following activities: a) lobbying, advocacy or public demonstration, and b) negotiating asylum laws and challenging practices of migrant selection in refugee camps and reception centres.

Sandri (2018) stressed that the humanitarianism of volunteers represents an alternative to the more *institutionalized* one and would challenge both *mainstream* humanitarianism and the *neoliberal* governance of migration: volunteers can politicize their intervention by carrying out activist campaigns and by claiming for asylum policies’ modifications. Zamponi and Bosi, in their study about *alternative action organizations* (AAOs), suggested that these actors “go beyond the provision of direct services to people in need and end up pursuing political goals through political means” (Zamponi and Bosi, 2018: 809). In particular, Zamponi underlined that informal groups and non-State actors are able to make political claims and to politicize the migration regime through actions of direct support (DSA)<sup>57</sup> in favour of migrants (Zamponi, 2017). Fontanari and Borri suggest that, in the aftermath of the migration “crisis” of 2015, the mobilization of civil-society and citizens in favour of migrants (through everyday practices of solidarity) contributed to challenge the Dublin system and the European border regime (Fontanari and Borri, 2017). In his study at the border between Italy and France, Giliberti described the solidarity

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<sup>57</sup> “With this concept, I refer to actions that do not primarily focus upon claiming something from the state or other power-holders but that instead focus upon directly transforming some specific aspects of society by means of the action itself” (Zamponi, 2017:1).

practices of French citizens as tactics of resistance to the repressive strategies of institutions (Giliberti, 2017). Moreover, the solidarity provided to migrants by non-State groups was tolerated before 2015 while successively it has been the object of a gradual process of criminalization (Fontanari and Borri, 2017; Giliberti, 2017; Zetter, 2017). Finally, it has been observed that the role of humanitarian sponsors within the border and migration regime should not be seen as an expression of the neo-liberal governance apparatus and that these actors can contribute to challenge closure and restrictive policies (Sandri, 2018; Ambrosini, 2018).

### **3.3 CONCEPTUALIZING THE RELATION BETWEEN *BORDERING*, HUMANITARIANISM AND (DE)POLITICIZATION**

A recent strand of literature agrees in considering the border as a social process (as *border-ing*) rather than as a mere line on a map. Borders would be both:

- social constructs, made up, erased (*debordering*) and reconstructed (*rebordering*) by social actors through discourses and practices (Van Houtum and Naerssen, 2002; Rumford, 2006, 2008; Cooper, 2015);
- social control and sorting tools, ranking migrants in multiple categories and attributing them stratified legal statuses and rights. Selective controls are a key feature of contemporary borders that would differentiate the good from the bad, the useful from the dangerous, the deserving from the bogus, the desirable from the undesirable (Walters, 2006; Agier, 2008, 2010; Ritaine, 2009; Mezzadra and Neilson, 2010, 2013; De Genova, 2013).

With specific reference to international borders, it has been highlighted that they would not function as walls but more as filters (De Genova, 2013), firewalls (Walters, 2006), asymmetric membranes (Hedetoft, 2003) or complex social institutions producing regimes of *differential inclusion* through the attribution of stratified legal

statuses (Mezzadra and Neilson, 2010, 2013). The border would always produce forms of *othering* and *ordering*: that is, classifying, categorizing and selecting migrants and their movements (Van Houtum and Naerssen, 2002). Borders are forms of regulation and control that operate both before and after the border line and that define migrants' legal statuses and access to rights (Ritaine, 2009; Ciabbari, 2020: 97 – 98). The border functioning would be increasingly linked to “the management practices directed at ‘where the migrant is’” (Casas-Cortes et al., 2014:19) and borders would be better grasped as the effects of practices rather than *pre-given* entities (Andersen and Sandberg, 2012; Casas-Cortes et al., 2014). As Paasi observed, the separation between wanted and unwanted migrants “results in a blurring between international and urban/local borders (...) Local, national and global are no longer, if they ever have been, a neatly structured hierarchy” (Paasi, 2014:19).

EU borders would be continuously (re)produced, moved and shifted both inside and outside the European territory: in this sense, scholars talked about Europe as a “borderland” (Balibar, 2009) or a “Europe of borders” (Balibar and Mezzadra, 2006).

Some scholars (Cuttitta, 2007, 2018a; Vaughan-Williams, 2008; Andrijasevic, 2010; Karakayali and Rigo, 2010; Mezzadra and Neilson, 2011; Walters, 2009; Bialasewicz, 2012; Andersen and Sandberg, 2012; Mezzadra, 2015) questioned the distinction between *internal* and *external* borders and argued that these two dimensions of the European border regime would be better grasped as fuzzy and overlapping. Certain scholars talked about processes of border *de-localization* and *detrterritorialization* (Salter, 2006; Walters, 2006; Andrijasevic, 2010; Cuttitta, 2018a). In this respect, “readmission agreements with third countries, the Schengen system of visa regulation, and the diversification of legal status are all instances of border *detrterritorialization*” (Andrijasevic, 2010:153). Border management, understood in its dimension of selective and sorting practices, would be simultaneously *externalized* in countries of origin and transit (Salter, 2006) and *internalized* within countries of destination (Cuttitta, 2007; Euskirchen et al. 2007; Mezzadra, 2015). In this sense,



scholars talked about processes of border *introversion* and *extroversion* as the border would be stretched both inside and outside the European territory (Cuttitta, 2007; Walters, 2009; Mezzadra and Neilson, 2011; Paasi, 2014; Mezzadra, 2015). This perspective identifies a close link between selective controls, the definition of migrants' legal statuses and the stratification of access to rights. State and non-State actors would (re)produce multiple migrants' categories that imply the attribution of different legal statuses and the stratification of access to territory and to rights (De Genova, 2002, 2013; Cuttitta, 2007; Zetter, 2007; Ritaine, 2009; Casas-Cortes et al., 2014; Mezzadra and Neilson, 2010). Borders would follow and surround people: different legal statuses attributed to migrants would imply the restriction of a set of rights that selectively hinders migrants' social and spatial mobility (Anderson et al., 2009; Walters, 2009; Ritaine, 2009; Alberti, 2010; Fontanari, 2016)<sup>58</sup>.

According to some scholars, borders of apparently different kind (e.g. categorization practices, legal statuses' attribution, walls, camps or deportation centres) would overlap and reinforce each other (Cuttitta, 2007; Walters, 2009; Alberti, 2010; Mountz et al., 2012; Tassin, 2013; Mezzadra, 2015)<sup>59</sup>. Borders, in terms of migrant categorization and stratification of rights, would be linked to, and would also materialize as, concrete spaces and barriers (Cuttitta, 2007; Alberti, 2010; Mountz et al., 2012; Tassin, 2013). In this sense, scholars highlighted the link between migrants' detention and processes of categorization and stratification of rights (Andrijasevic, 2006, 2010; Alberti, 2010; Mountz et al., 2012; Schmoll and Bernardie-Tahir, 2014b). In particular, Alberti suggested that transit and detention camps "are fundamental players in the ongoing process of stratification of the rights of migrants in the European space differentiating their access to labor and citizenship" (Alberti, 2010:143; see also Andrijasevic, 2006). Furthermore, Mezzadra observed that "The stretching and multi-scalar diffusion of what William Walters has called the

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58 Such as personal freedom, the right to move freely, the right to access to some services. As Fontanari suggested: "bordering practices that deny or reduce the rights associated with legal residence and entrance play a central role in determining which movements and activities are defined as unauthorized, irregular or 'illegitimate'" (Fontanari, 2016:23).

59 e.g. Walters suggests that: "The study of airports as borders offers insights regarding the sifting of population movements, its distribution across different levels, and spaces and scales of mobility" (Walters, 2009: 498).

‘humanitarian border’ disseminate holding camps in countless crisis areas. In these circumstances one can often observe the production process of the official taxonomies and nomenclature of migration” (Mezzadra, 2015:126). Different categories of *reduced legal statuses* (e.g. those linked to asylum policies<sup>60</sup>) can be considered as an expression of the process of borders *introversion* or *internalization*: “irregular” migrants, asylum seekers, beneficiaries of temporary humanitarian protection and beneficiaries of temporary permits of stay can all be considered as holding a *reduced legal status* as they do not benefit of complete access to rights and freedom of movement (Cuttitta, 2007; Mezzadra, 2015; Campesi, 2015; Fontanari, 2016). Moreover, Cuttitta (2007:70) described the introduction in Italy of the *deferred rejection order* (discussed in *chapter 1*) as an example of border *introversion*.

Scholars underlined the dichotomy of *voluntary* versus *forced* migration as a State-centred rhetoric guiding the categorization and selection of “irregular” migrants (Kofman, 2002; Zetter, 2007; Jeandesboz and Pallister-Wilkins, 2014; Vollmer, 2016; Akoka, 2016). The distinction between refugees who deserve protection and other migrants who have to be repatriated would be a key logic underpinning the EU restrictive migration regime (Sigona and McMahon, 2018) that contributes to perpetuating the selection “between artificially defined categories of immigrants granted different levels of access to rights” (Sciurba, 2017:101). The controversial idea of a clear-cut distinction between *asylum seekers* and *economic migrants* would be at the basis of the bordering narratives, policies and practices of EU and member States (Jeandesboz and Pallister-Wilkins, 2014; Scheel and Ratfisch, 2014; Akoka, 2016; Tassin, 2016; Bassi, 2018).

Some scholars (Jeandesboz and Pallister-Wilkins, 2014) used the concept of “bureaucratic routines of control” to suggest that, besides the rhetoric of *crisis*, the *routinised* distinction of migrants based on the *forced/voluntary* dichotomy represented the main migration management tool on the Central Mediterranean border. Several studies (Collyer and de Haas, 2010; Jeandesboz and Pallister-Wilkins,

<sup>60</sup> Some scholars include asylum policies within migration control policies (Castles, 2004; Ticktin, 2006; Akoka, 2016).

2014; Sigona and McMahon, 2018) suggested that this dichotomy would not reflect the reality actually experienced by migrants: they would not fit neatly within this binary categorization and they could *experience* and *pass through* several conditions at different steps of their migratory path or even simultaneously.

Literature highlighted the role played by humanitarian organizations in perpetuating institutional categorizations that reproduce hierarchies on the grounds of protection and humanitarian logics and criteria (Malkki, 1996; Fassin, 2005, 2010; Ticktin, 2006, 2014; Pallister-Wilkins, 2017, 2018; Cuttitta, 2018a, 2018b). As the entitlement to rights is closely linked to migrants' legal status (which is basically defined by national policies and international rules), humanitarian actors contribute to depoliticize the current border regime when they uncritically reproduce States categories and filtering processes (Fleischmann and Steinhilper, 2017; Vandervoort, 2019; Sinatti, 2019).

Other scholars emphasized humanitarian organizations' role in contributing to counter, or at least mitigate, *bordering* processes by supporting migrants, claiming for their rights, acting as watchdogs of States, claiming for more openness (Lester, 2005; Ambrosini, 2013, 2017; Papadopoulos et al., 2013; Cuttitta, 2016, 2018b; Irrera, 2016; Stierl, 2018). Recent literature argued that humanitarianism of grassroots groups is able to politicize the EU border and migration regime and to challenge both the *mainstream* humanitarianism and the *neoliberal* governance of migration (De Jong and Ataç, 2017; Fleischmann, 2017; Fleischmann and Steinhilper, 2017; Sandri, 2018; Vandervoort and Verschraegen, 2019; Sinatti, 2019).

## TO SUM UP

Literature conceptualized (de)politicization processes in three main ways: a) through the lens of "politics as institutions of government", b) through the lens of "politics as choice opposed to contingency", c) through the lens of "politics as

consensus versus conflict". Advocacy can be seen as "active interventions" (Onyx et al., 2010:43) through which social actors (and in particular TSOs) contribute to the politicization of social issues, promoting debate and change.

The involvement of heterogeneous actors in the migration governance field contributed to producing contradictory effects that oscillate between protection and control of migrants, and between politicization and depoliticization of the actual migration regime. Within literature there is debate about the role played by humanitarian organizations in the perpetuation of migration control and in the (de)politicization of the current migration and border regime.

In order to grasp the role played by humanitarian organisations at the southern Italian border, the present research adopted a broad definition of humanitarianism as the more or less organized attempt of addressing human suffering and providing relief.

In this study, borders are conceptualized as social and processual constructs (*bordering*) in order to emphasize the relation between migration governance, humanitarianism and (de)bordering processes. *Bordering* is defined in terms of selective controls, based on categorization, filtering and stratification of rights, that can be perpetuated or challenged by discourses and practices of social actors. On the one hand, migration governance can contribute to establish and reinforce migration controls and, in the end, to (re)produce *bordering* processes; on the other hand, visions, discourses, policies and practices oriented towards openness can contribute to processes of *de-bordering*. A specific focus on the relation between humanitarian TSOs and *bordering* processes provides a dynamic positioning that can be useful to explore the role of TSOs in the governance of the *internalized* southern Italian borders both at different steps of migrants' paths and during different *rebordering* phases.

## CHAPTER 4

### ANALYTICAL FRAMEWORK AND METHODOLOGY

#### 4.1 ANALYTICAL FRAMEWORK

Several scholars suggested that third-sector organizations play a key role in migration governance processes and contribute to the definition and implementation of migration policies (Castles, 2000, 2004; Guiraudon and Lahav, 2000; Lester, 2005; Zincone and Caponio, 2006; Sørensen, 2012; Geiger and Pécoud, 2010, 2013, 2014; Ambrosini, 2015a, 2017, 2018; Ambrosini and Van der Leun, 2015; Andersson, 2016; Crépeau and Atak, 2016; Lopez-Sala, 2016; Spencer, 2017; Bonizzoni, 2017). There is no widespread consensus in literature on the role played by these actors in terms of politicization and/or depoliticization of the current migration and border regime. In particular, the role played by humanitarian organisations, and specifically by international humanitarian organizations belonging to so called *mainstream* humanitarianism is object of debate (Fisher, 1997; Pandolfi, 2003; Lester, 2005; Ticktin, 2006, 2014; Fassin, 2005; 2010; Agier, 2008; Geiger and Pécoud, 2010, 2014; Walters, 2011; Sørensen, 2012; Scheel and Ratfisch, 2014; Ambrosini, 2015b, 2018; Irrera, 2016; Vandevoordt, 2017; Fleischmann, 2017; De Jong and Ataç, 2017; Fleischmann and Steinhilper, 2017; Sandri, 2018; Fechter and Schwittay, 2019; Vandevoordt, 2019; Pallister-Wilkins, 2018; Cuttitta, 2018a, 2018b).

The present study is aimed at exploring the contribution of humanitarian TSOs to the *(de)politicization* of the current migration and border regime and to the legitimization or countering of *(de)bordering* processes. On the one hand, I investigate the link between *de-politicization* processes that legitimize the migration control system and *bordering* processes that involve selective controls and the stratification of access to legal statuses and rights. On the other hand, I also investigate the relationship between *politicization* (that implies questioning the restrictive and selective order)

and *de-bordering* processes that could challenge the migration control system and the stratification of migrants' legal statuses and rights.

In the present study, the concept of *bordering* is used in order to emphasize a dynamic viewpoint on borders: borders can be considered as on-going social processes, social constructs that are made up, erased (*debordering*) and reconstructed (*rebordering*) by social actors through discourses and practices (Van Houtum and Naerssen, 2002; Rumford, 2006, 2008; Cooper, 2015). This conceptualization suggests that borders are socially constructed by multiple interventions carried out by a range of various stakeholders and emphasizes the role played in this process by non-State actors (Rumford, 2006, 2008; Parker and Vaughan-Williams, 2009; Cooper, 2015; O'Dowd, 2010; Lemberg-Pedersen, 2017). More in detail, *bordering* is considered a classification and filtering process that involves the attribution of stratified legal statuses and rights (e.g. personal freedom, the right to move freely, the right to access some services, the right to work) and that contributes to selectively deny social and spatial mobility (Van Houtum and Naerssen, 2002; Cuttitta, 2007; Mezzadra and Neilson, 2010; Alberti, 2010; Mountz et al., 2012; Andrijasevic, 2010; Karakayali and Rigo, 2010; Casas-Cortes et al., 2014; Mezzadra, 2015; Pallister-Wilkins, 2018). In the context of this research, *bordering* is a relevant theoretical tool because the *bordering* perspective is consistent with the theoretical understanding of migration governance as a field within which different actors play a role in influencing (*de*)*bordering* policies and in perpetuating or countering selective controls.

Considering borders as *bordering* does not imply over-looking the role played by States and it does not imply that borders could not be identified and geographically located at States' edges. The *bordering* framework emphasizes a view of borders as social processes, as the product of social practices and discourses: in this view, borders are not mere static (national) geographical boundaries but they are continuously stretched, both inside and outside EU territory (Salter, 2006; Cuttitta,

2007; Euskirchen et al. 2007; Walters, 2009; Mezzadra and Neilson, 2011; Paasi, 2014; Mezzadra, 2015). In this respect, I focused on the role of humanitarian organizations at the southern European *introverted* (or *internalized*) borders (Cuttitta, 2007; Euskirchen et al. 2007; Walters, 2009; Mezzadra, 2015).

The present research aims to investigate the contribution of international humanitarian TSOs to the *(de)politicization* of the actual migration and border management system. To accomplish this goal, this study focuses on the role of international humanitarian organizations operating at the southern Italian border during different key *rebordering* phases (i.e. the introduction of the hotspot approach in 2015 and the adoption of the *security decree* of 2018) and both inside and outside the institutional system of the *hotspot*. In particular, the present study focuses on some humanitarian organizations that operated inside the *hotspot system* (i.e. the Red Cross, the UNHCR, MEDU and *Terre des Hommes*) and on one organization that operated outside this system (Oxfam).

In the present research, *migration governance* is conceptualized as a *field* of struggles, negotiations and cooperation among heterogeneous actors guided by different interests and visions (Wihtol de Wenden, 2012; Betts, 2013; Triandafyllidou and Dimitriadi, 2014; Ambrosini, 2015a, 2018; Ambrosini and Van der Leun, 2015; Crépeau and Atak, 2016; Eule et al., 2018). This conceptualization can be useful to understand the role played by TSO discourses and practices in legitimizing or challenging the current migration management system at the southern EU border. Moreover, considering migration governance as a field of struggles and negotiations means taking into account the positioning of TSOs in relation to dominant visions, discourses and practices (Triandafyllidou and Dimitriadi, 2014; Ambrosini, 2015a; Ambrosini and Van der Leun, 2015; Eule et al., 2018). This notion may also be useful to avoid a static standpoint and to consider in a dynamic way the role played by humanitarian TSOs at different levels, in different settings and at different steps of the management of migration. This approach is consistent with the above-

mentioned *bordering* perspective that emphasizes that borders are continuously (de)constructed by non-State actors and with the idea that migration governance processes influence “(..) the establishment and functioning of borders” (Ambrosini, 2018:123).

The present study adopts a *multi-level governance* perspective and focuses on the role of international humanitarian TSOs in their interaction with other actors. A *multi-level governance* perspective (Caponio and Pavolini, 2007; Zincone and Caponio, 2006; Stephenson, 2013; Caponio et al., 2017) is useful to understand policy-making and implementation as dispersed processes that include numerous actors positioned at different levels (international, national, local). The *multi-level governance* perspective focuses on the links, interactions and relationships (and their possible outputs) occurring among actors positioned at different levels (Caponio and Pavolini, 2007; Zincone and Caponio, 2005, 2006; Stephenson, 2013; Caponio et al., 2017). Moreover, some scholars have gradually begun to focus their interest on the investigation of semi-formal and informal processes of decision-making such as processes of bottom-up pressure deriving from civil-society (Zincone and Caponio, 2005, 2006:269).

This study focuses on the case of Sicily considering it as a particularly relevant point of observation in order to explore: a) the role played by humanitarian organizations in the management of migration at the southern European border and b) the way through which humanitarian TSOs contribute to construct, redefine and/or deconstruct (through their positioning, discourses and practices) the southern EU border.

The present study focuses on two main *rebordering* phases that marked the recent management of migration and borders in Italy: the introduction of the *hotspot approach* (2015) and the adoption of the *security decree* (October 2018). In this research, the *hotspot approach* is primarily considered as a policy tool or measure aimed at the *re-bordering* of Europe and is seen as the outcome of multiple power



relations and interactions occurring at different levels within the migration governance field. In the same vein, the *security decree* is considered as a restrictive migration policy measure that contributed to undermine migrant rights and to deteriorate migrant conditions.

## 4.2 RESEARCH GOALS

The present research is situated within the academic debate regarding the role of humanitarian organizations in the governance of migration and borders and focuses on the tension between humanitarian and political *borderwork* (Walters, 2011; Bassi and Fine, 2013; De Genova, 2013, 2016; Tazzioli, 2015, 2016; Ambrosini, 2015b, 2018; Pallister-Wilkins, 2015b, 2017, 2018; Irrera, 2016; De Jong and Ataç, 2017; Cusumano, 2017; Fleischmann, 2017; Cuttitta, 2018a, 2018b; Stierl, 2018; Sandri, 2018; Fechter and Schwittay, 2019; Vandevordt, 2019).

- *The main goal of the present research is to investigate the contribution of international humanitarian TSOs to the (de)politicization of the current border regime and to the legitimization or countering of (de)bordering processes.*

The specific goals of the research are:

- to investigate the role of humanitarian organisations in perpetuating or countering discourses, categories, and practices that contribute to filtering and stratifying migrants' access to territory and rights;
- to describe the implementation of the *hotspot approach* in Sicily and identify elements of (dis)continuity with the previous system;

- to describe how humanitarian organizations operate and how they interact among them and with other relevant actors (e.g. Italian authorities and other types of TSOs);
- to investigate the extent to which operating inside or outside the migration control system influences the positioning, the discourses and the practices of humanitarian TSOs and their capacity to *(de)politicize* the current border regime;
- to investigate how humanitarian organizations respond to different *rebordering* phases and how these actors adapt their intervention, their positioning and their strategies;
- to describe the role played by specific support services (i.e. legal information and vulnerability identification) and to analyse the possible tension between supporting migrants and contributing to soft control outputs;
- to analyse the contribution of advocacy discourses and practices of humanitarian TSOs to the *(de)politicization* of the current migration and border management system.

#### **4.3 SELECTION OF ACTORS**

In order to contribute to the academic debate on the capacity of international humanitarian organizations to *(de)politicize* the current migration and border regime, the present research focuses on the role played by some of these actors in the management of migration at the southern European border. In particular, recent studies emphasized that actors belonging to *mainstream* humanitarianism or the *humanitarian machine* (Fleischmann, 2017; De Jong and Ataç, 2017; Fleischmann and

Steinhilper, 2017; Sandri, 2018; Fechter and Schwittay, 2019; Vandervoordt, 2019) would mostly depoliticize the current border regime: on the contrary, “new” humanitarian actors (e.g. grass-roots, civil and informal groups) would represent an alternative to *mainstream* humanitarianism and would challenge the *neoliberal* governance of migration. In light of these recent studies, it is interesting to investigate the capacity of *mainstream* international humanitarian organizations to *(de)politicize* the current migration and border regime.

The present study focuses on some actors that operated inside the *hotspot system* (the Red Cross, the UNHCR, MEDU and *Terre des Hommes*) and on one actor that operated outside this system (Oxfam). Taking into account these organizations could be useful in order to explore if (and how) operating inside or outside the migration control system could influence their capacity to *(de)politicize* the current border regime. Organizations that operate inside the institutional system of migration control could be less inclined to challenging and criticizing the government and its *rebordering* policies. Organizations that operate outside the institutional migration control system may hold more contentious and conflictual positions.

These actors operated in Sicily during both the introduction of the *hotspot approach* in 2015 and the adoption of the *security decree* in 2018. The choice to focus on these actors could allow to explore the role of international humanitarian organizations in challenging or legitimizing governmental restrictive policies during different *rebordering* phases.

This research uses a broad definition of third-sector organizations (TSOs) (Viterna et al., 2015; Garkisch et al., 2017). This choice allows to include a variety of international humanitarian organizations that have been categorized in heterogeneous ways by scholars. NGOs are generally differentiated from IGOs: NGOs are mainly constituted by associations and/or individuals while IGOs are constituted by States. The Red Cross has been defined in different ways: some scholars defined it as an NGO (Pastore and Roman, 2014:26) or a “nation-wide” NGO (Caponio and Cappiali, 2018); other

scholars defined it as an INGO and considered it as a *hybrid* international organization (IO) “(..) in which governments work with NGOs” (Willets, 2001: 369). Some scholars employed the category of *international organizations* (IOs) in order to include both IGOs and INGOs (Willets, 2001; Kortendiek, 2018). Certain scholars suggested that IGOs act for and on behalf of States (Wolff, 2015; Lavenex, 2016) while others considered these actors as independent and autonomous organizations that pursue their own agenda (Barnett and Finnemore, 1999; Merlingen, 2003; Piper, 2017). IGOs and INGOs closely cooperate within international global governance settings (e.g. by sharing principles and programs and by participating to global forums) (Willets, 2001; Geiger and Pécoud, 2010; Crépeau and Atak, 2016) but they can also compete and enter into conflict (Rother, 2013). Moreover, Garkisch and others (2017) resorted to a broad definition of third-sector and included actors such as the UNHCR within the domain of TSOs.

In the present research, the choice to include the UNHCR and the Red Cross within the broad category of TSOs is guided by the will to empirically investigate if, and to what extent, these organizations behave independently, how they position themselves within the migration governance field, and to what extent they contribute to politicize and/or depoliticize the current border regime. Moreover, this study focuses on one humanitarian IGO (the UNHCR) to investigate the relationship between IGOs and INGOs and the possible differences in the way they contribute to *(de)politicizing* the current migration and border regime.

#### 4.3.1 A CLASSIFICATION OF TSOs WITHIN THE PRESENT RESEARCH

The present study uses the ICNPO (International Classification of Non-profit Organizations) classification system that provides a structural/operational definition of the third sector (Salamon and Anheier, 1992, 1996; Salamon and Sokolowski, 2018). According to this structural/operational definition, actors belonging to the

third-sector should be: a) *formally constituted*, i.e. organized, institutionalized to some extent; b) *private or non-governmental*, i.e. institutionally distinguished from governments<sup>61</sup>; c) *self-governing*, i.e. able to manage their own activities autonomously; d) *nonprofit-distributing*, that indicates the prohibition to share profits among stakeholders or members; e) *non-compulsory*, i.e. involving free individual consent to participate to their activities (Salamon and Sokolowski, 2018:33). The ICNPO classification identifies different categories within which diverse organisations could be grouped. *Group number 4* identifies “Organizations and institutions providing human and social services to a community or target population”. The sub-group “4 200 Emergency and Relief” includes:

- disaster/emergency prevention and control: organizations that work to prevent, predict, control, and alleviate the effects of disasters (..)
- refugee assistance: organizations providing food, clothing, shelter and services to refugees and immigrants” (Salamon and Anheier, 1992:23, 1996:14).

I focused on actors belonging to the Group 4/Sub-Group 4 200 as indicated by the ICNPO and I adopted three main criteria in order to define the actors in my investigation:

- (a) they should have the five above-mentioned structural/operational features that define third-sector organizations;
- (b) the fact that they operate at the international level should be one of their core features;
- (c) humanitarianism should be a clear and identifiable feature of the organization.

I fully include humanitarian INGOs (i.e. MEDU, *Terre des Hommes* and Oxfam) within the domain of the third-sector. Moreover, I focus on two international humanitarian organizations (i.e. the Red Cross and the UNHCR) that I consider as not fully belonging to the third-sector.

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<sup>61</sup> Governments can fund TSOs and can be part of their board, this does not exclude the organization from the third-sector.

The UNHCR and the Red Cross are two international humanitarian organizations that fit only partially the five above-mentioned structural/operational criteria: these actors do not fit the *private* criteria. The Italian branch of the Red Cross (that is part of the International Committee of the Red Cross – ICRC) has been, legally and formally, a public actor for a long time. In recent years, this organization became a private actor (i.e. an *Associazione di Promozione Sociale* under the Italian law)<sup>62</sup>.

According to Salamon and Sokolowski “The ultimate test of not being controlled by government is the ability of the organization’s governing body to dissolve the organization on its own authority” (Salamon and Sokolowski, 2018: 34). In regards to this point, the dissolution of the UNHCR is competence of the *General Assembly* that is composed by representatives of each UN member State<sup>63</sup>.

Both the Italian Red Cross and the UNHCR conform to the aforementioned points (b) and (c). Moreover, they fully belong to *group 4* within the ICNPO’s classification system as they operate in the domain of “refugee assistance organizations providing food, clothing, shelter and services to refugees and immigrants” (Salamon and Anheier, 1992:23, 1996:14). For these reasons, I choose to categorize them as *quasi-third-sector* and not completely belonging to the TSO category.

#### 4.4 “CONSTRUCTING” THE RESEARCH FIELD

The present research follows a constructionist epistemological and methodological approach. The *field* of investigation of this research has been the result of an on-going process of social construction (Nadai and Maeder, 2005:4):

“(..) the field of sociological ethnography cannot be found somewhere out there, but is constructed by the researcher. Moreover, a field for sociological ethnography is most likely not

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62 <https://www.cri.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/29894>.

63 “Statute of the office of the United Nations High Commissioner for Refugees”, available at: <https://www.unhcr.org/3b66c39e1.html>. In 2003 the General Assembly prolonged permanently the mandate of the Office “until the refugee problem is solved”. See “Note on the mandate of the High Commissioner for Refugees and his Office” at <https://www.refworld.org/pdfid/5268c9474.pdf>.

restricted to one observational site. Its contours emerge only during the research process as the ethnographer traces informants across multiple sites that turn out to become relevant in the light of the research question (...) Sociological ethnography has to deal with what we call ‘fuzzy fields’, that is fields without clear boundaries with regard to many dimensions.”

At the same time, the researcher needs to identify specific sites where the object of research is actually observable. In this respect, it is important to make clear the difference between:

- *social worlds*, that are “(...) contexts for certain processes, actions and ideas and their protagonists, which are the actual object of an ethnographic study” (Nadai and Maeder, 2005:3);
- sites and locations of investigation that could be different and dispersed but also complexly connected (Ibidem).

The *social world* on which this research focuses is the governance of migration considered as a (*battle*)*field*. The sites of my fieldwork include several settings in Sicily where the above-mentioned humanitarian organisations carried out their interventions: e.g. hotspot areas, urban areas in which migrants met, informal camps, TSO offices, public meetings.

My initial research project focused on the role played by international humanitarian organisations exclusively inside the *hotspot system*: the tentative aim was to investigate if and how these actors contributed to legitimize or to challenge the current migration management system (and its guiding logics). After a first period during which I focused on reviewing literature and on reading relevant documents, I identified some international humanitarian organizations that have been involved in the management of migration in Sicily for several years (i.e. the Red Cross, the UNHCR and Save the Children).

The fieldwork for this research was carried out in Sicily from the end of March 2018 to the end of December 2018. I was in Sicily (based in Catania) for one month at the end of 2017 for a first period of preparatory fieldwork<sup>64</sup>. I collected relevant contacts and carried out initial interviews mainly with humanitarian operators working in hotspot areas. Initial interviews were useful to collect information about the complexity of the field and to learn about the presence of other humanitarian organizations (e.g. MEDU and *Terre des Hommes*). During these first interviews I was also able to collect some information relevant to my research questions. After this initial fieldwork period, I focused again on reviewing literature for two months. This allowed me to improve my understanding of the theoretical debate about the role of humanitarian organizations in the governance of migration. During this time, I contacted the competent prefectures in order to ask for authorization to carry out direct observation in various hotspot areas (i.e. Pozzallo, Augusta, Messina and Catania): in the end, I did not obtain these authorizations<sup>65</sup>.

In February 2018, two or three weeks before returning to Sicily, I contacted some humanitarian organizations' coordinators explaining my project and asking about their availability for an interview. In the end, the majority of humanitarian operators that I contacted were willing to meet me and to be interviewed.

During the initial months of my fieldwork I faced the issue of a closed research field; in particular, hotspot areas were spaces closed to external observers and I questioned myself about how to deal with the fact that I did not have access to these spaces. The fact that I have not been able to directly observe humanitarian organizations' practices inside hotspot areas represents a limitation within this research; at the same time, I collected accounts of several operators (humanitarians, cultural mediators, hotspot directors) describing their intervention and their role during hotspot procedures.

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64 I focused on eastern Sicily for two main reasons: (a) the majority of migrant arrivals by sea from 2016 to 2018 have mainly occurred at the ports of Augusta, Catania, Messina and Pozzallo; (b) this delimitation could allow me to avoid the dispersal of resources and time.

65 In June the Prefecture of Augusta gave me an authorization to access the press area of the port of Augusta. At the same time, during that period disembarkations rarely occurred and, in the end, I have not been able to observe disembarkations.



The fact that I did not have access to hotspots pushed me to re-elaborate my fieldwork strategy and my initial research plan. At the same time, I questioned myself about relevant theoretical issues. Limiting my investigation to hotspot areas was a static approach that would not allow me to explore and to give account of the dynamic role of humanitarian organisations in the governance *battlefield*. I estimated that an actor-oriented approach (i.e. focusing specifically on actors) would be more suitable in order to explore the *(de)bordering* discourses and practices of humanitarian organisations. In this respect, I decided to focus also on a humanitarian organization operating exclusively outside of the *hotspot system*. I chose to focus on Oxfam because this NGO carried out a project (i.e. *OpenEurope*) launched specifically in response to the introduction of the *hotspot approach*. I had the opportunity to follow the activities of the Oxfam mobile team in different zones of eastern Sicily. This actor-oriented approach allowed me to explore the *(de)politicization* role of humanitarian TSOs operating inside and outside the migration control system: TSOs that operated outside (i.e. Oxfam) could have more contentious and challenging positions in comparison with those operating inside the migration management system. This approach also allowed me to explore the *(de)politicizing* role of humanitarian TSOs during different *rebordering* phases that characterized the Italian border and migration management system.

#### **4.5 METHODS EMPLOYED**

The present study adopts a *mix-method* approach and resorts to three main methods: document analysis, semi-structured interviews, and direct observation. This choice was based on the idea that *triangulation* contributes to corroborate findings and to bolster the validity of data analysis (Mason, 2002; Bowen, 2009).

#### 4.5.1 INTERVIEWS

One of the main methods employed in this study was the semi-structured interview: this qualitative interviewing method is flexible and allows the possible emergence of unexpected themes (Mason, 2002). I carried out the following semi-structured interviews (see Table n.3):

- 15 interviews with a total of 17 humanitarian workers (12 operating inside the hotspot system and 5 outside);
- 7 interviews with other key informants.

<u>Humanitarian organisations</u>	<u>Interviewees' function within the organisation</u>	<u>Place</u>	<u>Date</u>	<u>Interview Code</u>
Red Cross	Coordinator for disembarkations (volunteer)	Catania	April 2018; June 2018; July 2018	RCO1
Red Cross	Coordinator for disembarkations (volunteer)	Ragusa	June 2018	RCO2
UNHCR	Spokesperson	Catania	April 2018	UN1
UNHCR	Legal Associate	Catania	May 2018	UN2
UNHCR	Cultural mediator who worked for UNHCR in 2017	Catania	October 2018	UN3
Terre des Hommes	Team coordinator (psychologist)	Pozzallo	December 2017	TDH1
Terre des Hommes	Humanitarian operator	Pozzallo	June 2018	TDH2
MEDU	Team coordinator (psychologist)	Ragusa	December 2017	ME1
MEDU	Team coordinator + psychotherapist	Ragusa	July 2018	ME2
Emergency	Team coordinator + cultural mediator	Siracusa	July 2018	EM1
IOM	Area coordinator	Catania	June 2018	IOM1
Oxfam	Humanitarian Programme Manager ( <i>OpenEurope</i> )	Catania	December 2017	OX1
Oxfam	2 Socio-legal operators and 1 cultural mediator	Catania	November 2018	OX2

<u>Other Key Informants</u>				
Borderline Sicilia	Local NGO operator	Catania	November 2017	LNG1
Local activist group	Activist	Messina	April 2018	ACT1
Local activist group	Activist	Catania	April 2018	ACT2
Local activist group	Activist	Messina	April 2018	ACT3
Migration lawyer		Catania	December 2017	ML1
Director of the Hotspot of Pozzallo		Pozzallo	July 2018	DHP1
Social worker in a <i>hub</i> for relocation candidates in Rome (during 2016)		Catania	December 2018	ORC1

**Table 3.** Summary of the interviews carried out.

I defined some topics that I wanted to address during interviews while avoiding too narrow questions in order to facilitate the emergence of possible unexpected themes. During interviews with humanitarian operators I used an interview outline that focused on the following topics:

- the description of the procedures of migration management in hotspot areas;
- the rationales driving the humanitarian intervention in the context of migration management;
- the description of the practices carried out by humanitarian operators;
- the relationships among humanitarian organizations and between humanitarian organizations and control authorities;
- the position of organizations and operators in relation to the implementation of the *hotspot approach*.

I prepared and carried out these interviews considering operators as experts (Bogner et al., 2009).

Sometimes the operator that I contacted came at the meeting with a colleague (e.g. another operator, a cultural mediator or a psychologist): in these cases they were interviewed together and this created the opportunity for a more dynamic and, in some cases, in depth discussion.

I met most of interviewees just once: in this respect, I have been influenced by a kind of *ethnographic bulimia* (Semi, 2010:60). However, I met with some of the interviewees more than once and this gave me the chance to discuss some issues more in depth. Informal conversations, in particular with some humanitarian operators, have also been relevant sources of information.

Interviews were also useful in collecting information about the procedures implemented in hotspot areas mainly situated in eastern Sicily (i.e. Pozzallo, Catania, Messina and Augusta)<sup>66</sup>.

During my fieldwork I also had the chance to carry out some informal conversations with ASGI experts<sup>67</sup> about the procedures implemented in different hotspot areas in Sicily. These informal conversations contributed to enrich my data about the procedures and the functioning of the hotspot system.

All the interviews were carried out in Italian and the majority of them were recorded<sup>68</sup>. The interview extracts (from both recorded and non recorded interviews) presented in the following chapters have not been translated literally but paraphrased by me.

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66 Information about procedures carried out in other hotspot sites (e.g. Lampedusa) were collected mainly using documents.

67 These ASGI experts monitored the implementation of the *hotspot approach* since its beginning. I asked and obtained the authorization to use within my research the information deriving from these informal conversations.

68 The choice to record interviews was driven by the will to avoid to lose important information. No one refused to be recorded. At the same time, I resorted to unrecorded interviews with some key informants.

#### 4.5.2 DOCUMENT ANALYSIS

Document analysis focused on *text-based* documents (Mason, 2002:103) produced by the organizations studied and, in particular, on the following kind of public documents (mostly available online):

- documents produced by humanitarian organisations describing and publicizing their projects and interventions on the southern border of Italy;
- reports and official statements that could provide insights into the position of these organizations in relation to Italian and EU migration policies and on the migration management system on the southern border of Italy.

I choose to resort to *document analysis* (Bowen, 2009) primarily because it could provide information about the discursive positioning of each organization and the rationale underpinning their intervention. I selected documents produced and published by humanitarian organizations from 2015 to 2018 (from the aftermath of the so called refugee “crisis” of 2015 to the end of my fieldwork in December 2018). Table n.4 shows the documents included in my analysis.

<u>Humanitarian Organisation</u>	<u>Document reference</u>
UNHCR	<p>- UNHCR (2016a), “Building on the Lessons Learned to Make the Relocation Schemes Work More Effectively”, UNHCR’s Recommendations January 2016, pp. 1 – 9;</p> <p>- UNHCR (2016b), “Stabilizing the situation of refugees and migrants in Europe Proposals to the Meeting of EU Heads of State or Government and Turkey on 7 March 2016”, pp. 1 – 7;</p> <p>- UNHCR (2016c), “Better protecting refugees in the EU and globally”, December 2016, pp. 1 – 24, available at <a href="https://www.refworld.org/pdfid/58385d4e4.pdf">https://www.refworld.org/pdfid/58385d4e4.pdf</a>;</p> <p>- UNHCR (2016d), “Europe’s Refugee Emergency Response. Update #17” 1 – 7 January 2016, pp. 1 – 8;</p>

	<p>- UNHCR (2016e), "Italy – sea arrivals Unhcr update #6", August 2016, pp. 1 – 5;</p> <p>- UNHCR (2017a), "Raccomandazioni dell'UNHCR per rafforzare la protezione e l'integrazione dei rifugiati in Italia nel 2017", Bureau for Europe, March 2017, pp. 1 – 7;</p> <p>- UNCHR (2017b), "Desperate Journeys", Update January to September 2017, pp. 1 – 4;</p> <p>- UNHCR (2017c), "Unhcr Italy Factsheet", UNHCR, pp. 1 – 4;</p> <p>- UNHCR (2018), "Cosa facciamo in Italia", version 1.3 updated to June 2018, pp. 1 – 8;</p> <p>- <a href="https://www.unhcr.it/news/unhcr-passi-verso-la-soluzione-della-crisi-dei-rifugiati-europa.html">https://www.unhcr.it/news/unhcr-passi-verso-la-soluzione-della-crisi-dei-rifugiati-europa.html</a>;</p> <p>- <a href="https://www.unhcr.it/news/lunhcr-accoglie-con-favore-la-decisa-svolta-nellagenda-sulle-migrazioni-proposta-oggi-dallunione-europea-e-ne-sollecita-una-rapida-adozione.html">https://www.unhcr.it/news/lunhcr-accoglie-con-favore-la-decisa-svolta-nellagenda-sulle-migrazioni-proposta-oggi-dallunione-europea-e-ne-sollecita-una-rapida-adozione.html</a>;</p> <p>- <a href="https://www.unhcr.it/news/osservazioni-unhcr-sul-decreto-legge-materia-protezione-internazionale-immigrazione-sicurezza-pubblica.html">https://www.unhcr.it/news/osservazioni-unhcr-sul-decreto-legge-materia-protezione-internazionale-immigrazione-sicurezza-pubblica.html</a>;</p>
RED CROSS	<p>- IFRC (2015a), "Emergency Appeal. Italy: population movement", Appeal n. MDRIT002, International Federation of Red Cross and Red Crescent Societies, Saving lives changing minds, May 2015, pp. 1 – 8;</p> <p>- IFRC (2015b), "A response plan to meet the humanitarian needs of vulnerable migrants. A Movement coordinated approach focusing on the Mediterranean and neighbouring regions", International Federation of Red Cross and Red Crescent Societies, <a href="https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2017/04/Response-plan-for-Mediterranean-min.pdf">https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2017/04/Response-plan-for-Mediterranean-min.pdf</a>;</p> <p>- IFRC (2016), "Emergency Plan of Action operation update Italy: Population Movement", Emergency Appeal n. MDRIT002, International Federation of Red Cross and Red Crescent Societies, Saving lives, changing minds, Operations update n.2, 25 March 2016;</p> <p>- IFRC (2017), "IFRC Global Strategy on Migration 2018 – 2022. Reducing Vulnerability, Enhancing Resilience", pp. 1 – 28, available at: <a href="https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2017/12/IFRC_StrategyOnMigration_EN_20171222.pdf">https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2017/12/IFRC_StrategyOnMigration_EN_20171222.pdf</a></p> <p>- Italian Red Cross (2017), "Migrazioni. Report Annuale. 2017";</p>
MEDU	<p>- <a href="https://mediciperidiritiumani.org/on-to-stop-alla-tortura-dei-rifugiati-lungo-le-rotte-migratorie-dai-paesi-sub-sahariani-al-nord-africa/">https://mediciperidiritiumani.org/on-to-stop-alla-tortura-dei-rifugiati-lungo-le-rotte-migratorie-dai-paesi-sub-sahariani-al-nord-africa/</a>;</p> <p>- <a href="http://mediciperidiritiumani.org/sbarchi-primo-soccorso-medico-e-psicologico-a-vittime-di-tortura-e-cidt-che-arrivano-in-sicilia/">http://mediciperidiritiumani.org/sbarchi-primo-soccorso-medico-e-psicologico-a-vittime-di-tortura-e-cidt-che-arrivano-in-sicilia/</a>;</p>

	<ul style="list-style-type: none"> <li>- <a href="https://mediciperidirittiumani.org/en/about-us/#principi">https://mediciperidirittiumani.org/en/about-us/#principi</a>;</li> <li>- <a href="http://mediciperidirittiumani.org/hotspot-luoghi-di-illegalita/">http://mediciperidirittiumani.org/hotspot-luoghi-di-illegalita/</a>;</li> <li>- <a href="https://mediciperidirittiumani.org/tavolo-nazionale-asilo/">https://mediciperidirittiumani.org/tavolo-nazionale-asilo/</a>;</li> <li>- <a href="http://www.mediciperidirittiumani.org/dl-salvini-inemendabile-ideologico-pericoloso-poco-intelligente/">http://www.mediciperidirittiumani.org/dl-salvini-inemendabile-ideologico-pericoloso-poco-intelligente/</a>;</li> <li>- <a href="http://esodi.mediciperidirittiumani.org/en/">http://esodi.mediciperidirittiumani.org/en/</a>;</li> </ul>
Terre des Hommes	<ul style="list-style-type: none"> <li>- <a href="https://terredeshommes.it/progetto-faro/">https://terredeshommes.it/progetto-faro/</a>;</li> <li>- Terre des Hommes (2017), <i>“Guida al modello Faro. Salute mentale e supporto psicosociale a minori migranti non accompagnati e a famiglie con bambini in prima accoglienza”</i>, Terre des Hommes Italia;</li> <li>- <a href="https://terredeshommes.it/comunicati/minori-migranti-gli-hotspot-assicurino-protezione/">https://terredeshommes.it/comunicati/minori-migranti-gli-hotspot-assicurino-protezione/</a>;</li> <li>- <a href="https://terredeshommes.it/comunicati/bambini-migranti-leuropa-segni-un-cambio-di-passo-verso-unaccoglienza-fondata-suidirittiumani/">https://terredeshommes.it/comunicati/bambini-migranti-leuropa-segni-un-cambio-di-passo-verso-unaccoglienza-fondata-suidirittiumani/</a>;</li> <li>- <a href="https://terredeshommes.it/news/pozzallo-diritti-umani-a-rischio/">https://terredeshommes.it/news/pozzallo-diritti-umani-a-rischio/</a>;</li> <li>- <a href="https://terredeshommes.it/comunicati/migranti-una-risorsa-non-un-problema/">https://terredeshommes.it/comunicati/migranti-una-risorsa-non-un-problema/</a>;</li> <li>- <a href="https://terredeshommes.it/comunicati/decreto-sicurezza-terre-des-hommes-ci-appelliamo-al-presidente-mattarella-perche-non-firmi-un-decreto-rischia-emarginare-migliaia-giovani-migranti/">https://terredeshommes.it/comunicati/decreto-sicurezza-terre-des-hommes-ci-appelliamo-al-presidente-mattarella-perche-non-firmi-un-decreto-rischia-emarginare-migliaia-giovani-migranti/</a>;</li> </ul>
OXFAM	<ul style="list-style-type: none"> <li>- Oxfam (2016a), <i>“Hotspot Rights Denied. The lack of a legal framework is threatening the rights of migrants reaching the Italian shore”</i>, Oxfam Briefing Paper, May 2016;</li> <li>- Oxfam (2016b), <i>“EU ‘hotspots’ spread fear and doubt. One year on, the EU response to a Mediterranean tragedy leaves vulnerable people in legal limbo”</i>, Oxfam Media Briefing;</li> <li>- Oxfam (2017a), <i>“Oxfam and protection. A guidance note”</i>, Oxfam technical briefing, February 2017;</li> <li>- Oxfam (2017b), <i>“#OpenEurope. Revisione in Itinere del Progetto”</i>, Oxfam Italia, Rapporto di Valutazione, November 2017;</li> <li>- Oxfam (2017c), <i>“La lotteria Italia dell’accoglienza. Il Sistema dell’emergenza permanente”</i>, Oxfam Briefing Paper, November 2017;</li> <li>- Oxfam (2018), <i>“I sommersi e I salvati della protezione umanitaria”</i>, Oxfam Media Briefing, December 2018;</li> </ul>

TSOs' joint documents	<p>- Oxfam, MEDU et al. (2017), "La strada da seguire. 13 punti per una nuova politica migratoria europea". <i>L'appello congiunto di Tavolo Asilo, AOI, CINI, Concord Italia, Coonger, COP, Focsiv, Link 2007, Marche solidali al Governo, al Parlamento italiano e agli Europarlamentari italiani</i>;</p> <p>- MEDU et al. (2018), "Decreto 'Immigrazione e Sicurezza' e sue implicazioni per la salute", 7 November 2018, letter to the Parliament, to the minister of the interior and to the minister of health, available at <a href="https://rajawadunia.com/il-decreto-immigrazione-e-le-gravi-implicazioni-per-la-salute-dei-migranti-e-nostra-la-denuncia-delle-organizzazioni-umanitarie/">https://rajawadunia.com/il-decreto-immigrazione-e-le-gravi-implicazioni-per-la-salute-dei-migranti-e-nostra-la-denuncia-delle-organizzazioni-umanitarie/</a>, Centro Astalli, Emergency, INTERSOS, Società Italiana di Medicina delle Migrazioni, Medici contro la Tortura, Médecins du Monde, Medici per i Diritti Umani, Medici Senza Frontiere.</p> <p>- MEDU, Oxfam and others (2018), <a href="https://www.asgi.it/asilo-e-protezione-internazionale/il-senato-approva-il-decreto-legge-sicurezza-e-immigrazione-tavolo-asilo-mancato-senso-di-responsabilita-istituzionale/">https://www.asgi.it/asilo-e-protezione-internazionale/il-senato-approva-il-decreto-legge-sicurezza-e-immigrazione-tavolo-asilo-mancato-senso-di-responsabilita-istituzionale/</a>, 7 November 2018; A Buon Diritto, Acli, Action Aid, Amnesty International Italia, Arci, Asgi, Avvocato di Strada, Casa dei Diritti Sociali. Centro Astalli, Cir, Cnca, Comunità di S. Egidio, Emergency, Federazione Chiese Evangeliche in Italia, Intersos, Medici Senza Frontiere, Medici per i Diritti Umani, Mèdicine du Monde Missione Italia, Oxfam Italia, Save the Children Italia, Senza Confine.</p>
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**Table 4.** Summary of the TSOs' documents analysed.

Other selected documents provided information about the description of procedures and the position of authorities in relation to the hotspot approach. In this sense, the reports by the *Italian Parliament Commission of Inquiry* of 2017 on the Italian migration reception system have been particularly useful<sup>69</sup>. A complete list of these documents is reported in the appendix.

#### 4.5.3 OBSERVATION

I observed the Oxfam mobile team operating in eastern Sicily for an overall period of four months (from July to December 2018) and I carried out around 60 observation sessions. I adopted a *shadowing* approach (McDonald, 2005; Quinlan, 2008) and a position of "observer as participant" (Martineau, 2005:9; Kawulich, 2005): I followed operators in their everyday activities for a prolonged period of time, my

<sup>69</sup> These documents included statements of prefects, *questori*, police officers, *Frontex* representatives.



participation to their activities was very limited and I mainly observed practices and events occurring during the day<sup>70</sup>. Oxfam operators were totally aware of my presence, of my role as a researcher and of the goals of my research project.

I had total access to the target group and in particular to the *mobile team* that operated on the ground. At the same time, as Kawulich (2005) pointed out, I was aware of the fact that the group members could always control the information that they provided.

One of the main problems that I had to take into account was the effect that my presence could have in altering the setting and influencing the activities and attitudes of humanitarian operators: as McDonald (2005) suggests, it does not seem possible to measure this effect. At the same time, two main elements possibly contributed to mitigate this issue and to normalize my presence during the operators' everyday activities: a) following the operators for a prolonged period and b) spending free time with operators (outside the working context).

I observed the Oxfam mobile team in different settings: during their monitoring activities on the street (looking for migrants in need of support), during internal meetings and meetings with other humanitarian organisations and during public events in which the team participated. During the observation period, the team intervened mostly in the cities of Catania, Messina and Siracusa.

The Oxfam team's intervention occurred in contexts of emergency: the operators supported migrants experiencing delicate situations (e.g. living on the street or in informal camps) and the interaction was often very brief. In this respect, it was difficult to introduce myself to each migrant and to explain my role to them. I decided to let operators introduce me: I did not interfere when operators introduced me as a collaborator or as a volunteer. However, I tried to explain my position as a researcher to migrants whenever possible<sup>71</sup>.

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70 *Shadowing* is a technique "particularly suitable to answering research questions where the unit of analysis is not the individual but the social relation; positions are explored within a complex of interrelated processes (...) it is a technique that is useful for interpretative methods" (Quinlan, 2008: 1483).

71 In order to safeguard migrants' privacy, I avoid to report specific information (e.g. names, locations) in the following chapters.

The activities of the Oxfam team occurred mostly *on the street*, often in a rush and frequently in situations that inhibited the possibility to take notes in real time. I often had to wait until the end of the intervention (or sometimes until the end of the morning or afternoon) to write down notes and this could represent a methodological limitation.

Besides observing the Oxfam team's activities, I participated in training sessions held by humanitarian operators, to public meetings organized by other humanitarian organisations (e.g. MEDU and UNHCR) and to events to which some TSOs participated.

#### **4.6 THEMATIC ANALYSIS**

The present research employs *thematic analysis* that can be used to search for meaning repeated in coherent patterns throughout a data-set (Braun and Clarke, 2006; Vaismoradi et al., 2016). Thematic analysis is a flexible method and it can be used by scholars that follow different philosophical and epistemological approaches (Braun and Clarke, 2006). At the same time, some authors underlined that it is important that researchers explain how they carried out their analysis and describe the steps that they followed (Braun and Clarke, 2006; Vaismoradi et al., 2016). I followed the 6 main phases of *thematic analysis* described by Braun and Clarke (2006):

- “1. Familiarising yourself with your data: Transcribing data (if necessary), reading and re-reading the data, noting down initial ideas.
- 2. Generating initial codes: Coding interesting features of the data in a systematic fashion across the entire data set, collating data relevant to each code.
- 3. Searching for themes: Collating codes into potential themes, gathering all data relevant to each potential theme.

- 4. Reviewing themes: Checking in the themes work in relation to the coded extracts (..) and the entire data set (..), generating a thematic ‘map’ of the analysis.
- 5. Defining and naming themes: Ongoing analysis to refine the specifics of each theme, and the overall story the analysis tells; generating clear definitions and names for each theme.
- 6. Producing the report: The final opportunity for analysis. Selection of vivid, compelling extract examples, final analysis of selected extracts, relating back of the analysis to the research question and literature, producing a scholarly report of the analysis” (Braun and Clarke, 2006:87).

Thematic analysis can be useful to investigate how discourses operating within society contribute to construct social reality and meanings (Braun and Clarke, 2006). I consider academic research as an “active-constructive process” (Bogner et al, 2009: 45) in which the researcher plays an active role in the construction of knowledge through his/her choices and interpretations during the *analytical process* (Braun and Clarke, 2006). A description of the step-by-step process of thematic analysis that I carried out can be found in the appendix.

## CHAPTER 5

### THE INTRODUCTION AND IMPLEMENTATION OF THE *HOTSPOT* *APPROACH* IN ITALY

#### *Aims of the chapter*

- to analyse the vision and the logics underpinning the introduction of the *hotspot approach* by the European Commission and by Italian authorities;
- to describe the implementation of the *hotspot approach* in Sicily and to identify its (dis)continuities in relation to the previous migration management system.

#### **5.1 THE INTRODUCTION OF THE *HOTSPOT APPROACH***

##### 5.1.1 THE ADOPTION OF THE *EUROPEAN AGENDA ON MIGRATION*

According to UNHCR data<sup>72</sup>, 150 000 of the around one million migrants that reached Europe in 2015 arrived in Italy by sea. The European Union adopted two immediate measures in order to respond to this “crisis”: the *hotspot approach* and the *relocation*.

The adoption of the *hotspot approach* has been considered as a paradigmatic example of governance through *soft law* (Ciervo, 2016; ASGI, 2018a): as mentioned in *chapter 2*, *soft law* tools are widely employed for the government of migration both at the national and international level (Ciervo, 2016; Carta, 2017; Gjergji, 2018). The *hotspot approach* has been introduced by the European Commission through the so called *European Agenda on Migration* which is a non binding document (Algotino,

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<sup>72</sup> <https://www.unhcr.it/news/un-milione-di-rifugiati-e-migranti-fuggiti-in-europa-nel-2015.html>.

2017; Carta, 2017; ASGI, 2018a). As indicated by experts and NGOs (Savino, 2016; Oxfam, 2016a; ASGI, 2018a), a main implication of the use of *soft law* tools has been the lack of a clear legal framework for the functioning of hotspots (and an increase of arbitrary practices, at least during a first phase). These implications will be discussed in the following paragraphs.

The *Agenda on Migration*, adopted in May 2015, was mainly aimed at defining a more efficient migration management system. In particular, the EU Commission underlined the importance of an actual common policy on migration at the European level and suggested that actors such as “Member States, European institutions, IOs, civil society, local authorities and third countries” (European Commission, 2015:2) should work together to better manage migration. The *Agenda* described immigration as a relevant resource that could contribute to the sustainability of the EU economic and welfare system (European Commission, 2015: 14).

One of the main aims of the *Agenda* was to find the *right balance* between fighting “irregular” migration, providing protection for asylum seekers and promoting a regulated and legal migration (European Commission, 2015). In particular, the *Agenda* underlined the need to: a) safeguard migrant rights; b) respect asylum seekers’ rights, assure their fair reception and the fair treatment of their asylum claims; c) implement legal and safe migration pathways. Furthermore, the *Agenda* stressed that: a) all asylum applications had to be processed and international protection had to be granted to all the migrants who fit the criteria established by law; b) a more effective approach against unfounded asylum applications was needed in order to reinforce the *Common European Asylum System* (European Commission, 2015:12).

The *hotspot approach* and the *relocation* can be considered as complementary tools promoted by the EU Commission for a better management of migration “crisis”. Through the *relocation* the European Union introduced a temporary mechanism of

redistribution of asylum seekers among EU States, in partial derogation to the European Regulation 604/2013 (so called Dublin III)<sup>73</sup>.

The *hotspot system* was intended as a new approach for the management of migration and it was presented as an important new tool that could improve fingerprinting procedures. Front-line States (e.g. Italy and Greece) could now benefit from the support provided by EU agencies and from funds allocated to face the *emergency* (European Commission, 2015). In this respect, the *EU Agenda* underlined the enhanced role attributed to EU agencies in support of Italian authorities. *Frontex*, *Easo* (*European Asylum Support Office*) and *Europol* have been entrusted with the task of intervening, in coordination with Italian authorities, in order to:

“(..) swiftly identify, register and fingerprint incoming migrants (..) Those claiming asylum will be immediately channelled into an asylum procedure where EASO support teams will help to process asylum cases as quickly as possible. For those not in need of protection, Frontex will help Member States by coordinating the return of irregular migrants.” (European Commission, 2015: 6).

In a report focused on the recent developments in Italian and EU migration policies, including the *EU Agenda* and the *hotspot approach*, ASGI observed that Italian policies are in agreement with European policies which aim at making the external borders of the EU more selectively permeable, while hiding behind declarations of intent concerning the safeguard of human rights and the improvement of legal ways of access to Europe (ASGI, 2020:43).

In agreement with theory (Geiger and Pécoud, 2010, 2013, 2014; Kalm, 2010, 2012; Schotel, 2013), the vision underpinning the adoption of the *EU Agenda* was based on a liberal approach to migration regulation and, in particular, on the *migration management* paradigm. The main goal of the new measures was to establish a better migration management system based on a *multi-level* and *multi-actor* approach to

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73 European Commission (2015); <https://www.unhcr.it/risorse/carta-di-roma/fact-checking/la-relocation-unoccasione-persa-leuropa>. Relocation will be discussed more in detail in chapter 8.

migration governance (Tryandafillidou and Dimitraidi, 2014; Korneev, 2014; Lavenex, 2016; Crépeau and Atak, 2016; Eule et. al., 2018).

### 5.1.2 INTRODUCING THE HOTSPOT AT THE NATIONAL LEVEL: THE ADOPTION OF THE ITALIAN ROADMAP

In line with the *EU Agenda*, Italian authorities adopted a document, the so called *Italian Roadmap*, that indicated the steps and the procedures for the implementation of the *hotspot approach* in Italy. ASGI defined this document a political document without any legal basis (ASGI, 2016:3). The *Roadmap* was followed by an administrative circular and by another document that defined so called *Standard Operating Procedures (SOPs)*<sup>74</sup> applicable to Italian hotspots (Algostino, 2017). Some ASGI experts defined these measures as informal acts:

(..) Agendas, roadmaps, standard operating procedures and administrative circulars are not legislative acts, they are adopted by the government without any control of the Parliament (..) (ASGI, 2018a:4).

In the *Roadmap*, Italian authorities referred for the first time to the *hotspot approach* and stated that it would be implemented according to the indications of the *EU Agenda*. According to the *Roadmap*, hotspot procedures included several interconnected steps. The first phase was dedicated to the medical screening of migrants after disembarkation. Successively, migrants would be interviewed by the local immigration police office that would fill the so called *foglio-notize*: this form or *information sheet* (Ministry of the Interior, 2016b) included personal details, an ID photo and the statement of the person about her wish (or not) to apply for asylum. In this way, as stated in the *Roadmap*:

(..) a first differentiation between people claiming asylum/or potentially entering relocation and people in irregular position would take place (Ministry of the Interior, "Italian Roadmap", 2015: 6).

<sup>74</sup> Officially adopted on the 17 of May 2016 (ANCI et al., 2017: 20).

Immediately after these procedures, migrants would be submitted to photo-identification procedures (that include the collection of fingerprints) and they would all be registered as “irregular entry”; those claiming for international protection would be also registered as “asylum seekers”. After identification procedures, migrants eligible for *relocation* would be transferred to dedicated reception centres (also called *regional hubs*); other asylum seekers would be transferred to other reception centres in Italy; those who do not express the wish to apply for asylum would be channelled towards repatriation procedures (Ministry of the Interior, “Italian Roadmap”, 2015).

### 5.1.3 THE ADOPTION OF THE *STANDARD OPERATING PROCEDURES*

In June 2016, the Ministry of the interior adopted another *soft law* measure in order to define standardized procedures for the functioning of the hotspot system: the so called “*Standard Operating Procedures applicable to Italian Hotspots (SOPs)*”. This document did not contribute to provide a legal framework to hotspots within the Italian system (ASGI, 2018a). Several actors, such as Italian authorities, EU Agencies and also UNHCR and IOM, contributed to the definition of the *Standard Operating Procedures* (Ministry of the Interior, 2016b; Anci et al., 2017).

In agreement with theory, a process of this kind, that involves actors situated at different levels in the definition and implementation of migration policy tools, reflects the *multilevel* and *multilateral* dimension of EU migration governance (Wihtol de Wenden, 2012; Ambrosini and Van der Leun, 2015; Lavenex, 2016; Crépeau and Atak, 2016; Spencer, 2017; Eule et al., 2018). During this process of SOPs’ definition, the UNHCR carried out *insider* advocacy (Onyx et al., 2010; Casey, 2011; Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017) for the safeguard of asylum seekers’ rights:



(..) standard operating procedures made by the Ministry [of the Interior] have been drafted with the support and the important advocacy action of the UNHCR (..) these SOPs basically established how all actors should act (Interview with UNHCR spokesperson, Catania, April 2018).

In agreement with theory (Garnier, 2014; Lavenex, 2016), by advocating for asylum seekers' rights the UNHCR can act as a counter-weight and can influence concrete migration policies' implementation.

According to the coordinating officer of *Frontex*, the *SOPs* were mostly needed in order to harmonize procedures that, until that moment, were implemented in heterogeneous ways in different Italian disembarkation areas. The *Frontex* officer explained this point before the *Parliamentary Commission on the Italian reception system* (*Parliamentary Commission below*):

(..) we defined standard operating procedures that help us clarify the different steps to take (..) Together with the Italian authorities we launched operating procedures according to which everything happening in one place is exactly the same defined within documents, therefore local and national authorities work together with European Union agencies following a common agreed standard (Italian Chamber of Deputies, 2016c:5).

The procedural steps outlined in the *SOPs* were consistent with those described in the *Italian Roadmap*. In addition, the *SOPs* document suggests that the *hotspot* can be understood both as a designated area and as a method of work involving different actors:

“Structurally, **it is a designated area** (..) where, as soon as possible and consistent with the Italian regulatory framework, new arrivals land safely and are subjected to medical screenings, receive a leaflet on legislation concerning immigration and asylum, they are pre-identified, and, after having being informed about their current condition as irregular immigrants and the possibility to apply for international protection, they are fingerprinted” (..)

From an organisational standpoint, **the Hotspot is a method of teamwork**, in which the Italian authorities, namely police personnel, healthcare personnel and international and non-governmental organisations work closely and in full cooperation with European support teams, comprising personnel from Frontex, Europol and EASO in order to ensure procedural, standardised and fully operational management of activities, while aiming at the interest of guaranteeing the most sustainable solutions for incoming third country nationals or stateless persons” (Ministry of the Interior, *Standard Operating Procedures*, 2016b:4).

In continuity with the past, migrants are divided in two main categories: those needing protection (who are legitimized to entry and stay) and the so called *economic or voluntary* migrants to be repatriated. Within the former category are included the so called *vulnerable cases* defined by the legislative decree 142/2015. Moreover, a new classification is added. Asylum seekers are divided into two sub-categories: asylum seekers and asylum seekers *in clear need of protection* eligible for the *relocation*. Overall, four main categories are identified by the SOPs document:

“(.) the person can leave the Hotspot only after having been photo fingerprinted as envisaged by current regulations and if all the security checks in national and international police databases have been completed. The person is channelled to the functional procedures for defining his/her legal position as: **(1) asylum seeker, (2) asylum seeker who may benefit from the relocation procedure (3) Unaccompanied and Separated children (UASC), victim of trafficking, person with other specific needs, or (4) person served with a forced return order who may be subject to denied entry.**” (Ministry of the interior, *Standard Operating Procedures*, 2016b:8).

These new measures contributed to the multiplication of categories (and of legal statuses) attributed to migrants considered *in need of protection* (e.g. migrants eligible for *relocation*). In agreement with some scholars (Ticktin, 2006; Cuttitta, 2007, 2018a; Fassin, 2010; De Genova, 2013; Pastore and Roman, 2014), the multiplication of legal statuses and the stratification of rights for *vulnerable* migrants was perpetuated both by EU and Italian legislators in continuity with the past.

## 5.2 THE HOTSPOT APPROACH IMPLEMENTED ON THE GROUND

### 5.2.1 DISEMBARKATION AND IDENTIFICATION PROCEDURES

According to several sources<sup>75</sup>, when a boat that rescued migrants arrives at the dock, the doctors of the Ministry of Health get on board, they check migrants' health and they identify emergency cases. Successively, migrants usually disembark in the following order: first of all emergency cases, then women and children and lastly men. To each migrant is assigned a bracelet inscribed with a letter that refers to the SAR operation and a number that indicates the order of disembarkation. When migrants get off the boat they usually pass through a second medical triage that is coordinated, in all disembarkation sites, by doctors belonging to the local health authority supported by different NGOs. During this medical screening, doctors usually check migrants for fever and scabies. At this stage, the local health authority can decide for the hospitalization of migrants in emergency health conditions. In this context, a main difference between disembarkation sites where there is a hotspot centre and sites where there is no hotspot nearby can be identified: in the former case, after first medical triage and first identification photos, migrants are usually transferred inside hotspot centres to continue identification procedures; in the latter case, migrants remain on the dock until identification procedures have been completed.

After the procedures described in the previous paragraph, migrants are interviewed by the Italian Police Immigration Office (assisted by *Frontex* agents and cultural mediators): migrants are asked to provide personal data and the reason that pushed them to come to Italy. The information collected through these interviews is mainly used in order to fill the so called *foglio-notizie* form that I will discuss in the following paragraph. *Frontex* officials could interview migrants (sometimes before and

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<sup>75</sup> Interviews with: Red Cross coordinator, RCO1, Catania, April 2018; Red Cross coordinator, RCO2, Ragusa, June 2018; TDH operator, TDH2, Pozzallo, June 2018; Emergency team, EM1, Siracusa, July 2018; MEDU team, ME2, Ragusa, July 2018; Italian Chamber of Deputies (2016e).

sometimes after the pre-identification interview) in order to collect information about their journey and about investigative issues related to “irregular” migration networks and human trafficking. Successively, identification procedures are completed with the collection of photos and fingerprints in order to compose a *dossier* for each migrant. These personal information and individual biometric data, and in particular fingerprints, are then inserted by the Italian police in two main database systems (one national and one European). Successively, migrants that express the wish to apply for asylum are channelled towards reception procedures while the others can receive a *rejection* order and can be channelled towards repatriation procedures.

## 5.2.2 IDENTIFYING CONTINUITIES AND INNOVATIONS IN THE MIGRATION MANAGEMENT SYSTEM

The introduction of the *hotspot approach* produced two major interconnected shifts:

- a shift from a humanitarian to a primarily *securitarian* approach;
- the strengthening of the selection of migrants directly in hotspot areas.

### *Increased militarization and increased inaccessibility to external actors*

Since its introduction, the *hotspot approach* has been characterized by at least two different but related processes linked to the above-mentioned *securitarian* shift: a) the increased *militarization* of disembarkation and hotspot areas; b) the increased restriction of the access to these areas. The *militarization* of migration management centres, such as CIE, CARA and CPSAs, is not something new in the Italian context (Tassin, 2014; Campesi, 2015; Migreurop, 2016; Colucci, 2018). At the same time, as I

tried to show in *chapter 1*, the management of migrants disembarked in Sicily has been primarily based on humanitarian assistance and reception rationales (Pastore et al., 2004; Monzini, 2008; Pastore and Roman, 2014). With the introduction of the *hotspot approach*, security objectives became a priority. Moreover, actors *external* to the hotspot system had limited access to hotspot areas. A migration lawyer emphasized this *securitarian* shift in the management of migration in Sicily:

the hotspot approach produced, in the whole Sicilian region, an **increase of the degree of militarization of migration management**. Moreover, **with the introduction of the hotspot, the dimension completely changed**. Before the hotspot approach the first intervention should have been, and actually was, a humanitarian one, primarily focused on the assistance and reception of migrants. As established by the law Bossi/Fini of 2002, the first phase was dedicated to assistance and only in a second phase, after the transfer in reception centres, identification procedures and the definition of the legal position of migrants were carried out (Interview with migration lawyer, ML1, Catania, December 2017).

An operator of a local NGO also described this shift:

before Mare Nostrum, migrants arrived in a more spontaneous way. After, starting with Mare Nostrum and Triton, a process of systematization of the management of arrivals began. With the hotspot, **the militarization of the management of migrants in Sicily definitively increased** (Interview with a *Borderline Sicilia* operator, LNG1, Catania, November 2017).

Some interviewees described the presence of several law enforcement actors inside the hotspot of Pozzallo:

in the hotspot there are all the different law enforcement actors so we have the national police, we have the *carabinieri*, we have soldiers for controls at the gate (..) there is a container where there is the *squadra mobile* [police mobile units], there is a container with Frontex (Interview with TDH operator, TDH2, Pozzallo, June 2018).

There is *militarization* inside and outside the hotspot, you see uniforms everywhere (Interview with MEDU coordinator, ME1, Ragusa, December 2017).

The French NGO *Cimade* suggested that:

“The over-representation of police and Frontex forces at the hotspots (..) is another example of the nature of these facilities, which seek more to expel than to welcome” (Cimade, 2016:11).

The access to reception centres (e.g. CPSA, CARA or CAS) has always been limited to those actors authorized by the local prefecture (Cosentino, 2014). At the same time, with the introduction of the *hotspot approach*, the access to hotspot and disembarkation areas became even more difficult. As explained by an activist that I interviewed in Messina:

**the other significant difference** is that in the past disembarkations were mostly carried out over there and in order to enter you needed the authorization of the prefecture. Even if the area was closed, you saw everything from outside because there were just some iron grills (..) disembarkations occurred in the city centre, you could see and you could also interact in a different way (..) **Now** disembarkations have been moved to another dock, totally outside (..) it is **in a military area, they are absolutely outside the gaze** and out of reach for everybody and **this has been another consequence of the hotspot model** (..) **there was a restriction** also from this point of view (Interview with local activist, ACT1, Messina, April 2018).

In Catania, an activist suggested that, in particular since the arrival of *Frontex* around the end of 2015, there was a further limitation of the access to the docks:

since the arrival of *Frontex*, progressively all ports have been closed (..) **while before we were able to arrive at the dock**, also to interact with migrants (..) **now the procedure is completely securitized**. I mean, when you arrive they [authorities] tell you ‘*Do you have the authorization to look?*’ They [authorities] are also at the pier upside where there is the press. They tell to you: ‘*you can’t stay here because you have not the authorization to look the disembarkation*’, I mean, this is the context (Interview with local activist, ACT2, Catania, April 2018).

ASGI suggested that this limitation of access characterized, with possible variations, all hotspot areas:

(..) such difficulty of access for external organisations turns hotspots and disembarkation areas into places substantially closed and the procedures that take place inside become **invisible** and **inaccessible** (ASGI et al., 2018:6).

According to these accounts, the fact that these areas became more inaccessible to external actors contributed to making hotspot procedures less *visible* and to limiting the chance to monitor possible arbitrary practices.

A further implication of the *hotspot approach* has been the stable presence of *Frontex* in all hotspot areas in Sicily. The words of the *Frontex* coordinating officer before the *Parliamentary Commission* suggest that the presence of *Frontex* did not imply significant changes in the procedures and that the Italian police remained the only decisional authority:

(..) each activity that we carry out (..) is validated by the Italian authorities (..) what we do is following the procedures that Italian authorities have always followed, we did not change anything (Italian Chamber of Deputies, 2016c:19 – 20).

On the contrary, Oxfam argued that the stable presence of EU control agencies contributed to increasing the number of complete identifications carried out by Italian authorities (Oxfam, 2016a:13).

According to these accounts, the Italian police remained the main decisional authority. At the same time, according to Oxfam, the presence of EU agencies, and *Frontex* in particular, implied an increased number of identifications in comparison to the previous *turning a blind-eye* approach period.

*The systematic collection of fingerprints and a more rigid selection of migrants*

As mentioned in *chapter 1*, this *securitarian* shift can be linked to the increased tensions between Italy and the EU in relation to the Italian *turning a blind-eye* approach: the hardening of control and identification procedures was promoted by the EU to put an end to Italian *relaxed* controls (Oxfam, 2016a; Bartholini, 2018; Caponio and Cappiali, 2018). In all hotspot areas, Italian authorities began to systematically carry out the identification and fingerprinting of all migrants. In this respect, a migration lawyer told me that:

With the *hotspot*, the identification and the definition of the legal position of migrants became the first concern (Interview with migration lawyer, ML1, Catania, December 2017).

The priority of identification and control is explained also by the coordinating officer of *Frontex* before the *Parliamentary Commission*:

There are two goals to the ‘hotspot approach’: to proceed to the identification and the registration of all migrants (...) whereby none should have the possibility to leave the so called *hotspot* without having been correctly identified and registered (Italian Chamber of Deputies, 2016c:3).

The following words of a UNHCR spokesperson describe this shift:

(...) before the hotspot approach borders were more permeable and also registration procedures were carried out in a slightly different way (...) The thing is that, with the hotspot, people have to pass through hotspots and have to be photo-identified while before this step was profoundly permeable (Interview with UNHCR spokesperson, UN1, Catania, April 2018).

The following interview’s extract emphasizes the hardening of identification procedures in hotspot areas:



(..) in Augusta they are all identified. **Maybe before** migrants run away from the port, people in the middle of the street, people was brought back, it was a mess (..) **Now you cannot run away**, I mean, **you are identified** (Interview with Team of Emergency, EM1, Siracusa, August 2018).

In Catania, authorities started (around June 2016) to systematically collect fingerprints directly at the docks while previously this step was not carried out systematically and, in any case, not before the transfer of migrants in reception centres. As the Red Cross coordinator explained to me:

(..) everything started in 2016, in June 2016. I mean, it is since then that they [authorities] take fingerprints at the dock (Interview with Red Cross coordinator, RCO1, Catania, April 2018).

With the introduction of the *hotspot approach*, a more rigorous filtering of migrants (and the definition of their legal position) was carried out directly in hotspot areas. As reported by the *questore* of Agrigento before the *Parliamentary Commission*:

(..) **the innovation is that in the hotspot of Lampedusa it is carried out a distinction of migrants** (..) in two categories, and within each of them there are two sub-categories. Those who express the wish to apply for asylum and international protection are distinguished between those belonging to the nationalities for which (..) it is possible to activate the procedure of *relocation* and those simply expressing the wish to apply for international protection but not belonging to those nationalities [relocation ones] (..) As for migrants not claiming for international protection we proceeded with rejections, [which are] measures of the *questore* that intimate to leave the national territory in two ways: some people held at the CIE when there are available places while to the majority is intimated to leave the national territory within seven days (Italian Chamber of Deputies, 2016b:6-7)<sup>76</sup>.

In this respect, humanitarian operators working inside the hotspot of Pozzallo confirmed that:

(..) with hotspot procedures, in Pozzallo **begins a systematic** distinction between asylum seekers and the others (Interview with TDH Team coordinator, TDH1, Pozzallo, December 2017).

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<sup>76</sup> The words in square brackets have been added by me.

The implementation of a more rigid selection of migrants was described also by the *questore* of Ragusa (competent for Pozzallo):

Now the hotspot requires us to check which asylum seekers they are and of which type they are, that is if they are assigned to relocation or if they do not fit in these categories of these nations. There are, thus, already two categories (..). Then there are individuals to be rejected (Italian Chamber of Deputies, 2016b:17 – 18).

With the introduction of hotspot procedures, rejection orders for “economic” migrants started to be issued directly in hotspot areas. As described by a report of the *Parliamentary Commission*:

(..) **the moment of rejections has been moved up at the phase immediately following the disembarkation.** Before, we proceeded mainly to the undifferentiated transfer of all migrants in destination centres, even of those that in the *foglio-notizie* did not express the wish to apply for asylum and even of those that had not been photo-identified, actually postponing to a successive moment in the destination centres the photo-identification and the further processing of an eventual expression of wish to ask for international protection. **Now**, even on the basis of departmental indications, rejection orders are immediately issued (Italian Chamber of Deputies, 2016a:8).

The improvement of controls and of registration procedures contributed to producing an increase in the number of asylum applications in Italy:

**“Improved registration upon arrival** and increased controls at land borders in northern Italy **have contributed to the majority of sea arrivals registering their asylum applications in Italy** and remaining in the country. As of the end of September, over 106,000 people had applied for asylum in Italy in 2017, an increase of approximately 25%” (UNHCR, 2017b:3).

The systematic collection of migrants' fingerprints in all hotspot areas<sup>77</sup> can be considered one of the main innovations that characterized the introduction of the *hotspot approach*. While the selection rationale remained mainly based on the dichotomy *forced/voluntary* migrant, documents and interviews suggest that *hotspot procedures* contributed to a more rigid selection of migrants and to the anticipation of the definition of the legal position of migrants directly in hotspot areas, at least during a first phase.

#### *The increased relevance of the foglio-notizie as a tool of swift selection*

One among the main tools used by Italian authorities in order to define the legal position of migrants (in particular during a first phase) has been the so called *foglio-notizie* (Oxfam, 2016a; ECRE et al., 2016, 2017; DRC, 2017; CIR et al., 2018)<sup>78</sup>. As different sources reported<sup>79</sup>, this form was already employed before the introduction of the *hotspot approach* but it was less relevant: it was used to collect migrants' personal information but it did not have a significant impact on the definition of their legal position. With the introduction of the hotspot system, this *information-sheet* became the main tool on the basis of which the selection of migrants was implemented and rejection orders were issued. Usually, the *foglio-notizie* should have been signed by the police officer who carried out the brief interview, by the migrant and by the cultural mediator present at the moment of the interview (Oxfam, 2016a). One of the main information asked to the migrant was the reason of his or her journey. Figure n.3 shows an example of the *foglio-notizie* form.

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<sup>77</sup> In 2017, the rate of fingerprinting and complete photo-identification was around 100% (Italian Chamber of Deputies, 2017), in line with the trend started the previous year (Italian Chamber of Deputies, 2016e).

<sup>78</sup> ECRE: European Council on Refugees and Exiles, DRC: Danish Refugee Council, CIR: Italian Council for Refugees.

<sup>79</sup> Interviews with: migration lawyer, ML1, Catania, December 2017; Emergency Team, EM1, Siracusa, July 2018.

*Questura di* [redacted]

*Ufficio Immigrazione*

Nr. [ ]

NUCLEO PARENTELA

FOTO	<b>FOGLIO NOTIZIE</b>	
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Informazioni rese dall'interessato	Sesso
COGNOME - SURNAME - NOM - القاب	
NOME - NAME - PRENOM - الاسم	
DATA DI NASCITA - DATE OF BIRTH - DATE DE NAISSANCE - تاريخ الميلاد	
CITTA' DI NASCITA - CITY OF BIRTH - VILLE DE NAISSANCE - مكان الميلاد	
PATERNITA' - NAME OF FATHER - PRENOM DU PERE - باسم الأب	
CITTA' DI RESIDENZA PLACE OF RESIDENCE - VILLE DE RESIDENCE - مكان السكن	
NAZIONALITA' - NATIONALITY - NATIONALITE' - الجنسية	
LOCALITA' DI PARTENZA - LOCATION OF DEPARTURE - PLACE DE DEPARTURE الموقع المغادرة	

VENUTO IN ITALIA PER:

LAVORO - OCCUPATION - TRAVAIL - عمل  RAGGIUNGERE I FAMILIARI - TO JOIN RELATIVES -  
SE RÉUNIR AUX FAMILIERS - التجمع لعائل

FUGGIRE DALLA POVERTÀ - ESCAPING FROM POVERTY - FUJIR LA PAUVRETE - الهروب من الفقر

ALTRO - OTHER REASONS - AUTRES MOTIFS - أسباب الفوقر: \_\_\_\_\_

ASILO - ASYLUM - ASILE - حق اللجوء السياسي

Firma del mediatore linguistico      Firma dell'operatore      Firma dell'agente

A seguito di verifica, il mediatore linguistico ha rilevato la seguente nazionalità di appartenenza:

[ ] Firma del mediatore linguistico

N° Progr [ ]

Figure 3. Example of foglio-notizie (Sources: Oxfam, 2016a:20, <https://viedifuga.org/viedifuga-orgcrisi-rifugiati-e-questa-leuropa-che-vogliamo/>).

The French NGO *Cimade* reported that:

“If the person answers yes to the reason of ‘work’ or ‘escape poverty’, then that person is considered to be an ‘economic migrant’ and will not be allowed to enter EU territory, even if that person might also possibly qualify for refugee status” (*Cimade*, 2016:11).

ASGI experts explained that the way authorities asked questions to migrants about the reasons of their journey could have had an effect on the answers: asking for example “*did you come to Italy to work?*” instead of “*did you come to seek protection?*” could have influenced the answer that was given (informal conversations with ASGI experts, Catania, September 2018).

As different sources reported<sup>80</sup>, the relevance attributed to the *foglio-notizie* contributed to increasing the chances of arbitrary practices. At the same time, as I will show more in detail below, this *information sheet* did not have the same relevance in all hotspot sites.

#### *Structures, ambiguous legal framework and implications in terms of coercion practices*

The introduction of the hotspot approach did not imply the construction of new centres for the management of migrant arrivals: there was an overlapping and a certain confusion with pre-existing centres (e.g. CPSAs) that were used as hotspot sites.

The hotspot of Lampedusa and the hotspot of Pozzallo were activated<sup>81</sup> inside centres that, until that time, had mainly functioned as CPSAs. When I asked which was the formal status of the centre, the director of the hotspot of Pozzallo told me that:

(..) it is a hotspot, it is a CPSA/Hotspot. Hotspot, it works as a hotspot (Interview with the Director of the Hotspot of Pozzallo, DHP1, Pozzallo, July 2018).

<sup>80</sup> Oxfam, (2016a); Interview with migration lawyer, ML1, Catania, December 2017; Informal conversations with ASGI experts, Catania, September 2018; CIR et al., 2018.

<sup>81</sup> Respectively on September 2015 and January 2016.

A humanitarian operator highlighted this kind of continuity and the confusion between CPSA and hotspot by saying that:

in January 2016 the CPSA became Hotspot, or better, hotspot procedures started but formally the centre remained a CPSA (Interview with TDH Team Coordinator, TDH1, Pozzallo, December 2017).

The statements of the Prefect of Agrigento (competent for Lampedusa) before the *Parliamentary Commission* also indicate this continuity:

With regard to the assistance, to the generic services of assistance to the person and to medical services, with the passage from CPSA to hotspot nothing has changed. The novelties surely concern (...) the procedures of pre-identification, identification, photo-identification and collection of fingerprints that are carried out inside the centre (Italian Chamber of Deputies, 2016b:3).

In Messina, the hotspot was activated at the end of 2017 inside an ex-military site which functioned as a first reception centre (which gradually became a CAS) since at least the summer of 2014. In the autumn of 2017, a part of this ex-military site was designated as a hotspot area: the whole reception centre was divided in two parts, the hotspot area and the CAS, separated by a wire mesh. Moreover, if you put yourself in front of the entry of this site you can see on the right side a plaque that reads “*Centre of first reception*” and on the left side a plaque indicating the hotspot centre as “*Centre of First Reception and Identification*”<sup>82</sup>: the latter label does not seem to exist (at least officially) within the Italian legal framework.

The ambiguity concerning the legal framework of the *hotspot system* and the overlapping between hotspot centres and CPSAs is in continuity with the previous migration management system. As some scholars suggested, first reception centres in Italy have always had an ambiguous legal status and functioned simultaneously as spaces of migrants’ reception and, in a more or less informal way, detention

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82 *Centro di Primo Soccorso ed Identificazione.*

(Andrijasevic, 2006; Marchetti, 2012; Schmoll and Bernardie-Tahir, 2014b; Cuttitta, 2015a; Migreurop, 2016; Colucci, 2018). Moreover, as highlighted by Savino (2016), CPSAs have also been used for identification and filtering purposes; at the same time, as showed in *chapter 1*, usually migrants were rapidly transferred from CPSAs and identification procedures were carried out mainly in other reception centres (Monzini, 2008; Pastore and Roman, 2014).

However, the lack of a clear legal framework regulating the *hotspot approach* contributed to an increase in coercion and arbitrary practices: documents and interviews suggest that the increase in coercion practices inside hotspot areas (in particular during the first phase of implementation of the *hotspot approach*) was also linked to the need to take fingerprints and to sort migrants swiftly after their arrival (ASGI, 2016, 2018a; Italian Chamber of deputies, 2016g; Oxfam, 2016a; DRC, 2017; Council of Europe, 2018).

As suggested by ASGI (2017:26; 2018a:5), the regulation of the *hotspots'* functioning was initially based on the *law Puglia* of 1995 (see *chapter 1*) that established first temporary reception centres (CPSAs) without defining the juridical nature of these structures:

(..) the law 563/1995 does not state anything concerning the nature of these centres and merely defines their establishment in order to face the flux of migrants from Albania in the mid '90, and, in particular it does not specify if they are opened or closed centres: the consequence is that the possible restriction of the personal freedom which could take place might remain out of the law (ASGI, 2017:26; see also ASGI, 2018a:5).

In relation to the link between hotspot procedures and the ambiguous legal framework of CPSAs, Savino (2016) added that:

“In the absence of legislative provisions, border authorities *de facto* detain all recently arrived migrants in CPSAs until hotspot procedures are accomplished, without issuing any individual

detention order and, consequently, without any judicial oversight, in patent violation of the most basic *habeas corpus* guarantees” (Savino, 2016: 988)<sup>83</sup>.

The need to complete identification and fingerprinting inside these spaces contributed to increase the confusion between reception and detention. As reported by the *Parliamentary Commission* in October 2016:

During inspections carried out in operative [hotspot] centres of Taranto, Trapani, Pozzallo and Lampedusa (..) the Commission had the chance to verify that de facto migrants are detained inside the hotspot area from the moment of disembarkation for the whole time needed for the completion of photo-identification procedures (..) During all this time they have no freedom of movement. (..) **at the moment (..) the migrant is detained in hotspot centres for a period that varies from 48 hours until, in cases of refusal to submit to photo-identification, more than 30 days without any communication to the judicial authority** (Italian Chamber of deputies, 2016g:26).

On the website of its project called *OpenMigration*, the NGO *Italian Coalition for Civil Liberties and Rights* highlighted that:

(..) factually the permanence [of migrants in hotspot] is basically indeterminate as it is linked to the procedures of photo-identification and fingerprinting (Cild, 27 March 2017)<sup>84</sup>.

In a 2017 report, the *Danish Refugee Council* stated that:

“Detention and the blurring of reception and detention in the hotspots has been a key source of concern since the commencement of their operation. **In the Italian hotspots in 2015-16, there were widespread reports of the arbitrary detention for identification purposes of new arrivals, in order to pressure them into providing their fingerprints**” (DRC, 2017: 18).

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83 In particular, as Savino observed: “With regard to the CPSAs and the treatment of migrants therein, Legislative Decree no 142 of 2015 is silent; its Article 8(2) simply provides that the tasks of first aid, reception, and identification continue, as in the past, to be carried out in the existing CPSAs, as established by the pertinent legislation (Law-decree no 451 of 1995). That legislation (..) limited itself to allocating the financial resources necessary (..) without qualifying their legal nature as either “closed” or, alternatively, “open” centers”, (Savino, 2016:988).

84 Available at: <https://openmigration.org/analisi/migrazione-e-liberta-il-punto-di-un-anno-di-monitoraggio-da-parte-del-garante-nazionale/>.



Vassallo-Paleologo (on the website of the “Associazione Diritti e Frontiere – ADIF”) suggested that the hotspot approach contributed to:

(..) a great confusion between structures that should have been reception structures, and closed centres, called Hotspots, in which migrants just disembarked remained for days and weeks, before being identified (Vassallo-Paleologo, 29 October 2017)<sup>85</sup>.

In this respect, migrants were de facto detained until the completion of identification procedures for a period of time that could be different in each hotspot area. Several sources<sup>86</sup> reported that in Pozzallo and in Messina, migrants were allowed to go in and out from hotspot centres only after the completion of identification procedures; in Lampedusa, migrants were not formally allowed to exit the hotspot centre, but they went in and out from a hole in the wire-mesh (Asgi et al., 2018:13).

In relation to the coercion of migrants, some ASGI experts emphasized the *total illegitimacy of the hotspot approach* (ASGI, 2018a:5):

(..) hotspots are closed areas (..) which imply that the personal freedom and the freedom of circulation of the people held there are compromised. Concerning hotspots, not only the law and judiciary safeguards established by art. 13 of the Constitution are not guaranteed, but it is not even adopted a measure that would be submitted to judicial review. These are situations of deprivation of personal freedom and of freedom of circulation lacking of any legal basis, characterized by a total arbitrariness of the public administration (ASGI, 2018a:4)<sup>87</sup>.

With the *security decree* of October 2018 the Italian government partially provided a legal framework for the temporary detention (for identification purposes) of migrants and asylum seekers in hotspot areas (ASGI, 2018c).

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85 Available at: <https://www.a-dif.org/2017/10/29/respingimenti-differiti-e-trattenimento-illegittimo-di-tunisini-a-lampedusa/>

86 Interviews with: Red Cross coordinator, RCO2, Ragusa, June 2018; TDH operator, TDH2, Pozzallo, June 2018; activist, ACT1, Messina, April 2018; Informal conversations with ASGI experts, Catania, September 2018.

87 See also [http://www.cortedicassazione.it/cassazione-resources/resources/cms/documents/Khlaifia\\_e\\_altri\\_c\\_Italia.pdf](http://www.cortedicassazione.it/cassazione-resources/resources/cms/documents/Khlaifia_e_altri_c_Italia.pdf).

In agreement with theory (Andrijasevic, 2006, 2010; Alberti, 2010; Mountz et al., 2012; Schmoll and Bernardie-Tahir, 2014b), practices of migrants' detention like the ones described in this section contribute to perpetuating processes of *bordering* that involve the categorization, the selection and the stratification of migrant legal statuses and rights.

#### Mobile hotspots: the cases of Catania and Augusta

*Hotspot procedures* have been implemented also in areas not officially defined as *hotspot centres*. As discussed above, *hotspot procedures* have been implemented in the pre-existing first reception centres of Lampedusa, Pozzallo and Messina that were officially defined as hotspot centres<sup>88</sup>. However, these procedures have been implemented also in other sites: in fact, while hotspot centres have not been built in the ports of Augusta and Catania, *hotspot procedures* were carried at the docks. In these two cities, identification and filtering procedures were mainly carried out in temporary structures (made of gazebos and tents) set up at the docks. Whenever there was a disembarkation in Catania, police officers brought photo-identification and fingerprint equipment to the port (Interview with Red Cross coordinator, RCO1, Catania, April 2018). At the port of Augusta, "The mobile "hotspot" unit (...) consisted of two large Rubb Hall tents and three 12-bed tents located near the quayside and provided temporary camp beds for up to 600 people. The place was secured by a 3-meter-high fence" (Council of Europe, 2018:10). These are examples of what has been called *mobile hotspot* (Council of Europe, 2018:10; Interview with Red Cross coordinator, RCO1, Catania, April 2018). In Catania, *hotspot procedures* were concluded as quickly as possible at the dock; successively migrants were transferred by bus directly into reception centres that could have been situated all over Italy. As explained to me by the Red Cross coordinator:

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<sup>88</sup> Among official hotspot centres there were also one in Trapani (western Sicily) and one in Taranto (Apulia).

in Catania the disembarkation implies also the indication of a number, the identification and the immediate transfer [from the dock] because, as there are not reception centres, migrants do not remain here but they are mostly transferred towards other regions (Interview with Red Cross coordinator, RCO1, Catania, April 2018).

Compared to Catania, Augusta can be considered as a *semi-mobile hotspot* in which the permanence of migrants depended on: a) the number and frequency of arrivals and b) the availability of places in reception centres. The following extract describes how the temporary structure was set up:

in Augusta (..) there is not the hotspot, **it works as a hotspot** meaning that clearly they implement identification procedures as if it was a hotspot. (..) Augusta has an absolutely peculiar organization (..) because due to the significant influx (..) that there had been since the summer 2013 (..) **they invented this camp of very first reception with really basic facilities** (..) and they did everything there because there was not the possibility to transfer everybody and therefore (..) people could sleep there waiting to be transferred (Interview with Team of Emergency, EM1, Siracusa, July 2018).

An extract of a *Terre des Hommes*' document describes the functioning of the transfer of migrants from the docks of Augusta during 2016 (a period of huge arrivals):

Augusta is the only port inside which it has been established a camp of temporary permanence, with a functioning similar to a hotspot, where migrants (..) wait a long time for a transfer in centres of first reception, sometimes for several weeks (*Terre des Hommes*, 2017:18).

At the same time, as reported by *Emergency* operators in 2018, procedures in Augusta were swiftly carried out (in particular after the drop in the number of migrant arrivals in the second half of 2017):

(..) factually in Augusta people disembark, they are photo-identified and they are transferred (Interview with Team of Emergency, EM1, Siracusa, July 2018).

In Augusta and in Catania migrants were usually registered, identified and, unless they received a rejection order, they were swiftly transferred towards other reception centres. While the assistance and rapid transfer of migrants from the docks towards reception centres were procedures in continuity with the past, the sorting and rejection of migrants directly at the docks can be considered a shift that occurred with the introduction of the hotspot approach.

Some ASGI experts (informal conversations with ASGI experts, Catania, September 2018) underlined that first identification interviews could have a different relevance depending on where they were carried out: in *mobile hotspots*, the selection of migrants based on the *foglio-notizie* could have more relevance than in hotspot centres. The classification of migrants, and the consequent issuing of rejection orders for “economic” migrants, was rapidly carried out: there was not enough time to possibly correct migrants’ statements the day after if they changed their mind or in cases of misunderstandings. This could instead happen in hotspot centres (Informal conversations with ASGI experts, Catania, September 2018).

### **5.3 TWO MAIN PHASES OF THE HOTSPOT APPROACH IMPLEMENTATION**

The analysis of documents and interviews allowed me to identify two main phases that characterized the *hotspot approach* implementation in Sicily between the end of 2015 and the end of 2018: a first phase of increased and summary rejections and a second phase during which migrants were mostly channelled towards asylum procedures and reception.

#### **5.3.1 FIRST PHASE: ARBITRARY PRACTICES AND INCREASED REJECTIONS**

The initial phase of the hotspot approach implementation (from the end of 2015 to at least the end of 2016) has been characterized by a summary selection

(sometimes collective and not case by case) between asylum seekers and “economic” migrants (Oxfam, 2016a; ECRE et al., 2016; DRC, 2017; Council of Europe, 2018). There was an increase in the number of rejection orders issued by Italian authorities in hotspot areas: thousands of rejection orders had been issued to entire groups of migrants (Oxfam, 2016a; Italian Chamber of Deputies, 2016a; DRC, 2017; Interviews with: migration lawyer, ML1, Catania, December 2017; Oxfam team, OX2, Catania, November 2018)<sup>89</sup>. The increase in the number of rejection orders issued to a heterogeneous range of nationalities (mainly those not considered as *in clear need of protection*) represents a difference from the previous system. The increased number of rejection orders (that in the majority of cases implied also the order to leave the Italian territory autonomously) contributed to producing a significant number of “irregular” migrants that were simply left outside the reception system (Oxfam, 2016a). In agreement with theory (De Genova, 2002, 2013), the increased *irregularization* of migrants can be considered a product of the strengthening of *bordering* policies and practices. Moreover, the increase in the use of *deferred rejection orders* can be considered as a form of border *introversion* (Cuttitta, 2007). At the very beginning of the hotspot approach implementation, the option “asylum” was not present among the *reasons of the journey* reported in the *foglio-notizie* (it was added at a later stage) (Italian Chamber of Deputies, 2015a, 2016f; Oxfam, 2016a). Oxfam reported that rejection orders “(..) were all identical pre-printed forms, except for the migrants’ personal data and the name of the police headquarters issuing them” (Oxfam, 2016a: 22): according to the NGO, this happened in several areas such as Lampedusa, Ragusa and Catania (Oxfam, 2016a). Furthermore, as confirmed by several sources<sup>90</sup>, during the police interview the cultural mediator that worked with the authorities had the task of identifying and establishing the nationality of the migrant. The attribution to the cultural mediator of the responsibility to identify (or rectify) the nationality of the migrant has been considered as an arbitrary practice

89 See also <http://www.centroastallipalermo.it/la-verita-sul-sistema-hot-spot-violazioni-e-illegalita-a-lampedusa-la-denuncia-delle-associazioni/>.

90 Italian Chamber of Deputies, 2016d:5; Oxfam, 2016a; Interview with migration lawyer, ML1, Catania, December 2017.

which contributed to filter migrants mainly on the basis of nationality (Oxfam 2016a:15; Interview with migration lawyer, ML1, Catania, December 2017).

In December 2015, a local NGO provided an example of how procedures worked:

all migrants who received a measure of rejection passed through the hotspot of Lampedusa, where immediately after their arrival they are pre-identified and authorities submit them a questionnaire, so called *foglio-notizie*, through which law enforcement agents, supported by *Frontex* agents, operate a first selection distinguishing potential asylum seekers and economic migrants without providing them any information about the right to claim asylum, as established by the art.2 of the Consolidate Law on immigration (..) Migrants are invited to sign the questionnaire redacted in a language they do not understand and without receiving any copy of this form (*Borderline Sicilia*, Website post, 2015)<sup>91</sup>.

Oxfam collected several migrants' accounts of these arbitrary practices. I report below some extracts of these accounts (Oxfam, 2016a):

"I told them that I had to flee my country because of the conflicts (..) my country is at war (..) that's why I cannot go back. I told them. But two days later they gave me a document [the return order], and I had to go" M., 23-year-old, from Ghana, arrived at Lampedusa (Oxfam, 2016a: 17);

"When they interviewed me and wrote down in a paper, I said, "Asylum! Asylum!" I told them, I swear! Then they put me together with other people from Nigeria, Togo, and Mali. They gave us the paper [the return order]" B., 22 years old, from Gambia, arrived in Pozzallo (Ibidem);

"Two more young men from Gambia whom Oxfam met in Agrigento reported that they had told the policemen who were escorting them on the ferry boat from Lampedusa to Porto Empedocle about their intention to apply for asylum. They did so in vain: shortly before landing they were delivered a return order" (Ibidem).

The lack of information received by migrants about procedures and about their rights contributed to perpetuating practices of summary selection of migrants. For example, Oxfam reported that:

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91 available at: <https://www.meltingpot.org/Hotspot-e-respingimenti-differiti-il-modello-Lampedusa.html>.

“A., aged 30, from Nigeria, arrived in Catania (...). He recalls having received a return order before being informed about his rights: ‘As we got off the ship they put us in a line for fingerprinting and photo-identification then they asked us about our name and country of origin no one asked me whether I wanted to apply for asylum; they gave us the paper instead [the return order]. I was with a group of other Nigerians – we were put onto the streets’” (Oxfam, 2016a:20).

During this first phase, the way in which hotspot procedures were carried out contributed to the summary sorting and rejecting of migrants: this way of functioning has been criticized by several actors (Oxfam, 2016a; ECRE et al., 2016, 2017, 2018; DRC, 2017; CIR et al., 2018; Council of Europe, 2018). First of all, in the Italian system the police is entrusted only with the task of receiving and registering the expression of the wish to apply for asylum (and not with the task of determining if the person is *in need of protection* or not) (Oxfam, 2016a). In addition, some of migrants’ rights were undermined: they did not receive a copy of the *foglio-notizie*, they did not always receive complete information about procedures and a translation in a comprehensible language (Oxfam, 2016a; ECRE et al., 2016, 2017, 2018; DRC, 2017; Council of Europe, 2018).

The summary and arbitrary issuing of rejection orders began to gradually decrease already after January 2016, when the chief of the *Department for Civil Liberties and Immigration* (of the Ministry of the Interior) issued an administrative circular to prefects and police chiefs (circular n. 168, 8 January 2016)<sup>92</sup>. This administrative circular stated that practices of swift categorization and attribution of legal positions to migrants were illegitimate (Ministry of the Interior, 2016a; FRA, 2016:20; Oxfam, 2016a; Italian Chamber of Deputies, 2016g). According to Sciorba, this administrative circular “(...) was clearly in contrast with the recent procedures in the Italian Hotspots” (Sciorba, 2017: 109).

Moreover, Sciorba (2017) argued that inside the Ministry of the Interior there were different visions (at least during the initial phase of the *hotspot* implementation)

<sup>92</sup> See Italian Chamber of Deputies, 2016g; Oxfam, 2016a.

about how the *hotspot approach* should have functioned. Scirba reported the following words of the Prefect of Trapani:

“«the Italian Ministry of the Interior has two departments that are poles apart: the Department for Civil Liberties and Immigration and the Department of Public Security»” (Scirba, 2017:109)

and then the same author provided an interpretation of the above-mentioned tension inside the Ministry of the Interior in relation to an episode of summary rejection occurred at the hotspot of Trapani

“In Falco’s opinion, what happened at the Hotspot in Trapani was a manifestation of the deeper tensions between the different perspectives that these two entities within the same Ministry usually take on migration issues” (Scirba, 2017:109)<sup>93</sup>.

Factually, in December 2015 the *Central Direction of Immigration and Border Police* (belonging to the *Department of Public Security of the Ministry of Interior*) had issued an administrative circular regarding hotspot procedures: with regard to this circular, according to an ECRE report, “It needs to be noted that through a Circular issued by the MoI, the police are essentially given the task to assign migrants a legal status” (ECRE et al., 2016: 25; see also Amnesty International, 2016:34). The position of the *Central Direction of Immigration and Border Police* (circular of December 2015) was not concordant with that of the *Department for Civil Liberties and Immigration* (circular of January 2016).

However, as a migration lawyer explained to me:

(..) after the diffusion of the administrative circular [of January 2016] the situation started to progressively ameliorate in relation to the strengthened and summary selection on the basis of nationality (Interview with migration lawyer, ML1, Catania, December 2017).

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<sup>93</sup> “Falco” was the Prefect of Trapani and the reference is to an episode of summary and arbitrary rejection occurred at the hotspot of Trapani.



Arbitrary practices and summary rejections did not completely end after the administrative circular of January 2016<sup>94</sup>. Among other cases, the local NGO *Borderline Sicilia* reported what follows:

Around 250 (..) This is the number of migrants, mainly of Moroccan origin, rejected after their arrival in Pozzallo (..) Rejection orders made in series which impose to leave the Italian soil within one week from the airport of Fiumicino (*Borderline Sicilia* website, 11 April 2017)<sup>95</sup>.

### 5.3.2 IRREGULARIZATION OF MIGRANTS THROUGH ARBITRARY PRACTICES? A MORE COMPLEX REALITY

During this initial phase that lasted from the end of 2015 to the beginning of 2017, Italian authorities issued summary rejection orders to several migrants. In continuity with the past (see *chapter 1*), authorities mostly used *deferred rejection orders* often accompanied by the order to leave the Italian territory. This way of issuing rejection orders contributed to increasing the number of migrants left out from the reception system: several among these migrants remained on the Sicilian territory and experienced conditions of exclusion (Oxfam, 2016a; Interview with Emergency team, EM1, Siracusa, July 2018). In January 2016, the chief of the Italian police explained (before the *Parliamentary Commission*) some of the difficulties faced by authorities in relation to repatriations after the completion of *hotspot procedures*:

The problem is that, after the hotspot, we struggle with individuals who do not access to asylum procedures (..) The problem is that we cannot repatriate someone, even if identified, unless the consulate of the country of origin gives us the authorization to return him. This is how the mechanism stops. We – just to simplify – repatriate Nigerians, Egyptians, Tunisians and, even if less, Moroccans and Algerians (Italian Chamber of Deputies 2016d: 12-13)<sup>96</sup>.

94 Cases of arbitrary practices continued even after 2017: ECRE et al., 2017, 2018, 2019; ASGI et al., 2018.

95 <http://siciliamigranti.blogspot.com/2017/04/nuovi-respingimenti-arresti-e-hotspot-i.html>.

96 This issue is also linked to the fact that places in CIE are not enough so when the *Ufficio Immigrazione* issues the so called *deferred rejection*, it contacts the Department of Immigration that communicates the availability of places. If there are

In the following extracts, two *questori* (of Agrigento and of Ragusa) explained this mechanism and its consequences before the *Parliamentary Commission*:

The rejection implies the placing in CIE or the order to leave the national soil within seven days. The law does not establish any form of particular assistance for those who have to leave the national territory (..) the law states that we give them the order and that then they, through their means, have to leave the national territory (Italian Chamber of Deputies, 2016b:13).

Concerning the issue of the rejected, the problem will recur again – if it is a problem – for the prefect and for the *questore*, because **those rejected with the order to leave remain on the territory** (..) (Italian Chamber of Deputies, 2016b:22).

While a relevant number of migrants was left out from the reception system, often experiencing dramatic situations of exclusion (Oxfam, 2016a), several migrants had the chance to appeal against rejection orders. TSOs such as *Caritas* and *Arci*, groups of activists and lawyers played a key role in helping migrants: these actors intercepted migrants rejected from hotspot areas, informed them about their right to apply for asylum and helped them to appeal against rejection orders. As a migration lawyer explained to me:

(..) the majority of migrants have been able to appeal against the rejection orders and a lot of them were accommodated in reception centres as asylum seekers after the pronouncement of tribunals (Interview with migration lawyer, ML1, Catania, December 2017)<sup>97</sup>.

The following extract of the interview with operators of the team of *Emergency* describes how the first phase of increased issuing of rejection orders contributed to increase the number of “irregular” migrants. In this same extract, the role played by TSOs in contrasting these practices is highlighted:

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places in CIE, the authorities proceed to the transfer of migrants to CIE. If there are not available places, authorities issue the order to leave the territory within seven days (Italian Chamber of Deputies, 2016b: 13 – 14).

97 See also Italian Chamber of Deputies, 2016b:8.

(..) in Siracusa, between the end of 2015 and the beginning of 2016 there were a lot of migrants who arrived and were rejected at the border. In Siracusa, due to the fact that there is an ARCI office (..) these migrants have been able to appeal [against the arbitrary rejection order]. Factually, the government understood that these migrants were ultimately accommodated in the reception system. Clearly not the 100% of them but the majority of them were accommodated in reception centres after the appeal (..) I think that at that time they [authorities] changed their minds (..) I give you an example. I am rejected at the border, I find an office of a civil-society organization, they signpost me towards a lawyer, I appeal and I am accommodated in the reception system (..) The problem was that before migrants would come into contact with the civil-society organization they were in the street (..) therefore there was a real social emergency (Interview with Emergency team, EM1, Siracusa, July 2018).

The majority of these actors that supported migrants were local or national organisations. However, an international NGO like Oxfam was one of the organizations more involved in this activity. As *chapter 7 and 8* will describe, these actors contributed to *politicize* the hotspot system by playing the role of watchdogs, by raising public awareness, by denouncing arbitrary practices and by advocating for migrant rights.

### 5.3.3 SECOND PHASE: CHANNELLING MIGRANTS TOWARDS ASYLUM PROCEDURES AND RECEPTION

Since the beginning of 2017, and in particular with the drop in the number of arrivals that started in July of the same year, the arbitrary and summary issuing of rejection orders significantly reduced (interview with Oxfam team, OX2, November 2018) and a process of *normalization* of the situation began (Interview with migration lawyer, ML1, Catania, December 2017). Several sources<sup>98</sup> suggested that the migration management system returned to be characterized by the channelling of the majority

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<sup>98</sup> Interviews with: migration lawyer, ML1, Catania, December 2017; MEDU coordinator, ME1, Ragusa, December 2017; Red Cross coordinator, RCO2, Ragusa, June 2018; TDH operator, TDH2, Pozzallo, June 2018.

of migrants towards reception and asylum procedures. Some interviewees suggested that, after the end of the first phase, the *hotspot system* was again mostly characterized by reception and assistance rationales:

the hotspot approach has failed, **currently the hotspot is nothing more than a centre of first reception**. That is, in the ones [hotspots] officially recognized by the Italian government (..) it is immediately provided a shelter to people where they can sleep, eat and change their clothes (..). In the others: in Catania they transfer immediately all migrants after identification, instead in Augusta migrants stay in the camp the time necessary to transfer them in other Italian regions or to obtain the availability of other prefectures to accommodate them. Anyway, they are immediately transferred (Interview with Team of Emergency, EM1, Siracusa, July 2018).

However, north-African migrants continued to be mostly subjected to rejection orders. In continuity with the past (see *chapter 1*), north-African migrants, and in particular Tunisians, mostly received rejection orders and were channelled towards repatriation procedures (ECRE et al., 2017, 2018; ASGI et al., 2018). As described by an ECRE report drafted by ASGI experts:

“People are often classified just solely on the basis of their nationality. Migrants coming from countries informally considered as safe e.g. Tunisia are classified as economic migrants, prevented from accessing the asylum procedure” (ECRE, 2018:28).

This differentiated treatment is described in the following extracts from interviews with some humanitarian operators:

(..) there are the well-known bilateral agreements with some countries such as Morocco, Tunisia, maybe Egypt, and authorities send them back (..) in fact, they arrive autonomously, they are all Tunisians, and they stay at the hotspot until they are sent back (Interview with Red Cross coordinator, RCO2, Ragusa, June 2018).

(..) we have seen that the majority of migrants we saw disembarking in Augusta (..) are placed in reception centres except for those nationalities about which we were talking before: some countries from north-Africa and some countries that signed an agreement with Italy such as Tunisia (Interview with Team of Emergency, EM1, Siracusa, July 2018).

In continuity with the past (Pastore and Roman, 2014), the likelihood of receiving rejection orders was higher for migrants coming from north-African countries. The treatment reserved to Tunisian citizens (but also to Egyptians and Moroccan) can be understood within the framework of the Italian and European policy of *externalization* (Clochard, 2003; Wihtol de Wenden 2005; Bensaâd, 2003, 2008; Cassarino and Tocci, 2011) that involved agreements about quotas and repatriations with north-African countries<sup>99</sup>.

During this second phase, the pre-identification interview (*foglio-notizie*) continued to be one of the main tools that contributed to define the legal position of north-African migrants directly in hotspot areas (ECRE et al., 2018; Informal conversations with ASGI experts, Catania, September 2018).

Nationality was not the only relevant criterion that contributed to define the legal position of migrants in hotspot areas: another relevant criterion was the *vulnerability* of migrants (on which I will focus more in detail in *chapter 8*). The legislative decree 142/2015 defined a set of vulnerable categories and, in the Italian system, there is a limited possibility to reject or repatriate migrants belonging to these categories (article 19 of the Consolidated Immigration Act). At the same time, some groups that were not formally included in the vulnerable categories (e.g. family units) were usually channelled by the authorities towards reception and asylum procedures. For example, with specific regard to Catania, the Red Cross coordinator told me that:

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<sup>99</sup> In particular, the agreement between Italy and Tunisia established that every week a maximum of around 70/80 Tunisian citizens could be repatriated by charter flights (Asgi et al., 2018; see also [https://www.agi.it/estero/roma\\_tunisi\\_rimpatri\\_migranti-5805309/news/2019-07-10/](https://www.agi.it/estero/roma_tunisi_rimpatri_migranti-5805309/news/2019-07-10/)).

(..) family unities are never the object of a rejection order while they are always oriented towards reception centres and asylum procedures (Interviews with Red Cross coordinator, RCO1, Catania, April 2018).

Hotspot centres	Total of arrivals in each hotspot centre (2016-2018)	Total of rejection orders issued by each Police Headquarter (2016-2018)
Lampedusa	24038	5604
Messina <sup>100</sup>	3964	482
Pozzallo	35009	2439
Taranto	24744	547
Trapani	31851	3955
<b>Total of arrivals / Total of rejections</b>	<b>119606</b>	<b>13027</b>

**Table 5.** Number of rejection orders issued to migrants passed through hotspots in Italy between the 1<sup>st</sup> of January of 2016 and the 31<sup>st</sup> of December 2018. (Source: Author's elaboration on data provided by the *Ministry of the Interior – Department of Public Security* and by the reports of the *National Guarantor for the rights of persons detained or deprived of liberty*, 2019:133).

According to the data shown in Table n.5, between the 1<sup>st</sup> of January of 2016 and the 31<sup>st</sup> of December 2018, out of a total of around 120 000 migrants that passed through hotspot centres in Italy around 13 000 received a rejection order. These data do not take into account expulsion orders that were employed in certain cases (ECRE et al., 2016:21). Moreover, these data do not take into account the very first phase of 2015, when the only (officially) active hotspot centre was that of Lampedusa. However, according to data reported by the *Parliamentary Commission*, the rejection orders issued between September 2015 and January 2016 to migrants that had passed through the hotspot of Lampedusa were 1426 (Italian Chamber of Deputies, 2016a). Finally, these data do not take into account the hotspot areas of Catania and Augusta. However, two main elements suggest that the number of rejection orders issued in these two sites could be considered in line with the data showed by Table n.5: a) the above-mentioned extracts of the interview with *Emergency* operators can give an

<sup>100</sup> The data for Messina concern the years 2017 and 2018.

idea of the dimension of this phenomena in the port of Augusta; b) in Catania rejection orders during 2016 and 2017 would have been around a few hundred per year<sup>101</sup>.

According to these data, between the introduction of the hotspot approach (end of 2015) and the end of 2018 the majority of migrants disembarked in Sicily were channelled towards reception and asylum procedures (and categorized mainly as asylum seekers, “vulnerable cases” or minors). It can be argued that, after an initial restrictive phase, the *hotspot system* gradually went back to channelling the majority of migrants towards reception and asylum procedures (in substantial continuity with the previous system).

## TO SUM UP

*Paragraph 5.1* focused on the main documents through which EU and Italian authorities introduced the *hotspot approach*. The EU and Italian authorities’ rationale underpinning the introduction of the *hotspot approach* was mainly based on the dichotomy between *forced* and *voluntary* migration. This vision is based on the idea that there can be a clear distinction between asylum seekers and “economic” migrants; in agreement with theory (Zetter, 2007; Jeandesboz and Pallister-Wilkins, 2014; Tassin, 2016; Vollmer, 2016; Akoka, 2016; Bassi, 2018; Sigona and McMahon, 2018), this rationale underpins EU and member States *bordering* discourses and practices. Moreover, a further classification was introduced within the “asylum seeker” category (i.e. asylum seekers *in clear need of protection*). The multiplication of migrants’ categories based on vulnerability criteria has characterized EU and national policy strategies even before the introduction of the *hotspot approach* (Cuttitta, 2007; Pastore and Roman, 2014). Processes of this kind contribute to: a) perpetuating hierarchies of legal statuses for “vulnerable” migrants to whom differentiated rights are attributed (Tickin, 2006; Cuttitta, 2007; Fassin, 2010; Pastore

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<sup>101</sup> Informal conversation with a key informant, Catania, September 2018.

and Roman, 2014; Pallister-Wilkins, 2018) and b) strengthening the selectivity of borders and perpetuating the differential inclusion of migrants (De Genova, 2013; Mezzadra and Neilson, 2010, 2011; Tazzioli, 2015; Mezzadra, 2015; Cuttitta, 2018a).

While the *hotspot approach* was framed by the EU Commission and Italian authorities as a *new tool*, the main vision underpinning the introduction of the hotspot system was based on the *migration management* paradigm. In agreement with theory (Geiger and Pécoud, 2010, 2014; Kalm, 2010, 2012; Schotel, 2013; Pécoud, 2017), the *migration management* vision has characterized the dominant discourse (and policy measures) regarding international migration governance at least since the 1990s.

Heterogeneous actors (e.g. EU agencies, the IOM, the UNHCR) contributed to the definition of the procedures carried out in Italian hotspot areas. Migration governance processes of this kind can be considered as *multilevel* and *multilateral* processes (Zincione and Caponio, 2006; Wihtol de Wenden, 2012; Lavenex, 2016; Crépeau and Atak, 2016; Spencer, 2017): heterogeneous actors situated at different levels play a relevant role in the definition and implementation of migration policies (Betts, 2013; Geiger and Pécoud, 2010; Ambrosini and Van der Leun, 2015).

*Paragraphs 5.2 and 5.3* suggested that, between the end of 2015 and the end of 2018, the implementation of the *hotspot approach* in Sicily was characterized by two main phases:

- a first phase (from the end of 2015 to the end of 2016) characterized by the increased and arbitrary issuing of rejection orders to migrants of several nationalities;
- a second phase (in particular from the second half of 2017) characterized by the channelling of the majority of migrants towards reception and asylum procedures.



The hotspot practices implemented in Sicily (from the end of 2015 to the end of 2018) contributed to increasing the differentiation of legal statuses attributed to migrants and the stratification of migrant access to territory and rights. In particular, the introduction of the *hotspot approach* contributed to the hardening of controls, the systematic collecting of fingerprints and the anticipation of the filtering of migrants directly in hotspot areas. However, hotspot procedures have mostly been based on the *bureaucratic routines of migration control* that have characterized southern EU border management at least since the beginning of 2000s (Jeandesboz and Pallister-Wilkins, 2014; Tassin, 2016; Bassi, 2018): in this sense, despite the *migration and refugee crisis* rhetoric, the dichotomy *forced* (to be accommodated) versus *voluntary* (to be repatriated) migrants continued to underpin migration management practices at the southern border of Italy.

## CHAPTER 6

### HUMANITARIAN TSOs AND THEIR DISCURSIVE POSITION IN RELATION TO THE *HOTSPOT APPROACH*

#### *Aims of the chapter*

- to present the role of each humanitarian TSO in relation to the hotspot system and to describe their shared approach towards *protection*;
- to explore the discursive position of these humanitarian TSOs in relation to the *hotspot approach*.

#### 6.1 INTRODUCING HUMANITARIAN TSOs AND THEIR ROLE IN RELATION TO THE HOTSPOT SYSTEM

##### 6.1.1 THE ITALIAN RED CROSS

Since at least the beginning of the 2000s, the Italian Red Cross has been involved in the management of migrant arrivals on the southern shores of Italy: this organisation was part of the *Praesidium* project and supported the Ministry of the Interior in the management of migration. As reported within the *regional health contingency plan* of 2014 renewed by that of 2017 (drafted by the Italian Ministry of Health, the Sicilian regional council and the World Health Organization), the Red Cross has the role of auxiliary to public authorities (Sicilian Regional Healthcare Department, 2014; Ministry of Health, 2017:10). As established by these *contingency plans*, the Red Cross intervenes at all disembarkation points: in eastern Sicily, the organization is present in Augusta, Catania, Pozzallo and Messina. Until at least 2018, the Red Cross managed the hotspot of Lampedusa in continuity with the past (see *chapter 1*)<sup>102</sup>.

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<sup>102</sup> <https://www.ilfattoquotidiano.it/2018/03/19/migranti-600-da-ricollocare-dopo-la-chiusura-degli-hotspot-di-lampedusa-e-taranto-difficile-sapere-dove-finiranno/4237038/>.

According to the *Emergency Plan of Action operation update* (IFRC, 2016), “The Italian Red Cross focuses its support to the migrants based on their immediate needs, regardless of their legal status and renders them humanitarian assistance” (IFRC, 2016:2).

According to formal agreements (Sicilian Regional Healthcare Department, 2014; Ministry of Health, 2017), the Red Cross committees provide material and logistical support to the authorities: they provide ambulances, gazebos, tent structures, stretchers, medicine, hygiene and food kits and a number of volunteers that vary in relation to the capacity of each committee. Red Cross operators are mainly volunteers and are unpaid (interviews with: Red Cross coordinator, RCO1, Catania, April 2018; Red Cross coordinator, RCO2, Ragusa, June 2018). Besides logistical and material support, the main role of the Red Cross involves support to national and local healthcare authorities (ASP<sup>103</sup>) in operations of medical screening (Sicilian Regional Healthcare Department, 2014; Ministry of Health, 2017; Italian Red Cross, 2017). As explained by the Red Cross coordinator of Catania:

(..) we provide all means and tools, we have a series of gazebos where we establish the PMA<sup>104</sup>. We set up a gazebo that can be used to isolate cases of diseases or to carry out scabies treatment (..) if the Asp doctor rules in favour of the hospitalization we transfer the person to the hospital with our ambulances (Interview with Red Cross coordinator, RCO1, Catania, April 2018).

In addition, the Red Cross’ formal activities include the provision of information to all migrants in order to avoid the separation of families at the docks and in hotspots: this is called *Restoring Family Links* (RFL) and I will focus on this activity in *chapter 8*. The Red Cross’ activities were mainly financed by its own funds (IFRC, 2016; Ministry of Health, 2017; Interview with Red Cross coordinator, RCO1, Catania, April 2018).

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<sup>103</sup> Azienda Sanitaria Provinciale.

<sup>104</sup> Posto Medico Avanzato, is like a first-aid medical station.

## 6.1.2 THE UNHCR

The UNHCR intervenes at the southern shores of Italy since at least 2006, following the launch of the *Praesidium* project. Since 2015, the UNHCR continues its intervention within the framework of a project called “Access”, performing the same tasks carried out under *Praesidium*. As explained to me by a UNHCR spokesperson:

(..) since around 2015 [Praesidium] has been substituted by a new project, called Access, which is currently underway. This project is the continuation, with more human resources (..) of the old Praesidium project (Interview with UNHCR spokesperson, UN1, Catania, April 2018).

*Access* is directly funded by AMIF funds (*Asylum, Migration and Integration Fund*) which are EU funds. The State receives these funds from the European Union and signs bilateral agreements with some actors such as the UNHCR (Interview with UNHCR spokesperson, UN1, Catania, April 2018). Within the framework of *Access*, the UNHCR performs tasks on behalf and in support of the State:

Some projects [such as *Access*] are funded with AMIF funds that we receive directly from the State basically to perform tasks on behalf of the State, in support to the State (Interview with UNHCR spokesperson, UN1, Catania, April 2018).

UNHCR operators (each team includes one legal-associate and one cultural mediator) intervene in all hotspot areas in Sicily: one team for Pozzallo, one for Augusta, one for Messina and Catania, and one for western Sicily (Interview with UNHCR spokesperson, UN1, Catania, April 2018).

According to its international mandate, the UNHCR focuses its action on the support and protection of refugees, asylum-seekers and stateless persons. The following extract from official documents describes the formal role of the UNHCR on the southern shores of Italy:

“In line with its mandate, the (...) UNHCR supports the Italian government **in ensuring that refugees, asylum-seekers and stateless persons fully enjoy their rights**. UNHCR Legal Associates and Cultural Mediators are present in several locations in southern Italy and attend key phases of disembarkation procedures, providing new arrivals with **information on international protection and other relevant procedures**, through leaflets and group information sessions. UNHCR also supports the authorities in identifying persons with specific needs” (UNHCR, 2017c:1).

The main formal activities of the UNHCR include the provision of information about international protection to new arrivals, the monitoring of procedures and the identification of vulnerabilities (UNHCR, 2017c). With regard to the latter, the agency’s website<sup>105</sup> states that the UNHCR cooperates with non-governmental organisations and authorities (first of all the Ministry of the Interior and the competent healthcare authorities): the goal is to promote mechanisms of identification, *referral* and support for vulnerable migrants.

### 6.1.3 MEDU (DOCTORS FOR HUMAN RIGHTS – ITALY)

MEDU started to intervene in Sicily around 2014 implementing a psychological and psychiatric support project for migrants. Since the summer of 2016, this NGO is present in the hotspot of Pozzallo. This involvement followed a request by the Prefecture of Ragusa after the rise in the number of migrant arrivals that occurred between 2015 and 2016 (Interview with MEDU coordinator, ME1, Ragusa, December 2017). In this context, the team of MEDU is composed of a coordinator, a psychologist, a psychiatrist and two cultural mediators.

MEDU’s intervention in the hotspot of Pozzallo is part of a broader project called “*ON.TO- Healing torture survivors coming from Sub-Saharan countries through the migratory routes of Northern Africa*” and focuses on the psychiatric and psychological assistance to torture survivors coming from sub-Saharan countries. This project is funded by private funds and in particular by associations and entities such as the

<sup>105</sup> <https://www.unhcr.it/cosa-facciamo/protezione/accesso-al-territorio-vulnerabilita>.

*Open society foundations – MHI, UNVFVT (the UN Voluntary Fund for Victims of Torture of the Office of the High Commissioner for Human Rights) and the Latter-day Saint Charities*<sup>106</sup>.

As reported on the NGO's website<sup>107</sup>, the main aims of MEDU in Pozzallo are: a) identifying victims of torture and supporting migrants having undergone inhuman and degrading treatments during their journey, and b) denouncing migrant conditions and advocating for the respect of migrant rights. The main formal activities described on the MEDU website are the following: a) the early identification of psychological vulnerabilities and the referral of vulnerable migrants to the authorities and to other TSOs; b) the collection of testimonies of migrants subjected to inhuman treatments during their journeys; c) the clinical monitoring and the follow-up of vulnerabilities.

The production of reports to raise public awareness and to advocate for the respect of migrant rights is one of the main activities of this NGO. As reported to me by the team coordinator in relation to MEDU's *mission*:

(..) in brief, **we cannot provide care without witnessing and vice-versa**. We intervene according to our capacities each time that we witness a violation of human rights and in particular when this violation concerns the right to health (Interview with MEDU team, ME2, Ragusa, July 2018).

#### 6.1.4 TERRE DES HOMMES

In Sicily, *Terre des Hommes* (TDH below) implements the “*Faro*” project that is aimed at providing psychosocial support to unaccompanied minors and to children and families who have arrived by sea. Over the years, this NGO has intervened in different reception centres in Sicily (e.g. in Ragusa, Catania, Agrigento and Siracusa).

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<sup>106</sup> <https://mediciperidirittiumani.org/on-to-stop-alla-tortura-dei-rifugiati-lungo-le-rotte-migratorie-dai-paesi-sub-sahariani-al-nord-africa/>.

<sup>107</sup> <http://mediciperidirittiumani.org/sbarchi-primo-soccorso-medico-e-psicologico-a-vittime-di-tortura-e-cidt-che-arrivano-in-sicilia/>.

From around June 2015, even before the activation of the *hotspot approach*, this NGO was present inside the Pozzallo reception centre (Interview with TDH coordinator, TDH1, Pozzallo, December 2017). During 2016, TDH team intervened also at the dock of Augusta (Terre des Hommes, 2017: 17).

The “*Faro*” project is funded by private resources such as those provided by the international federation of *Terre des Hommes*, the *d’Harcourt* foundation, the *ProSolidar* foundation, the C&A and *Zanetti* foundation and the *Vodafone Italy* foundation<sup>108</sup>.

The team that operates inside the hotspot of Pozzallo provides psychological support in emergency situations and is made up of a psychotherapist, a cultural mediator and a sociologist (Interview with TDH coordinator, TDH1, Pozzallo, December 2017; Terre des Hommes, 2017). The framework of the TDH intervention inside the hotspot of Pozzallo is defined by a specific protocol of understanding signed with the Prefecture of Ragusa and with the local healthcare authority (Interview with TDH operator, TDH2, Pozzallo, June 2018). In Pozzallo, the team operates first at the docks, mainly supporting the local healthcare authority, and then inside the hotspot where TDH operators carry out their activities. As reported by the NGO’s documents, and confirmed by interviews, *Terre des Hommes’* formal activities include: a) group reception (e.g. socialization activities for children, games, painting, very basic language courses); b) monitoring minors and families in order to identify psychological vulnerabilities; c) *referral* of vulnerable cases to the authorities (e.g. the prefecture) and to other TSOs; d) psychological interviews and support for those in need. In addition to the support of minors and families, *Terre des Hommes* advocates and campaigns for migrant rights (Terre des Hommes, 2017; Interviews with: TDH operator, TDH1, Pozzallo, December 2017; TDH operator, TDH2, Pozzallo, June 2018).

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108 <https://terredeshommes.it/progetto-faro/>.

### 6.1.5 OXFAM

In May 2016, *Oxfam Italy* launched “*OpenEurope*”, a humanitarian project aimed at supporting migrants excluded from reception and assistance, in particular as a result of their passage through *hotspots* in Sicily. According to Oxfam documents, the main goal of this project was to respond to the migrant crisis in Sicily and to ensure a wider respect of fundamental human rights of migrants: *OpenEurope* worked with people excluded from reception to ensure assistance in order to respond to their basic needs (Oxfam, 2017b).

Before launching this project, the NGO evaluated the situation on the ground and concluded that, while local services for migrants were already present, migrants might need assistance in order to be put into contact with those services<sup>109</sup>.

From the beginning of May 2016, Oxfam activated a mobile team in Sicily (composed of a socio-legal operator and a cultural mediator) that was able to reach places where migrants arbitrarily rejected from hotspots might be. The intervention was mainly aimed at a) informing migrants about their rights and b) referring them to lawyers if migrants needed to make appeals against rejection orders and to initiate asylum claim procedures. Besides legal information and guidance towards services, Oxfam operators also provided material support to migrants through the distribution of first-aid kits (Oxfam, 2016a, 2017b; Interview with Oxfam team, OX2, Catania, November 2018).

### 6.1.6 A SHARED RIGHTS-BASED APPROACH TO PROTECTION

At the end of the 1990s, several international humanitarian actors (e.g. UNHCR and NGOs such as Oxfam) were convened by the *International committee of*

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<sup>109</sup> During the first phase, Oxfam operators worked in order to map the presence (mainly on the Sicilian territory but including also other Italian regions) of services for migrants.



the Red Cross (ICRC) and agreed on a rights-based definition of *protection*. According to this definition, *protection* involves:

“(..) all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law, and refugee law. *Human rights and humanitarian organizations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender)*” (ICRC, 2009:8; see also Oxfam, 2017a:2).

Some actors (e.g. the ICRC and the UNHCR) have a formal mandate at the international level to protect specific categories of people (e.g. victims of armed conflict and other situations of violence for the ICRC and refugees and asylum seekers for the UNHCR). The role of international NGOs in assuring *protection* has been gradually recognized as complementary to that of mandated actors (Oxfam, 2017a). More specifically, “In 2016, the Inter-Agency Standing Committee (IASC) issued a *Protection Policy* affirming that all humanitarian actors have a responsibility to place protection at the centre of humanitarian action (..)” (Oxfam, 2017a:2).

This rights-based approach to *protection* is shared by all the actors analysed in the present research (ICRC, 2009; Oxfam, 2017a; *Terre des Hommes*, 2017). According to official documents, these actors place *rights-based advocacy* for migrants at the core of their action (IFRC, 2017; UNHCR, 2017c; *Terre des Hommes*, 2017; Oxfam, 2016a, 2017a).

As the following document extract reports, the Red Cross seeks “(..) to ensure respect for migrants’ rights under international and domestic law, including the special protection afforded to certain categories of people, such as refugees and asylum seekers” (IFRC, 2017:8). The *neutrality* of the Red Cross allows the organization “to advocate on humanitarian issues on behalf of those who are most vulnerable (..) the IFRC will raise issues of concern directly with authorities, or more broadly where appropriate” (IFRC, 2017:16).

The UNHCR aims at “(..) ensuring full and equal enjoyment of rights by all persons of concern, including persons with specific needs. Direct contact with persons of concern has been instrumental to inform UNHCR advocacy interventions” (UNHCR, 2017c:1; see also UNHCR, 2016e:5). *Terre des Hommes* adheres to IASC indications to protect those who are at risk of human rights violations and denounces these violations (Terre des Hommes, 2017; interview with TDH coordinator, TDH1, Pozzallo, December 2017)<sup>110</sup>. For MEDU, care for migrants goes hand in hand with witnessing and denouncing human rights violations<sup>111</sup>. According to official documents, Oxfam “(..) publicly committed to the centrality of protection in all its humanitarian action: to act proactively to reduce violence, coercion and abuse (..) against civilian populations, and to ensure respect for international humanitarian law” (Oxfam, 2017a:2). In particular, for Oxfam, defending basic human rights is crucial and implies taking a position on the causes that contribute to undermine people’s rights<sup>112</sup>. NGOs, the Red Cross and the UNHCR share the same rights-based approach to *protection* and put the defence of migrants’ rights at the core of their discourse.

## 6.2 (DE)POLITICIZING THE HOTSPOT SYSTEM THROUGH DISCOURSES

In this paragraph, I draw on official documents (reports, recommendations, communications, official declarations) to explore TSOs’ discourses in relation to the *hotspot system*. While all these actors formulate their discourses using mainly arguments related to *protection*, I identified three different TSO positions in relation to the *hotspot approach*: promoting the hotspot; a neutral position; and a critical position.

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110 Terre des Hommes follows IASC guidelines (the *Inter-Agency Standing Committee* that has been created by the UN) that formally endorsed this definition of *protection*.

111 <https://mediciperidirittiumani.org/en/about-us/#principi>; Interview with MEDU team, ME2, Ragusa, July 2018.

112 *OpenEurope* project coordinator conveying the official position of Oxfam during a training session on “protection and humanitarian aid”, Catania, September 2018.

### 6.2.1 PROMOTING THE *HOTSPOT APPROACH* – THE UNHCR

The UNHCR's discourse promote the *hotspot approach* both as an efficient tool to manage significant (in terms of numbers) migrant arrivals and as a model to be adopted in all EU countries of entry. Together with other measures (such as safe and legal pathways – that I will address in *chapter 7*), the UNHCR presents the *hotspot approach* as a model to be diffused in other countries in order to improve the protection of refugees. To protect refugees and to preserve and improve the asylum system (UNHCR, 2016c), the UNHCR promotes: a) the improvement of security checks and registration operations, b) the need to efficiently filter “economic” migrants and refugees (presented as part of so called “mixed-flows”), c) the need to identify and return *abusive or fraudulent* applicants, d) the need to reinforce the repatriation system and e) the introduction of accelerated asylum procedures directly at the borders of countries of entry. The UNHCR uses the same arguments based on *protection* to promote a) the respect of migrant rights, b) the fair treatment of asylum claims, c) the facilitation of family reunification, d) the implementation of adequate integration measures and e) improvements in the treatment of refugees more in general (UNHCR, 2016a, 2016b, 2016c, 2017a).

In 2016, the High Commissioner promoted the adoption of a plan to address the refugee “crisis”. As reported by the UNHCR's website, the first point of the plan was:

to **fully implement the so called ‘hotspot’ approach and the relocation** of asylum seekers from Greece and Italy and, **at the same time, to repatriate people who are not in need of international protection**, even through the existing readmission agreements (UNHCR, “*Sei passi verso la soluzione della crisi dei rifugiati in Europa*”, Published on the 4<sup>th</sup> of March 2016)<sup>113</sup>.

In 2016, in an official document called “*Better protecting refugees in the EU and globally*”, the UNHCR suggested a *system of common registration* of arrivals in order

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113 <https://www.unhcr.it/news/unhcr-passi-verso-la-soluzione-della-crisi-dei-rifugiati-europa.html>.

to improve the protection of refugees. This system of common registration, based on the *hotspot system*, was to involve:

“orderly processing of arrivals, **access to protection, security screening and family reunion** (..) This system would build upon the EURODAC and other relevant EU databases to improve data management. It would **ensure security checks at the point of entry**” (UNHCR, 2016c: 10).

In the same document, the UNHCR underlined the need to “revitalize” the asylum system and, “building on the lessons learned from the ‘EU hotspot approach’” (UNHCR, 2016c: 10), suggested the establishment of *Registration and Processing Centres (RPCs)* in all European countries of entry:

“The events of the past year highlighted the need for a revitalized asylum system in the EU. **This system would guarantee the right to asylum, enhance security screening**, facilitate the **efficient management of population movements** (..)” (UNHCR, 2016c:11).

The UNHCR presented the *common registration system* of arrivals as a key tool. The procedures in RPCs should have included:

“(..) registration; **security screening**; identification of specific needs; **referrals to reception centres; counselling and information provision**; referrals to the appropriate procedures; **swift decision making** (..)” (UNHCR, 2016c:11).

In the UNHCR vision, European agencies should play a key role in the improvement of this system:

“In the longer term, States may consider the gradual transfer of responsibility for the operation of RPCs from EU Member States to EU Agencies” (UNHCR, 2016c:10).

Furthermore, given its expertise based on a long-term experience on the ground, the UNHCR offered to contribute to the development of this system (based on the *hotspot approach*):

“UNHCR could advise on the development of this system based on its long experience of doing so in field operations” (UNHCR, 2016c:10).

In agreement with theory (Garnier, 2014; Wolff, 2015; Lavenex, 2016), it is pertinent to argue that the UNHCR presented itself as an independent partner of the European Union and tried to influence EU policies. The UNHCR promoted the use of the *hotspot approach* as a good model to protect refugees and to manage the “crisis”; the agency used its expertise to position itself as a managerial actor able to provide advice and support to the EU and States in the management of migration (Georgi, 2010; Geiger and Pécoud, 2010, 2012, 2014; Kalm, 2010; 2012; Hastie, 2013). In addition, the UNHCR promoted the delegation of responsibilities from States to European agencies and emphasized the need for a *multi-actor* and *multi-level* approach to border management (Crépeau and Atak, 2016; Spencer, 2017; Kortendiek, 2018).

To promote the diffusion of hotspots at border points, the UNHCR emphasized the need to clearly and swiftly distinguish between “manifestly unfounded claims” (including “abusive” claims<sup>114</sup>) and “manifestly founded claims”. The need to improve the management of so called “mixed arrivals of refugees and migrants” (UNCHR, 2016c:11) was one of the key arguments presented by the UNHCR for the implementation of accelerated and simplified asylum determination procedures at border points. As reported by a 2016’s UNHCR document:

“Asylum-seekers with **manifestly well-founded or unfounded claims** would be channelled into accelerated procedures. (...) Accelerated procedures would **provide quick access** to international

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<sup>114</sup> Abusive claims are “applications for refugee status by persons who clearly have no valid claim to be considered refugees (...) Such applications are burdensome to the affected countries and detrimental to the interests of those applicants who have good grounds for requesting recognition as refugees”, <https://www.unhcr.org/excom/exconc/3ae68c6118/problem-manifestly-unfounded-abusive-applications-refugee-status-asylum.html>.

protection for those who need it, and **facilitate return** for those who do not. Other cases would be processed through the regular asylum procedure” (UNHCR, 2016c: 12) (..)

“Cases that are manifestly unfounded are applications from persons who clearly have no valid claim to international protection based on established criteria or which are clearly **fraudulent or abusive**” (UNHCR, 2016c: 13).

In January 2016, the UNHCR published recommendations for the EU and for member States and advocated for several measures to manage migration. In this context, *hotspots*, *relocation* and other mechanisms of solidarity between member States were considered as:

“(..) to be complemented with other measures **to regain control and trust in the European asylum and migration systems**, including: **legal pathways** to Europe, **addressing the root causes** of refugee and migratory movements, and effective and humane **return policies for people not in need of international protection** in line with **fundamental rights** and the principle of nonrefoulement. UNHCR has long recognised the importance of **return programmes**, including assisted voluntary return, **to preserve the integrity of asylum systems**” (UNHCR, 2016a:1).

Guided by the aim to protect refugees, the UNHCR called for more openness to allow people *in need of protection* to safely reach Europe (in the next chapter I will focus on UNHCR claims for *safe and regular pathways*). At the same time, arguments focusing on the need to protect *real* refugees from the “abuses” carried out by other migrants contribute to legitimizing the enforcement of selection and the establishment of an efficient system of returns. In particular, the UNHCR called for the need to filter, at points of arrival, between migrants coming from so called “safe Countries of origin (SCOs)” and the others (UNHCR, 2016c: 13). In the UNHCR vision, claims of migrants coming from so called “SCOs” should be automatically treated as “manifestly unfounded claims” (UNHCR, 2016c:15) and this would simplify the return of those not in need of protection:

**“Manifestly unfounded claims would not be distributed to other EU Member States. They would undergo the accelerated procedure in the country of entry, with increased EU Agency support. This would avoid complicating return for those found not in need international protection”** (UNHCR, 2016c: 15).

ASGI expressed its concerns by claiming that the introduction of the SCO concept in the Italian system could contribute to shift international protection from an individual to a collective basis and to de facto undermine access to protection (ASGI, 2019: 5). This example suggests that actors involved in the governance of migration and positioned at different levels (e.g. national and international), can have different visions and contribute to making migration governance a field of disagreement, negotiations and struggles (Betts, 2013; Triandafyllidou and Dimitriadi, 2014; Ambrosini, 2015a, 2017; Ambrosini and Van der Leun, 2015; Eule et al., 2018).

Finally, the UNHCR presents the hotspot system as a useful tool to protect migrants from so called *onwards movements* and to manage migrants in an *orderly manner* without opting for border closure. In agreement with international *migration management* theory, the UNHCR embraces and perpetuates the *migration management* discourse and reinforces the EU governance agenda (Geiger and Pécoud, 2010, 2013, 2014; Schotel, 2013; Korneev, 2014; Scheel and Ratfisch, 2014; Garnier, 2014; Wolff, 2015). This is conveyed by the following extract from another UNHCR document called *“Stabilizing the situation of refugees and migrants in Europe”*:

**“To manage new arrivals in an orderly manner, it is critical that the relocation scheme and hotspot approach be fully implemented. (..) Similarly, the closure of borders may not reduce the numbers arriving in the EU, as fragmentation of the routes is likely to result. This situation can be managed most effectively by carrying out proper registration in line with EU Standards; fully implementing the relocation scheme for asylum-seekers; and ensuring the effective return of individuals not in need of international protection”** (UNHCR, 2016b: 1 – 2).

The UNHCR's arguments focusing on the need to protect refugees and asylum seekers end up producing an ambivalent discourse.

On the one hand, the call for the respect of migrants' rights, for the fair treatment of asylum seekers' claims and for the need to grant protection to those in need, contribute to counterbalancing both border closure and the restriction of asylum seekers' access to rights (Thouez, 2003; Lester, 2005; Ambrosini, 2015b; 2018). The UNHCR produces a discourse that underlines the importance of providing protection and support to refugees and asylum-seekers: in this way the agency advocates for more access to territory and rights for those seeking international protection. Discourses of this kind contribute to promote the interests of a specific group of people and the debate about the actual state of affairs (Della Porta and Kriesi, 1998; Brändström and Kuipers, 2003; Della Porta et al., 2003; Onyx et al., 2010; Casey, 2011). On the other hand, these same arguments contribute to legitimising, more or less consciously, border control enforcement, the selection of migrants on humanitarian basis and the return of those *not in need of protection* (Geiger and Pécoud, 2010; Walters, 2011; Pallister-Wilkins, 2017, 2018). The need to clearly distinguish between "asylum seekers" and "economic" migrants is legitimized by the UNHCR discourse: this contributes to perpetuating the selective rationale at the basis of the EU and member States *bordering* narratives, policies and practices (Zetter, 2007; Bassi and Fine, 2013; Jeandesboz and Pallister-Wilkins, 2014; Tassin, 2016; Akoka, 2016; Bassi, 2018). The rhetoric related to "mixed-flows" and to "abusive claims" contributes to legitimising selective border controls (Scheel and Ratfisch, 2014; Wolff, 2015) and the distinction between the "deserving" and the "bogus" (Walters, 2006; Agier, 2008). Moreover, the promotion of a swift filtering between manifestly founded and unfounded claims appears to contribute to the perpetuation of *bordering* practices and the stratification of migrants' rights. Humanitarian actors' logics and practices depoliticize and perpetuate the migration management system when they legitimize victimization, classification, categorization and current *bordering* practices



(Vandevoordt, 2019). This kind of classification and categorization of migrants contribute to stratifying their access to territory and rights (Walters, 2011; Casas-Cortes, et al., 2014; Mezzadra, 2015; Vollmer, 2016; Sigona and McMahon, 2018).

## 6.2.2 HOLDING A NEUTRAL POSITION – THE RED CROSS

The Red Cross' position in relation to the *hotspot approach* seems to have been less publicized. The Red Cross' discourse has been mainly focused on the increased vulnerability of migrants as a consequence of “new” procedures (mainly due to increased exclusion of migrants from the reception system during the first phase of the hotspot implementation). As reported in the *Emergency plan* document of March 2016:

“The changes that occurred at European level, after the release of the European Agenda on Migration and the introduction of the hotspot approach, have guided the Italian Red Cross to cope with **new emerging vulnerabilities** (..) **The hotspot approach resulted in the emerging of new vulnerabilities** including migrants that have no access to the reception network and have difficulties accessing local services” (IFRC, 2016:1).

The Red Cross' focus on migrant dignity and vulnerability is confirmed by the following interview's extract with a Red Cross coordinator who explained to me what changed for them with the introduction of the hotspot approach:

(..) well our approach has not changed (..). It has changed in terms of time (..) because the longer waiting times [linked to new procedures] force people, who are tired after the journey, to stay for hours and hours under the sun or under the rain (..) so surely **this is a critical issue** (Interview with Red Cross coordinator, RCO1, Catania, April 2018).

The *Emergency plan* document of March 2016 suggested that the wider “political context” (i.e. wars and the geopolitical context at large) and EU decisions contributed to producing “new” vulnerabilities:

“The evolution of the political context, inside and outside Europe, and **the decisions taken at the European level**, included the European Agenda on Migration **which led** the Italian government to release, on 28 September 2015, the Italian Roadmap for 2015 which **introduced the hotspots, led to the emergence of new vulnerabilities** to which the Italian Red Cross has had to address” (IFRC, 2016:2).

This document described the response launched by the Italian Red Cross in 2016 to deal with the increased vulnerabilities of migrants that followed the implementation of the *hotspot approach*:

“In order to tackle these challenges, the Italian Red Cross established *Safe Points*, which are help desks to give basic assistance, health care, psychosocial support, Restoring Family Link (RFL) services and counselling to migrant people in need” (IFRC, 2016:2).

The Red Cross’ discourse can be seen as characterized by a *neutral* position: this discourse does not seem to overtly support nor question the *hotspot system*.

The hardening of security, control and selection are not overtly questioned. Selective rationales and mechanisms at the basis of the hotspot system are not framed as deserving a critical reflection. In agreement with theory (Brändström and Kuipers, 2003; Della Porta et al., 2003; Jenkins, 2011; Flinders and Wood, 2014a; Sinatti, 2019), this discourse contributes to depoliticization processes by not overtly questioning these issues and by taking somehow for granted the actual state of affairs. The Red Cross’ discourse mainly focused on issues relating to the dignity of migrants in terms of vulnerability and assistance needs. This organisation appears to be guided by a *problem-solving* approach (i.e. concretely responding to vulnerabilities by providing services to migrants) rather than by a *critical approach* (De Jong and Ataç, 2017). This

kind of approach seems to be confirmed by the following interview's extract with a Red Cross coordinator:

our idea is that we are there to find solutions, if there is a problem we find a solution instead of complaining and doing nothing, this is our motto (Interview with Red Cross coordinator, RCO1, Catania, April 2018).

Moreover, according to Vandevordt (2019), the close adherence of humanitarian organizations to principles such as *neutrality* contribute to hindering their capacity to challenging and *re-politicizing* the current migration and border regime.

However, the Red Cross' discourse also suggested that EU decisions (e.g. the introduction of *hotspots*) contributed to the increased vulnerability of migrants. In agreement with some scholars (Della Porta and Kriesi, 1998; Brändström and Kuipers, 2003; Binderkrantz, 2005; Onyx et al., 2010), this discursive positioning can be considered to help raise public awareness about the deterioration of migrant conditions and about the political responsibilities of this deterioration.

### 6.2.3 CRITICAL POSITIONING – MEDU, TERRE DES HOMMES AND OXFAM

*Terre des Hommes* expressed its concerns about the reinforcement the selection of migrants and the conditions under which the summary filtering was carried out during the first phase of the hotspot implementation. As reported in the following extracts from two website statements of TDH, this NGO expresses concerns about:

(..) a European agenda that aims at **accelerating the repatriation** of those that, presumably, would not be entitled to any protection and that aims at a simultaneous **severe filtering of potential asylum seekers 'at the entry'** through the establishment of **hotspot centres**, where these complex

selection procedures would be carried out (Terre des Hommes, “L’Europa segni un cambio di passo verso un’accoglienza fondata sui diritti umani”, 18 September 2015)<sup>115</sup>.

Terre des Hommes expresses strong preoccupation for the conditions in which migrants are held (..) inside the CPSA of Pozzallo. This structure, that recently became a ‘hotspot’, has been given a reinforced role as a place of identification of migrants (..) and of their distinction on the basis of categories that define their future (Terre des Hommes, “Minori migranti: gli hotspot assicurino protezione”, 10 November 2015)<sup>116</sup>.

MEDU advocated for the return to the system that preceded the hotspot. The conclusion of a 2016 press release (promoted by several TSOs<sup>117</sup> and published by MEDU on its website) advocated for the careful implementation of Italian law in the hotspots and requested:

(..) that **these centres would return to be places of rescue and first reception** (..); that the persons arrived in Italy would have access to an accurate information provided just after disembarkation by UNHCR and by safeguard non-governmental organizations right upon arrival (..); that those **who express the wish to claim for protection** would be admitted to the asylum procedure **without any distinction in relation to their nationalities** (..) (MEDU and other TSOs, “Hotspot: Luoghi di illegalità”, Rome, 1 March 2016)<sup>118</sup>.

In 2017, several TSOs<sup>119</sup> (including MEDU and Oxfam) expressed negative judgements regarding the *European Agenda* of 2015 and the hotspot system that, according to these TSOs, pursued security goals only (Oxfam et al., 2017). Furthermore, Oxfam, in a public report on the hotspot approach criticized the overall European policy of response to the refugee *crisis*:

115 <https://terredeshommes.it/comunicati/bambini-migranti-leuropa-segni-un-cambio-di-passo-verso-unaccoglienza-fondata-suidirittiumani/>.

116 <https://terredeshommes.it/comunicati/minori-migranti-gli-hotspot-assicurino-protezione/>.

117 Acli, Arci, Asgi, Caritas italiana, Casa dei diritti sociali, Centro Astalli, Consiglio Italiano per i Rifugiati, Comunità di S. Egidio, Federazione delle Chiese Evangeliche in Italia, Medici per i Diritti Umani, Medici Senza Frontiere, Senza Confine. Available at <https://mediciperidirittiumani.org/tavolo-nazionale-asilo/>.

118 <http://mediciperidirittiumani.org/hotspot-luoghi-di-illegalita/>; see also <https://mediciperidirittiumani.org/tavolo-nazionale-asilo/>.

119 A Buon Diritto, Acli, Arci, Asgi, Centro Astalli, Cnca, Fcei, Focus-Casa dei diritti sociali, Medu, Oxfam, Aoi, Cini, Concord Italia, Coonger, Cop, Focsiv, Link2007, MarcheSolidali.

“The European response to the refugee crisis is proving ineffective and dangerous. Ineffective, because it is failing to hold back the migratory flows, which was its main objective, and to ensure appropriate management of incoming migrants” (Oxfam, 2016a:2).

Oxfam, MEDU and TDH criticized the hotspot approach and asked for a return to *first reception and assistance* as the primary rationale guiding the management of arrivals. These NGOs have therefore contributed to simultaneously *politicize* and *depoliticize* the discourse about the *hotspot system*.

On the one hand, they questioned the hardening of selection processes mainly arguing that *potential asylum seekers* would risk to being deprived of the legitimate protection to which they are entitled. This position does not however question the fact that access (to territory and rights) is legitimized on the basis of humanitarian needs and asylum categories only (Ticktin, 2006; Fassin, 2010; Walters, 2011; Pallister-Wilkins, 2017, 2018). The claims for the return to a *normal* situation legitimized, to a certain extent, the refugee versus “economic” migrant rationale. In agreement with some scholars (Akoka, 2016; Tassin, 2016; Bassi, 2018; Sigona and McMahon, 2018), this rationale is at the basis of EU and States *bordering* narratives and practices.

On the other hand, these NGOs politicized their discourses about the *hotspot approach* and opposed the hardened *securitarian* shift: in agreement with theory (Della Porta and Kriesi, 1998; Jenkins, 2011; Fleischmann, 2017; Bosi and Zamponi, 2018), they contributed to *politicize* the actual state of affairs by questioning the functioning of the hotspot during its initial phase. By raising awareness on the respect of migrant rights and on the full respect of the law these NGOs contributed to making these issues object of public debate and to politicizing them (Della Porta and Kriesi, 1998; Della Porta et al., 2003; Brändström and Kuipers, 2003; Kimberlin, 2010; Casey, 2011).

## TO SUM UP

Analysing TSO discourses, three slightly different positions in relation to the *hotspot approach* can be identified: a) *promoting the hotspot* – the UNHCR promoted the implementation of hotspots in order to improve the protection of potential asylum seekers; b) *a neutral position* – the Red Cross held a neutral position and placed the increased vulnerability of all migrants at the core of its discourse; c) *a critical position* – Oxfam, MEDU and *Terre des Hommes* also focused on the protection of potential asylum seekers' rights, but they criticized the hotspot approach and asked for a return to the previous migration management system. At the same time, these organizations, that operated both inside (UNHCR, Red Cross, TDH and MEDU) and outside (Oxfam) of the institutional framework of the hotspot system, focused their discourses on the *protection* of migrants and, in particular, of potential asylum seekers. The specific focus on the *protection* of potential asylum seekers can play an ambivalent role mainly due to the fact that the distinction between asylum seekers and “economic” migrants is not questioned and is somehow legitimized.

On the one hand, in agreement with some scholars (Jeandesboz and Pallister-Wilkins, 2014; Vollmer, 2016; Tassin, 2016; Akoka, 2016; Sigona and McMahon, 2018; Bassi, 2018), discourses based on these arguments contribute to perpetuating the rationale (*forced vs. voluntary* migrants) at the basis of the EU and member States *bordering* narratives, policies and practices.

On the other hand, through these same discourses, these actors advocate for the respect of the rights of those seeking international protection. These discourses help counter both border closure and the restriction of asylum seekers' access to rights (Thouez, 2003; Lester, 2005; Ambrosini, 2015b; 2018). In agreement with theory (Della Porta and Kriesi, 1998; Brändström and Kuipers, 2003; Della Porta et al., 2003; Onyx et al., 2010; Jenkins, 2011; Casey, 2011), these types of discourses contribute to

promoting the interests of a specific group of migrants and can *politicize* the actual state of affairs (e.g. the exclusion of migrants seeking asylum and protection).

Finally, the fact that TDH, MEDU and Oxfam hold a similar critical position on the *hotspot system* suggests that operating inside or outside the hotspot does not influence the capacity of these NGOs to hold a critical positioning on the migration control system. Moreover, as I will show in *chapter 7, promoting the hotspot* does not mean for the UNHCR that it does not criticize and publicly advocate against arbitrary practices and asylum-seekers' rights violations.

## CHAPTER 7

### HUMANITARIAN TSOs' ADVOCACY IN RELATION TO TWO KEY REBORDERING PHASES IN ITALY

#### *Aims of the chapter*

- to describe humanitarian TSOs' advocacy discourses (taking into account official documents<sup>120</sup>) in response to two Italian migration policy developments: the introduction of the *hotspot approach* and the adoption of the *security decree* of 2018;
- to analyse the contribution of TSOs' advocacy in terms of (de)politicization of the current migration and border regime.

#### 7.1 HUMANITARIAN TSOs' ADVOCACY IN RELATION TO THE HOTSPOT SYSTEM

In response to the *hotspot system* adoption, the humanitarian TSOs examined by this study published reports, statements and also recommendations directed to the Italian government and the European Union. For the most part, this discursive campaign was carried out during the initial phase of the hotspot implementation (mostly between 2015 and the beginning of 2017) when the summary and hardened selection of migrants mainly occurred.

*Terre des Hommes* (TDH) published different statements on its website to denounce the reinforcement of migrants' filtering and the violation of migrants' rights inside the *hotspots*. I report below an example of these website statements:

(..) the life of hundreds of people **potentially beneficiaries of protection** is hanging by a thread and **subjected to security needs**. Consequently, a lot of them are **erroneously** considered economic

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<sup>120</sup> I have not been able to find Red Cross' public advocacy documents or public denounces concerning the *hotspot system*.



migrants (..) **Therefore many refugees are de facto denied the possibility to claim for protection,** in clear violation of the legislative decree 142/2015 (Terre des Hommes website, 10 November 2015)<sup>121</sup>.

In the same vein, at the beginning of 2016, a press release (promoted by several TSOs<sup>122</sup>) published by MEDU on its website denounced some of the practices carried out within the *hotspot system* and questioned European Union decisions and responsibilities. These organisations expressed their concerns about the negative consequences of the decisions adopted at the EU level in order to contain the number of asylum seekers arriving in front-line States, first of all Italy and Greece. In particular the statement highlighted that:

In the hotspots established in these last months in Lampedusa, Trapani and Pozzallo **we are observing arbitrary practices and violations of fundamental rights:** arbitrary returns; coercive holding, without any judicial oversight, (..) the denial of the access to the asylum procedure and the use of force for the identification of people arriving (..) **We observe the tendency to determine exclusively on the basis of their nationality whether the persons rescued at sea and disembarked at Sicilian ports were migrants or people in need of protection** (MEDU and others, MEDU website, 1<sup>st</sup> March 2016)<sup>123</sup>.

In the same statement, arguments related to migrants' suffering are used in order to support the idea that the majority of those arriving by sea deserve a form of protection:

(..) **victims of torture and abuses, forced migrants** have the right to a form of international protection, regardless of the procedure to obtain the refugee status, **and they cannot be sent back in the hands of their torturers** (MEDU and others, MEDU website, 1<sup>st</sup> March 2016)<sup>124</sup>.

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121 <https://terredeshommes.it/comunicati/minori-migranti-gli-hotspot-assicurino-protezione/>; see also <https://terredeshommes.it/news/pozzallo-diritti-umani-a-rischio/>.

122 Acli, Arci, Asgi, Caritas italiana, Casa dei diritti sociali, Centro Astalli, Consiglio Italiano per i Rifugiati, Comunità di S. Egidio, Federazione delle Chiese Evangeliche in Italia, Medici per i Diritti Umani, Medici Senza Frontiere, Senza Confine. Available at <https://mediciperidirittiumani.org/tavolo-nazionale-asilo/>.

123 <http://mediciperidirittiumani.org/hotspot-luoghi-di-illegalita/>; <https://mediciperidirittiumani.org/tavolo-nazionale-asilo/>.

124 <http://mediciperidirittiumani.org/hotspot-luoghi-di-illegalita/>; <https://mediciperidirittiumani.org/tavolo-nazionale-asilo/>.

These arguments are based on the defence of possible beneficiaries of international protection who would risk to be deprived of their rights due to arbitrary practices. In agreement with theory (Onyx et al., 2010; Kimberlin, 2010; Casey, 2011), this can be considered an example of *sector coordination* (and an *outsider advocacy strategy*) by which TSOs positioned at different levels (e.g. local, national and international) carried out joint advocacy campaigns in order to claim for inclusion for suffering migrants and attempted to make pressure on EU and national governmental institutions (Ambrosini, 2014, 2015b, 2017). On the other hand, discourses of this kind contribute to perpetuating the filtering rationale (i.e. the dichotomy *forced/voluntary*) at the basis of the actual migration management system (Tassin, 2016; Akoka, 2016; Bassi, 2018).

In a 2016's report called "*Europe refugee's emergency response*", that provided information about the situation at different EU border zones, the UNHCR raised public awareness about prolonged detention and denied access to asylum procedures in hotspot areas:

"Groups of Eritrean, Sudanese and Somali nationals, unwilling to undergo identification procedures, have been held in the reception centre [of Lampedusa] for several weeks. (...) In Sicily, **incidents of denied access to asylum procedures as well as cases of persons of different nationalities, including from refugee producing countries, issued with a rejection order continue to be reported**"<sup>125</sup> (UNHCR, 2016d:6).

In a March 2017's document shared with the Italian government and the EU Commission, the UNHCR raised public awareness about the denial of the access to asylum procedures in hotspot areas and suggested some recommendations:

**we still register cases of delayed or denied access to asylum procedures** both in hotspots and in other centres. (...) the UNHCR recommend to the Italian government to (...) 1. reinforce the access to the international protection procedure, establishing that, in each disembarkation point, are put to work

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<sup>125</sup> The words in square brackets have been added by me.

procedures of identification and registration, and are provided well-prepared interpreters, a qualified service of information and assistance; (...) 4. Improve screening procedures **so that all people in need of international protection have the chance to apply for asylum**, for example revisiting the current structure of the form used during the phase of screening (*foglio notizie*); (...) 6. **Urgently adopt a legal framework applicable to hotspots**, that defines the juridical nature of these structures, the reception standards, the time limits of permanence and, if necessary, the limitations applicable to the freedom of movement for those who refuse to submit to photo-identification; 7. **revisit Standard Operating Procedures** applicable to the hotspots in order to **assure procedural safeguards** and their accurate implementation also in disembarkation areas other than hotspots (UNHCR, 2017a:1 – 2).

The UNHCR's argument focused on the necessity to grant the chance to apply for asylum to those who are in need of protection and on the necessity to respect the law in hotspot areas. For this actor, the advocacy for the respect of asylum seekers' rights goes hand in hand with the promotion of the implementation of the *hotspot approach*, the *relocation* and a more efficient system of repatriations (as discussed in *chapter 6*). On the one hand, this kind of discourse advocates for the respect of potential asylum seekers' rights and, on the other, promotes the reinforcement of controls and a more efficient filtering of migrants. This kind of discourse, focused on the defence of the right of asylum for some, contribute to legitimizing the need to exclude or return others.

Since April 2016, Oxfam published several documents aimed at raising public awareness and denouncing the unlawful implementation of the hotspot approach in Italy and the arbitrary practices carried out by authorities. The main claims concerned (Oxfam, 2016a; 2016b):

- the need to provide a clear legal framework for the implementation of the *hotspot approach*;
- the need to clearly define procedures and the role of each actor;
- the need to avoid any form of detention and the use of force;

- the need to prevent possible refoulement of people without evaluating each case on individual basis;
- the need to fully respect the law, human rights and in particular the right to information for each person.

In the Oxfam discourse there was a link between the lack of a legal framework, the violations of migrants' rights and in particular the swift determination of migrants' legal position, as it can be seen in the following extracts:

“Oxfam believes that, **due to the lack of a legal framework, the hotspot approach seriously violates the fundamental rights of people** reaching Italian shores (..)” (Oxfam, 2016a:2).

“While three hotspots have been functioning in Sicily since September 2015, the **European and Italian authorities in charge of them have yet to agree a clear legal framework and standard operating procedures. This leaves a serious gap in clarity on how this system is ensuring respect for Italian, European and international law.**

NGOs have reported that, due to the hotspots approach, migrants are ‘interviewed’ to determine their status immediately after disembarkation and while, therefore, they are under severe physical and psychological stress (..) **The expedited approach of the hotspots is yielding faster decisions and more return orders**, but as a result many people are shut out of the asylum system, stranded, and vulnerable. While there are some places available for people deemed irregular migrants in specially mandated expulsion centres, most are simply abandoned” (Oxfam, 2016b:2 – 3);

“Another extremely critical component of the hotspot approach is **the distinction between economic migrants (classified as “irregular”) and asylum seekers**. Over the last few months, this distinction has been operated immediately on the arrival of migrants at disembarkation points or in nearby facilities by means of inaccurate interviews performed by police staff, which have determined the migrants' legal status and the possibility for them to apply for international protection or not. (..) **Determining who is and who is not in need of international protection by means of interviews performed by police staff at the border, is inappropriate**” (Oxfam 2016a: 13-14)<sup>126</sup>.

<sup>126</sup> The report added: “Legislative Decree 25/2008, reviewed by Legislative Decree 142/2015 to acknowledge EU Directives on the procedures for international protection applications, states that the border police are solely entitled to ‘receive’ asylum applications by migrants at the Italian border” (Oxfam 2016a: 14).

The lack of information and adequate translation provided to migrants and the consequent impossibility for them to understand what was going on were denounced by Oxfam:

“Information delivery is compulsory and must be performed in order to explain clearly to incoming migrants that they can apply for international protection, and how to do it (..)

According to local associations working in Sicily and to several migrants, this aspect is particularly critical: **many migrants have been delivered a return order without having any idea of what was going on**, because no one had informed them about the rights that they could exercise in Italy. (..) **Based on the procedures described, thousands of return orders have been delivered to migrants** for them to leave Italian territory within seven days, by their own means, across the *Fiumicino* border” (Oxfam, 2016a: 19 – 21).

During the first phase of the *hotspot approach* implementation, all the above-mentioned humanitarian TSOs (except for the Red Cross) publicly campaigned against the violation of rights inside the *hotspot system*. Strategies of this kind contribute to putting political pressure on authorities in order to assure the respect of migrants’ rights (Della Porta and Kriesi, 1998; Brändström and Kuipers, 2003; Della Porta et al., 2003; Onyx et al., 2010; Verschuere and De Corte, 2015; Ambrosini, 2015a, 2017; Dellmuth and Tallberg, 2017; Bosi and Zamponi, 2018). Through the implementation of the above-mentioned advocacy strategies these TSOs acted as a bulwark against the violation of migrants’ rights (De Jong and Ataç, 2017; Sandri, 2018; Sinatti, 2019; Fechter and Schwittay, 2019).

At the same time, these actors defended migrants by focusing their discursive strategies on the risk that hotspot practices could contribute to hinder the access of potential asylum seekers to international protection procedures. In agreement with some scholars (Jeandesboz and Pallister-Wilkins, 2014; Akoka, 2016; Tassin, 2016; Bassi, 2018), this kind of argument contributed to legitimizing the selective rationale, based on the distinction between legitimate asylum seekers and “economic”

migrants, that is at the basis of EU member States *bordering* narratives and practices and that guides the hotspot functioning. Moreover, a discourse that focuses on the rights recognised by law contributes to protect these rights and to contrast illegitimate practices, but it can also perpetuate *depoliticization* processes. As Douzinas put it: “Successful human rights struggles have undoubtedly improved the lives of people by marginal rearrangements of social hierarchies (..) But their effect is to depoliticize conflict and remove the possibility of radical change” (Douzinas, 2013:61).

Below I will be focusing on some of the interventions carried out by *Terre des Hommes* and the UNHCR to directly influence Italian institutions. These examples could provide interesting insights on TSOs’ tactics of *insider* advocacy (Onyx et al., 2010; Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017). The following extract shows some of the statements made by the TDH coordinator during the hearing before the *Parliamentary Commission of Inquiry* (in June 2016) during which the operator underlined some critical issues detected:

Firstly, the fact that **hotspots are structures not established by the law**, and in consequence those accommodated there are not accommodated on the basis of a judicial authority’s order. (..) minors should not have access to this kind of structures, because they are not appropriate (..) An **information or a mediation** support to the migrant during the phase of registration **is not always assured**. This implies the risk that **the person does not fully understand what she is filling out** (..) In the form that the migrant has to fill are not displayed all the possible options concerning the reason of the journey, but only some of them. It lacks, for example, [the asylum claim option] (Italian Chamber of Deputies, 2016f:3).

Another document of the same *Parliamentary Commission of Inquiry* reported that, during a coordination meeting at the Ministry of the Interior, the UNHCR and the IOM (and other organizations) denounced the practices of summary and arbitrary selection of migrants that occurred inside the hotspots (Italian Chamber of Deputies, 2016d:12).

In agreement with theory (Onyx et al., 2010; Casey, 2011; Papadopoulos et al., 2013; Ambrosini, 2013; 2017; Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017), these extracts provide examples of *insider* advocacy strategies that aimed at influencing authorities in order to remedy rights' violations and expand spaces of inclusion and of access to territory and to rights for migrants seeking asylum.

The kind of advocacy discourse discussed in this paragraph is based on *protection* arguments and focuses mainly on defending the rights of potential asylum seekers. On the one hand, these discourses contribute to perpetuating the humanitarian *border(ing)* through the legitimization of practices of classification, categorization and stratification of the access to rights on the basis of humanitarian logics (De Genova, 2002; Cuttitta, 2007, 2018a, 2018b; Walters, 2009, 2011; Mezzadra, 2015; Pallister-Wilkins, 2017, 2018; Vandevooordt, 2019).

On the other hand, TSOs that operate inside the hotspot can use their position to monitor the situation, denounce migrants' rights violations and make pressure on authorities and institutions: in agreement with theory (Della Porta and Kriesi, 1998; Della Porta et al., 2003; Onyx et al., 2010; Casey, 2011; Ambrosini, 2015a; 2017; Cuttitta, 2016, 2018b; Sinatti, 2019; Vandevooordt, 2019), activities of this kind contribute to *re-politicizing* the actual migration management system. In the context of the hotspot implementation, *Terre des Hommes*, MEDU, Oxfam and the UNHCR played the role of *political dissidents* (Fleischmann, 2017) by producing discourses that countered those practices that violated migrants' rights (De Jong and Ataç, 2017; Sandri, 2018; Sinatti, 2019; Fechter and Schwittay, 2019; Vandevooordt, 2019). In this sense, the "humanitarian border" (Walters, 2011) can be considered as a field of resistance, antagonism and *re-politicization* in which international humanitarian actors contribute to questioning the border as a "(..) political zone of injustice and oppression" (Walters, 2011:150).

## 7.2 HUMANITARIAN TSOs' ADVOCACY FOR SAFE AND LEGAL CHANNELS

Besides advocating on issues related to the *hotspot system*, all actors (including the Red Cross) carried out advocacy in order to influence Italian and European migration policies more in general. In particular, the claim for the implementation of legal and safe ways of entry is a common line of *outsider* advocacy for all these TSOs and they used it in documents treating the *hotspot approach*. At the same time, this kind of discourse contributed also to the legitimization and perpetuation of the *migration management* paradigm. The following official documents' extracts provide some examples of this *outsider* advocacy activity.

The following instance of UNHCR advocacy discourse exemplifies how this UN agency asked EU Member States to open legal migration channels, in particular for refugees:

“UNHCR is pleased to see that the Agenda calls on Member States to use other **legal avenues for people in need of international protection** to reach Europe, including private sponsorship programmes, humanitarian visas, and family reunification. UNHCR urges Member States to explore the possibility of establishing or expanding schemes **to grant student or work permits to people in need of international protection**. UNHCR hopes these initiatives will create **needed and credible legal avenues for refugees** to reach safety in Europe”<sup>127</sup>.

The demand to open more safe legal channels (including work permits) is primarily focused on “people in need of international protection” and the *European Agenda of 2015* is recognized as a positive tool in this sense (at least on paper).

In a joint advocacy document published with several local and national TSOs<sup>128</sup>, MEDU and Oxfam suggested several policies' modifications for a new and better *Agenda on migration*. In this advocacy document more regular migration channels were promoted. On this issue, the document states that: a) member States should

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<sup>127</sup> <https://www.unhcr.it/news/lunhcr-accoglie-con-favore-la-decisa-svolta-nellagenda-sulle-migrazioni-proposta-oggi-dallunione-europea-e-ne-sollecita-una-rapida-adozione.html>.

<sup>128</sup> Including A Buon Diritto, Acli, Arci, Asgi, Centro Astalli, Cnca, Fcei, Focus-Casa dei diritti sociali, Medu, Oxfam, Aoi, Cini, Concord Italia, Coonger, Cop, Focsiv, Link2007, MarcheSolidali.



expand regular and safe channels for refugees and other migrants; b) the so called “humanitarian corridors” are a relevant example of safe regular channel; c) Italy and the EU should create more regular migration options for economic migrants (e.g. work permits); d) policies that establish regular channels are part of a human and responsible management of migration; e) this kind of policies can improve States’ capacity to control and manage migration (Oxfam et al., 2017). It is worth to underline that this document stated that the aim of migration management should be the *protection* of migrants and not the hindering of their movements (Ibidem).

In agreement with some scholars (Onyx et al., 2010), this coordinated advocacy action can be considered as another example of *sector cooperation* among different TSOs (positioned at different levels). At the same time, in line with the *migration management* paradigm (Geiger and Pécoud, 2010, 2014; Kalm, 2012; Pécoud, 2017), in this document legal avenues are also presented as good solutions to improve the capacity of States to control migration.

Some of Oxfam’s public reports about the hotspot system included recommendations about medium-term migration policies (Oxfam, 2016a, 2016b). Four main points were suggested to the Italian government and the EU: a) to improve the capacity of the national reception system; b) to stop the externalization of migration control towards countries of origin and transit; c) to profoundly reform the *Common European Asylum System* in order to harmonize member States’ asylum systems and to grant adequate support to refugees as well as asylum seekers. The fourth point stated that the Italian government and the EU should:

“Recognize that migrant flows are a **structural component that must be managed** through active participation in *resettlement* programs, the creation of humanitarian channels, and by re-opening legal working immigration channels which are now practically closed. This component is essential for **managing migratory flows efficiently and responsibly**” (Oxfam, 2016a: 36).

This point conveys the liberal vision (Geiger and Pécoud, 2010, 2014) that guided Oxfam's attempt to influence EU and member States' migration policies.

TSOs' statements that claim for more opportunities of legal migration were mainly based on the need to preserve the dignity and the rights of migrants. Migration was described as an occasion of development for both migrants and receiving countries and "humanitarian corridors" were presented as a good alternative to "irregular" migration. As reported by the following extract of a *Terre des Hommes*' website statement:

With regard to irregular immigration, it is important to recall that exist a safe and legal alternative which has already been pursued with success in Europe and which allows people to emigrate under safe conditions: **humanitarian corridors**. The reality that we want to narrate is that the migratory phenomenon represents a possibility of development, not only for those who leave but also for those who accommodate<sup>129</sup>.

The Red Cross, primarily at the level of the *International Committee*, asked governments:

**"to ensure that opportunities for legal and safe migration that preserve the dignity and rights of all migrants** entering a given country are identified. These may include **opportunities for employment, support for family reunification and access to international protection**" (IFRC, 2015b: 14).

The Red Cross' claim for legal and safe channels of migration is included in a wider advocacy strategy that aims at pushing governmental institutions to respect migrants' rights and humanitarian needs:

**"(..) advocacy can be used successfully to address key issues in meeting migrants' humanitarian needs** in a range of areas. These include securing access to all migrants; **ensuring the rights of asylum seekers, refugees and other vulnerable migrants**; developing strategies to address and

<sup>129</sup> <https://terredeshommes.it/comunicati/migranti-una-risorsa-non-un-problema/>.

respond to the humanitarian consequences of trafficking; improving detention conditions; (..) respecting the rights of asylum seekers whose claims were unsuccessful, and **developing legal avenues for migration**" (IFRC, 2015b:12).

According to these extracts, access to territory should be granted to all migrants (including also migration channels for work) and the rights of those rejected from asylum should be respected; at the same time, emphasis is given to the need to ensure the rights of asylum seekers and vulnerable migrants.

Discourses like the ones described in this paragraph contribute to *re-politicize* the EU and Italian approach to migration by promoting the centrality of *protection* and by criticizing those policies that are primarily guided by the intention of containing migration movements (Cuttitta, 2016, 2018b; Stierl, 2018; Sandri, 2018). As showed by the joint advocacy campaigns described above, TSOs positioned at different levels (e.g. local, national and international) tried to make pressure on EU and national governmental institutions through *sector coordination* advocacy strategies (Onyx et al., 2010). In agreement with theory (Della Porta and Kriesi, 1998; Della Porta et al., 2003; Jenkins, 2011; Casey, 2011; Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017; Cuttitta, 2016, 2018b; Stierl, 2018; Sandri, 2018), by claiming and publicly advocating for more openness, humanitarian TSOs contributed to open the debate about alternatives to restrictive border policies and to *re-politicize* the EU border management system. On the other hand, these discourses promote a vision of migration as a normal phenomenon that should be efficiently and responsibly managed and promote a more liberal approach that would allow States to better manage migration. Safe and legal channels are presented as good solutions to better protect migrants and also to improve the capacity of States to efficiently control migration. In agreement with theory (Geiger and Pécoud, 2010, 2014; Kalm, 2010, 2012; Pécoud, 2017), this kind of discourse is based on, and contribute to perpetuate, the prevailing *migration management* paradigm.

### 7.3 HUMANITARIAN TSOs' ADVOCACY AGAINST THE SECURITY DECREE OF 2018

The UNHCR, MEDU, *Terre des Hommes* and Oxfam responded to the adoption of the *security decree* in October 2018 by making advocacy against those measures. These actors used both their expertise and their experience on the ground in order to question and counter governmental policies.

Even before the entry into force of the decree, MEDU expressed a firm opposition against the new measures. On the 25<sup>th</sup> of September 2018, this NGO published a press release with the title “*DL Salvini inemendabile: ideologico, pericoloso e poco intelligente*”<sup>130</sup>. This press release stated that this decree was an “ideological” and “dangerous” measure due to the fact that it would have hindered migrants’ integration and it would have increased the level of insecurity in Italy. After having listed the main critical elements that characterized the new measures, the MEDU’s press release suggested that the *security decree* was not even amendable and advocated against the conversion of the decree into a law.

The very same day of the entry into force of the decree (the 5<sup>th</sup> October 2018), the UNHCR published a website statement in which it expressed concerns about the measures adopted. The following extract gives an idea of the UNHCR positioning:

the UNHCR expresses its concern about some norms of the Decree Law which seem to be **in potential contrast with the international legislation on refugees and human rights**, risking to weaken the general level of safeguard, especially in relation to vulnerable persons and persons with specific needs (...). The UNHCR **expresses concern for a possible downgrading of safeguards for asylum seekers**, with particular regard to the norms about detention, expulsion and asylum procedures<sup>131</sup>.

In the conclusion of the same public statement, the UNHCR stated that a) it would have communicated to competent authorities its observations about the asylum norms contained in the decree and b) it wished that the government and the

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130 <http://mediciperidiritiumani.org/dl-salvini-inemendabile-ideologico-pericoloso-poco-intelligente/>.

131 <https://www.unhcr.it/news/osservazioni-unhcr-sul-decreto-legge-materia-protezione-internazionale-immigrazione-sicurezza-pubblica.html>.

Parliament would have made the necessary modifications in agreement with the Geneva convention and human rights norms<sup>132</sup>. This can be considered an example of complementary *outsider* and *insider* advocacy strategies (Binderkrantz, 2005; Casey, 2011; Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017) aimed at safeguarding asylum seekers' rights and at mitigating the restrictive impact of the *security decree*.

Oxfam and MEDU, together with other TSOs<sup>133</sup>, produced position papers and public statements to raise their concerns about the adoption of the *security decree*. These organisations used several arguments to highlight the main critical elements of the new measures. In one of these public statements<sup>134</sup>, these organizations criticized in particular a) the shift from the permit of stay for humanitarian reasons to a restricted number of permits of stay; b) the precariousness of the new permits of stay almost all of which were non-convertible (e.g. in work permits of stay); c) the restrictive consequences on the migrants' possibility to access the national healthcare system; d) the risks of increasing the number of irregular migrants (e.g. formerly beneficiaries of humanitarian protection). Moreover, this joint public statement criticized the government for several aspects of the decree: a) the absence of regular ways of entry; b) the introduction of norms that extended irregularity instead of promoting integration; c) the lack of institutional responsibility in relation to migration policies; d) the introduction of norms that might undermine the access of asylum seekers to fair international protection procedures.

These were the main arguments that humanitarian TSOs used to raise public awareness and to make political pressure on the Italian government. In particular, one of the criticisms concerned the further stratification of the access to rights through the substitution of the humanitarian protection with more precarious

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132 <https://www.unhcr.it/news/osservazioni-unhcr-sul-decreto-legge-materia-protezione-internazionale-immigrazione-sicurezza-pubblica.html>.

133 A Buon Diritto, Acli, Action Aid, Amnesty International Italia, Arci, Asgi, Avvocato di Strada, Casa dei Diritti Sociali, Centro Astalli, Cir, Cnca, Comunità di S. Egidio, Emergency, Federazione Chiese Evangeliche in Italia, Intersos, Medici Senza Frontiere, Medici per i Diritti Umani, Mèdicine du Monde Missione Italia, Oxfam Italia, Save the Children Italia, Senza Confine.

134 <https://www.asgi.it/asilo-e-protezione-internazionale/il-senato-approva-il-decreto-legge-sicurezza-e-immigrazione-tavolo-asilo-mancato-senso-di-responsabilita-istituzionale/>.

permits of stay. In agreement with theory (De Genova, 2002; Kofman, 2002; Andrijasevic, 2006; Cuttitta, 2007, 2018a; Mezzadra, 2015; Fontanari, 2016), this can be considered a form of stratification of migrants' legal statuses that contributes to perpetuating *bordering* processes, while humanitarian TSOs opposed to this measure.

In a letter that MEDU and other organisations<sup>135</sup> addressed to the Italian Parliament, to the Ministry of the Interior and to the Ministry of Healthcare, these TSOs focused on the possible consequences of the *security decree* on migrants' right to healthcare. After some considerations about the possible negative effects of the *decree*, the letter highlighted the strong opposition to the conversion of the *decree* into law:

We hope that our observations will be taken into consideration and will contribute to the correction of those norms whose introduction would have serious repercussions on the right to health. **In case of no modification in the proposed direction, we express as of now our strong opposition to the conversion into law of the Decree<sup>136</sup>.**

Some days before the conversion of the *security decree* into law, *Terre des Hommes* published an appeal<sup>137</sup> in which it asked to the Italian President of the Republic not to sign the *decree* and it asked to go back to a Parliamentary discussion in order to ensure the full protection for minor migrants and to avoid risks of exclusion.

On the 10<sup>th</sup> of December 2018, less than two weeks after the conversion of the decree into law, an Oxfam media briefing denounced the first effects of these measures in terms of migrants' exclusion and criticized the restrictive approach and the attitude of the government. This media briefing focused on the following points: a) it stated that the government was attacking the very same concept of international protection; b) it stated that these measures would have contributed to increasing

135 Centro Astalli, Emergency, INTERSOS, Società Italiana di Medicina delle Migrazioni, Medici contro la Tortura, Médecins du Monde, Medici per i Diritti Umani, Medici Senza Frontiere.

136 MEDU et al (2018), "Decreto 'Immigrazione e Sicurezza' e sue implicazioni per la salute", 7 November 2018, letter to the Parliament, to the minister of the interior and to the minister of health, available at <https://rajawadunia.com/il-decreto-immigrazione-e-le-gravi-implicazioni-per-la-salute-dei-migranti-e-nostra-la-denuncia-delle-organizzazioni-umanitarie/>.

137 <https://terredeshommes.it/comunicati/decreto-sicurezza-terre-des-hommes-ci-appelliamo-al-presidente-mattarella-perche-non-firmi-un-decreto-rischia-emarginare-migliaia-giovani-migranti/>.

social conflict and marginality; c) it indicated a danger for all Italian citizens but in particular for asylum seekers considered as intrinsically fragile; d) it stated that fundamental rights should be granted to all people (Oxfam, 2018).

Humanitarian organizations also planned press conferences and public meetings about the new measures and their possible effects on migrants. Two days before the adoption of the *decree*, MEDU held a press conference in Catania in which they expressed their position against these policies and asked that the *decree* would not be converted into law. This press conference focused on several issues: the sufferings that migrants arriving by sea underwent during their passage through Libya; the negative impact (on migrants) of a prolonged stay inside the hotspot of Pozzallo; the practices of blocking migrants on board of NGOs' boats for weeks; the risks that new measures would contribute to the exclusion of the most vulnerable migrants. On the basis of its experience on the ground, MEDU criticized the overall governmental approach to the governance of migration (MEDU press conference, 3 October 2018, Catania).

In December, the UNHCR organized, together with a local association, a public meeting in Catania. This meeting, led by a UNHCR's representative, had the aim to discuss the new measures introduced by the *security decree* (which at this time had already been converted into law). While the UNHCR's positioning towards the government was less critical in comparison to that of MEDU, Oxfam and TDH, this kind of meetings contributed to raise public awareness and to promote public debate (Della Porta and Kriesi, 1998; Della Porta et al. 2003; Brändström and Kuipers, 2003; Onyx et al., 2010; Casey, 2011) about the consequences of the new restrictive measures.

It is possible to notice that the advocacy discourses of humanitarian TSOs were characterized by a tension between *politicization* and *depoliticization*. On the one hand, the arguments of these humanitarian organisations were mainly focused on *protection*, *vulnerability* and *asylum* and contributed to legitimizing the vision of

migrants as deserving the access to territory and to rights mainly on humanitarian basis. On the other hand, humanitarian organisations used these same arguments in order to criticize the government and make political pressure against restrictive measures. These TSOs tried to counter the hardening of the stratification of legal statuses (e.g. defending the rights of beneficiaries of humanitarian protection, countering the stratification of legal statuses caused by the introduction of “new” precarious permits of stay).

## TO SUM UP

This chapter focused on the role of the advocacy carried out by some international humanitarian TSOs in relation to two key *rebordering* phases characterized by the implementation of restrictive migration policies in Italy: the introduction of the hotspot approach (2015) and the adoption of the *security decree* of 2018.

The UNHCR, MEDU, TDH and Oxfam carried out *outsider* advocacy (Onyx et al., 2010; Casey, 2011) with the aim of safeguarding migrants’ rights inside the *hotspot system*. Through the advocacy strategies described in *paragraph 7.1*, these TSOs contributed to counter the violation of migrants’ rights and the exclusion of asylum seekers. In agreement with theory (Della Porta and Kriesi, 1998; Onyx et al., 2010; Casey, 2011; De Jong and Ataç, 2017; Sandri, 2018; Cuttitta, 2016, 2018b; Sinatti, 2019; Fechter and Schwittay, 2019; Vandevoordt, 2019), advocacy strategies of this kind contribute to *re-politicizing* the current border regime.

These actors focused their discursive strategies on migrants’ *protection* and on the risk that hotspot practices could contribute to hinder the access of potential asylum seekers to international protection procedures. Arguments of this kind can also contribute to legitimizing the selective functions of the hotspot that are based on the distinction between asylum seekers deserving protection and “economic” migrants



to be repatriated (Bassi and Fine, 2013; Jeandesboz and Pallister-Wilkins, 2014; Tassin, 2016; Akoka, 2016; Sigona and McMahon, 2018; Bassi, 2018).

All the TSOs analysed in this study carried out advocacy and made political pressure to influence Italian and EU migration policies and to call for more openness. In agreement with theory (Della Porta et al., 2003; Brändström and Kuipers, 2003; Casey, 2011; Jenkins, 2011; Dellmuth and Tallberg, 2017; Cuttitta, 2016, 2018b; Stierl, 2018; Sandri, 2018), discourses of this kind contributed to promoting the debate about possible alternatives to a restrictive border regime and to politicizing the actual border management system. At the same time, these actors described migration also as a phenomenon that should be managed and depicted safe legal channels as a good solution that could improve both migrants' protection and the capacity of States to control migration. Arguments of this kind are based on a *migration management* vision and contribute to perpetuating the prevailing migration management discourse (Kalm, 2010, 2012; Géiger and Pécoud, 2010, 2014; Pécoud, 2017). As showed by the above-mentioned examples of *outsider* advocacy carried out jointly by international and local TSOs, the *migration management* discourse is perpetuated also by actors at the local level (Ahouga, 2017).

The UNHCR, TDH, MEDU and Oxfam used *outsider* advocacy strategies (e.g. public statements, press release, press conferences and public meetings) to contrast the *security decree* adopted in October 2018. These actors made political pressure to counter these restrictive migration policies and asked the Italian government to abandon, or at least to modify, these measures.

The examples described in *paragraphs 7.1 and 7.3* shows that *insider* advocacy tactics (e.g. sharing observations and concerns with the competent authorities) were also used by international humanitarian organizations (e.g. UNHCR) to seek remedies to the restriction of asylum-seekers' rights.

In agreement with theory (Della Porta and Kriesi, 1998; Della Porta et al., 2003; McAdam et al., 2007; Onyx et al., 2010; Casey, 2011; Jenkins, 2011; Verschuere and De

Corte, 2015; Dellmuth and Tallberg, 2017), the strategies of *outsider* and *insider* advocacy described in this chapter contribute to promoting social change and to politicizing the current migration and border management system. Strategies of this kind can be considered as non-conflictual and non-confrontational (Verschuere and De Corte, 2015) but nonetheless oriented towards the transformation of social issues (Della Porta and Kriesi, 1998; Della Porta et al., 2003; McAdam et al., 2007). These *outsider* and *insider* advocacy activities can be considered as an example of the processes of negotiation, conflict and also cooperation that characterize the EU migration and border governance field (Triandafyllidou and Dimitriadi, 2014; Ambrosini and Van der Leun, 2015; Eule et al., 2018).

Recent literature (Fleischmann, 2017; Fleischmann and Steinhilper, 2017; De Jong and Ataç, 2017; Sandri, 2018; Fechter and Schwittay, 2019; Vandevooort, 2019; Vandevooort and Verschraegen, 2019; Sinatti, 2019) argued that, in comparison to grass-roots humanitarian groups, *mainstream* humanitarian organisations would be less capable of politicizing the migration and border regime: grass-roots humanitarian groups would represent an alternative to *mainstream* humanitarianism and would be able to challenge the neo-liberal governance of migration. At the same time, the various examples of advocacy presented in this chapter (e.g. protesting against migrants' rights violations, claiming for migration policies' changes and making political pressure on the government and on EU institutions) suggest that *mainstream* humanitarianism contribute to *re-politicizing* the current migration and border regime. Finally, the examples discussed in this chapter suggest that operating inside or outside the institutional migration control system does not influence the capacity of humanitarian TSOs to politicize their position in relation to governmental policies and practices.

## CHAPTER 8

### THE PRACTICES OF HUMANITARIAN TSOs IN RELATION TO TWO KEY REBORDERING PHASES IN ITALY

#### *Aims of the chapter*

- to describe and analyse the practices carried out by humanitarian TSOs in relation to the *hotspot approach* (both inside and outside the hotspot system);
- to present an example of the practices carried out outside the hotspot system by TSOs (focusing on the Oxfam case) during the transition period from the end of the *hotspot* “emergency” to the adoption of the *security decree* of 2018;
- to describe and analyse the practices carried out by humanitarian TSOs in relation to the adoption of the so called *security decree* of 2018;
- to discuss the extent to which TSO practices contribute to the (de)politicization of the current migration and border regime.

#### *Introduction*

Several scholars observed a gap between the formal norms and discourses and the actual practices carried out by social actors (Fisher, 1997; Olivier de Sardan, 2010). Several studies on migration have highlighted the gap between restrictive migration policies’ goals declared by governments, the way these policies are implemented on the ground and the actual outcomes of these policies (Castles, 2000, 2004; Cornelius and Rosenblum, 2004; Engbersen and Broeders, 2009; Ambrosini and Van der Leun, 2015; Ambrosini, 2017, 2018). Other scholars underlined that *migration management* discourses based on a liberal approach can legitimize and perpetuate migration control practices (Geiger and Pécoud, 2010, 2014; Georgi, 2010; Kalm, 2010, 2012; Pécoud, 2017). Other authors highlighted the presence of a gap between NGOs’

discourses on their capacity to modify power relations and “the failure of these organizations to live up to their own egalitarian rhetoric” (Fisher, 1997:456).

This chapter explores the tension between TSO discourses and practices and the contribution of these actors to the *(de)politicization* of the actual migration management system.

## **8.1 HUMANITARIAN TSOs’ INTERVENTION WITHIN THE HOTSPOT SYSTEM**

*Paragraph 8.1* focuses on two of the main practices carried out within the *hotspot system* by the UNHCR, *Terre des Hommes*, the Red Cross and MEDU: providing information to migrants and identifying migrants’ vulnerabilities. The following description of TSOs’ practices is based on interviews with humanitarian operators providing insights on: a) the content of these practices (e.g. the content of information), b) the modalities through which these practices are carried out, and c) the operators’ views regarding the vision and goals underpinning these practices.

### **8.1.1 PROVIDING INFORMATION WITHIN THE HOTSPOT: UNHCR LEGAL INFORMATION**

The UNHCR’s actions are mainly aimed at ensuring that people in need of protection (in particular refugees, asylum-seekers and stateless persons) fully enjoy their rights (UNHCR, 2016e; UNHCR, 2017c; UNHCR, 2018). As confirmed to me by a UNHCR spokesperson:

(..) we particularly take care of the access to the territory and to the asylum procedure. **For us it is essential that an asylum seeker is admitted to the territory and that they can access the procedure for the examination of their asylum claim** (Interview with UNHCR spokesperson, UN1, Catania, April 2018).

In hotspot areas, UNHCR teams (composed of a legal operator and a cultural mediator) mainly provided legal information to migrants. As several sources reported<sup>138</sup>, the content of the information focused on international protection procedures: in particular, UNHCR teams explained to migrants that if they fled their country because they were afraid of being persecuted or in danger (for reasons of race, religion, nationality, membership to a particular social group or political opinion) they could tell the authorities. As summarized by a UNHCR legal associate:

We remind them of their right to ask for protection, to express the wish to claim international protection (Interview with UNHCR legal-associate, UN2, Catania, May 2018).

UNHCR teams avoided influencing migrants: these operators informed migrants that they could express the wish to ask for international protection and then provided information about the asylum procedures (Interview with UNHCR legal-associate, UN2, Sicily, October 2018; Informal conversations with ASGI experts, September 2018; ASGI et al., 2018). As a legal-associate explained to me, these information sessions could be considered interactive and often *messy* moments during which migrants could ask questions to the operator:

(..) questions emerge, in every information session there is space for questions, the usual question is: *'can I work during the procedure?'* (..) there are specific questions that people ask you (..) their questions are really specific, we are not talking about a scenario where people are silent. They listen and then there is also space for technical and specific questions (Interview with UNHCR legal-associate, UN2, Catania, May 2018).

Besides providing information about international protection, UNHCR operators also informed migrants about identification procedures:

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<sup>138</sup> Interviews with: UNHCR spokesperson, UN1, Catania, April 2018; UNHCR legal-associate, UN2, Catania, May 2018; UNHCR cultural mediator, UN3, Sicily, October 2018; Informal conversations with ASGI experts, Catania, September, 2018.

(..) we start with a brief description of what will happen, and it happens basically in real time, informing people about the procedures that will be carried out by the authorities (Interview with UNHCR legal-associate, UN2, Catania, May 2018).

The UNHCR provided information in partnership with the IOM: the UNHCR informed people about asylum procedures while the IOM provided information about irregular entry and stay (Interview with IOM coordinator, IOM1, Catania, May 2018; Interview with UNHCR legal-associate, UN2, Catania, May 2018; Interview with UNHCR cultural mediator, UN3, Sicily, October 2018; ECRE et al., 2016:22). Before the identification procedures, the UNHCR teams distributed written information on leaflets without providing oral information: these leaflets (that were made by the UNHCR and the IOM) contained information about the possibility to claim asylum, specific information regarding minors and family reunification and information about the consequences of irregular entry (Interview with IOM coordinator, IOM1, Catania, May 2018; Informal conversations with ASGI experts, Catania, September 2018; ECRE et al., 2016; CIR et al., 2018).

In all four hotspot sites in eastern Sicily (Messina, Catania, Augusta and Pozzallo) the oral information session was usually carried out after the completion of the *foglio-notizie* and after photo-identification procedures (Interview with UNHCR legal-associate, UN2, Catania, May 2018; UNHCR, 2016e:2; ECRE et al., 2016; Council of Europe, 2018; CIR et al., 2018). As reported by different sources<sup>139</sup>, in Messina, leaflets were usually distributed in the hotspot courtyard where migrants waited to go through pre-identification. In Pozzallo, leaflets were distributed at the dock by a UNHCR operator just before migrants got on the bus that would bring them inside the hotspot (approx. 200 meters further); the other operator usually got on the bus and provided information about asylum.

The UNHCR operators provided oral information about the asylum procedures and about the reception system and its services after the identification procedures. The

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139 Oxfam, 2016a; ASGI et al., 2018; Informal conversations with ASGI experts, Catania, September 2018.

UNHCR teams followed the “*Standard Operating Procedures*” (SOPs) and provided oral information when the position of migrants was already defined by the authorities (ECRE et al., 2016; Oxfam, 2016a; DRC, 2017; Council of Europe, 2018:17). During the oral information sessions carried out after the identification procedures, migrants were usually divided into groups on the basis of nationality and spoken languages (Interview with UNHCR legal associate, UN2, Catania, May 2018; Council of Europe, 2018; ASGI et al., 2018). As reported to me by the UNHCR legal-associate, this oral information session was:

(..) a little bit more substantial (..) during which you explain from the beginning the overall asylum procedure in Italy, (..) the C3 registration, the interview with the authorities. We always mention the services [e.g. social workers, psychological assistance, pocket money] that people will have successively in reception centres (Interview with UNHCR legal-associate, UN2, Catania, May 2018).

Some organizations (Oxfam, 2016a; ECRE et al., 2016:51; Council of Europe, 2018) questioned the effectiveness of the practice of providing complete oral information after identification procedures (and in particular after the *foglio-notizie*) because this way of proceeding could undermine migrants’ right to ask for international protection. In addition, the practice of providing information to groups, rapidly or when migrants were under shock after their arrival continued to be an issue of concern for some organizations (Oxfam, 2016a; Council of Europe, 2018). Moreover, the *Council of Europe* highlighted that migrants hardly understood leaflets on complex legal issues:

“(..) documents [leaflets] provided contained complex legal information, which most persons were only able to understand when supplemented by substantial oral explanations (..) these information sessions only took place once the formal pre-identification interview with the immigration police had already been carried out, as provided for in the SOP”<sup>140</sup> (Council of Europe, 2018: 17).

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<sup>140</sup> The word in square brackets has been added by me.

The UNHCR teams carried out their intervention in agreement with SOPs indications. Operators usually made sure that migrants read the leaflet before undergoing identification procedures:

(..) **we follow SOPs** and they provide you with the right space to carry out your work in the most ordered way, obviously taking into account all the requirements that authorities can have during disembarkation procedures. So **we make sure that people have the time to read our leaflets** about international protection and the possibility to ask for international protection in Italy (..) So **people have time, before the identification procedures, to read the leaflets** that we give them (Interview with UNHCR legal associate, Catania, UN2, May 2018).

The UNHCR took part in the drafting of SOPs with the goal of advocating for asylum seekers' rights (Interview with UNHCR spokesperson, UN1, Catania, April 2018; UNHCR, 2016e) and initially contributed to define the procedure that established the distribution of leaflets before pre-identification, and people being informed orally only at a later stage (Ministry of the Interior, 2016b; ECRE et al., 2016:15; Council of Europe, 2018:17). At the same time, as shown in the previous chapter, in March 2017 the UNHCR publicly advocated for the modification of hotspot standard procedures and asked to:

(..) **revisit Standard Operating Procedures** applicable to the hotspots in order **to ensure procedural safeguards** and their accurate implementation also in disembarkation areas other than hotspots (UNHCR, 2017a:2).

According to Oxfam, no safeguarding organisation was present during police interviews (Oxfam, 2016a). The UNHCR operators highlighted that, in any case, migrants could express their wish to claim for international protection at any stage, also after identification (Interview with UNHCR legal-associate, UN2, May 2018; Informal conversations with ASGI experts, Catania, September, 2018).



The UNHCR operators reported that they provided information to all migrants, regardless of their nationality and that the distinction between migrants on the basis of their nationality was unacceptable for the UNHCR (interviews with UNHCR spokesperson, UN1, Catania, May 2018; UNHCR legal-associate, UN2, Catania, May 2018). At the same time, this last statement appears to be somehow in contradiction with the use of the notions of *safe Countries of origin* and of *refugee producing countries* that are sometimes used in UNHCR's documents (UNCHR, 2016c, 2016d:6). Moreover, several sources reported that access to asylum procedures was somewhat easier for certain nationalities. In continuity with the past (see *chapter 1*), north-African migrants (and in particular Tunisians) were usually treated as “economic” migrants to whom less guarantees (e.g. in terms of information and access to asylum procedures) were ensured (ECRE et al., 2016, 2017, 2018; DRC, 2017; ASGI et al., 2018; CIR et al., 2018; Council of Europe, 2018). In agreement with theory (Walters, 2006; Andrijasevic, 2006, 2010; De Genova, 2002, 2013; Casas-Cortes et al., 2014; Mezzadra, 2015), this kind of selection contributes to the stratification of access to the territory and to rights and perpetuates processes of *bordering* (on the basis of nationality). Practices of legal information like the ones described in this section can have contradictory features in relation to the *(de)politicization* of the migration management system. On the one hand, informing migrants about their rights can help ensure them the right to ask for asylum and can increase the chances of inclusion for those in need of international protection. On the other hand, the kind of information provided by the UNHCR in the context of the hotspot is based on the selective rationale that is at the basis of EU member States *bordering* narratives, policies and practices (Akoka, 2016; Tassin, 2016; Vollmer, 2016; Bassi, 2018) and can contribute to legitimizing, more or less consciously, the selection between *forced* and *voluntary* migrants that characterizes migration management on the Central Mediterranean border (Jeandesboz and Pallister-Wilkins, 2014; Scheel and Ratfisch, 2014). Moreover, information (aimed at protecting migrants) can in the end legitimize

*migration management* objectives (fingerprinting, limiting and reorienting migrant mobility) and perpetuate soft control techniques (Pécoud 2010; Browne, 2015). The next section will address this issue more in detail focusing on the provision of information about *relocation*.

### 8.1.2 UNHCR's INFORMATION-GIVING PRACTICES ABOUT *RELOCATION*

As described in previous chapters, the *relocation* program was complementary to the *hotspot approach*<sup>141</sup>. In Italy, the UNHCR was entrusted with the task of providing specific information about *relocation* procedures to migrants fitting the *relocation* criteria. According to *relocation* criteria, people were considered as *in clear need of international protection* if they belonged to nationalities for which the asylum recognition rate was equal or superior to 75%<sup>142</sup>. Migrants fitting this category could be transferred (according to distribution quotas based on several criteria) to other EU countries that had to examine their asylum claim. Migrants' adherence to this program was voluntary and asylum seekers could not choose their country of destination. The procedures of pre-identification, photo-identification and formalization of the asylum claim had to be carried out in the country of first arrival<sup>143</sup>.

It can be argued that this *relocation* program contributed to the creation of a *new* category of migrants and contributed to stratifying the access to mobility and rights. This program created a *new* category of subjects within the *asylum seeker* category (i.e. *asylum seeker in clear need of protection*) with the aim of ensuring safe and legal transfers within EU territory. Moreover, *relocation* seems to be based on a logic of

141 This *relocation* program ended in September 2017.

142 On the basis of the data provided by Eurostat regarding the previous three months. <https://www.unhcr.it/risorse/carta-di-roma/fact-checking/relocation-programma-la-redistribuzione-richiedenti-asilo-stenta-decollare>; [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2\\_eu\\_solidarity\\_a\\_refugee\\_relocation\\_system\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2_eu_solidarity_a_refugee_relocation_system_en.pdf).

143 European Commission (2015); see also <http://www.libertacivilimmigrazione.dlci.interno.gov.it/it/relocation>; <https://easo.europa.eu/operational-support/hotspot-relocation/relocation/questions-and-answers-relocation>; <https://www.unhcr.it/risorse/carta-di-roma/fact-checking/relocation-programma-la-redistribuzione-richiedenti-asilo-stenta-decollare>.

limitation of mobility since this program implied the transfer of asylum seekers towards EU countries chosen by authorities at the national and European level. In agreement with theory (Cuttitta, 2007, 2018a; Geiger and Pécoud, 2010, 2012, 2013; Walters, 2011; Mountz et al., 2012; Tassin, 2013; Tazzioli, 2015; Mezzadra, 2015), *relocation* can be seen as a tool that contributed to influencing migrant mobility, reproducing reduced legal statuses and further stratifying access to mobility and rights.

While the *relocation* did not accomplish the initial EU goals<sup>144</sup>, it is interesting to consider the possible role played by UNHCR information-giving practices in perpetuating the stratification of access to rights on the basis of nationality and vulnerability.

According to the following interviews, the UNHCR's information-giving practices were characterized by attempts to convince migrants (of certain nationalities) to adhere to *relocation*. Syrian and Eritrean migrants were considered almost automatically *in clear need of international protection*. The relevance the interviewees gave to operators' efforts to convince migrants to "change their minds" (about their initial mobility plan) shows the tension between informing migrants (with the aim of providing legal alternatives and to protect them) and contributing to influencing their mobility. The role played by oral information provided to migrants in order to explain *relocation* procedures is emphasized in the following extracts:

(..) when people have a migratory project, they already have a path prearranged by families who help them and they want to go to Sweden, it is not easy to **stop them**, it is not easy to **provide them with a legal alternative**, a path **that would not put them in danger**. At the beginning it was not easy. Then, also with the effects produced by first departures [through *relocation*], there was the usual word of mouth between different communities and (..) there was a lot of great work done also with colleagues, I mean, **long chats, long days spent in order to let these people understand** (..) (Interview with UNHCR legal-associate, UN2, Catania, May 2018).

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<sup>144</sup>Also due to the lack of cooperation of several EU countries that did not respect their engagements; <https://www.unhcr.org/news/press/2017/9/59ca64354/unhcr-calls-eu-relocation-scheme-continue.html>.

(..) people had to be photo-identified. Explaining to people that they would be legally transferred directly from Italy to other countries, it was a change of direction for **some nationalities that did not want to hear about it**; so we can talk about success from this point of view (..) there were cases in which people **radically changed their minds** after initial doubt (..) the continued work on the ground and the general presence in disembarkation areas, it make sense that it would **help us to reach the goals** (..) it make sense that from the moment we informed people about this project [*relocation*], which was aimed at **providing a legal pathway** to access other European countries, **for people who had a precise migratory project** (..) it make sense that obtaining results would help us (Interview with UNHCR legal-associate, UN 2, Catania, May 2018).

(..) despite the difficulties faced in providing information and **convincing people** because (..) for several years Eritreans who arrived would tell each other: *'you must not submit photo-identification because otherwise you are not able to leave'*, it is really hard to explain to them: *'things have changed and you have the right to do legal path to access the territory'*. There might be a couple that **trust you and accept your proposal** but there are others who say: *'look at those who accepted, they remained stuck here because the procedure is very long'*. At the same time, those who did not accept were already gone. But it is also true that those who had access to relocation were able to go through a safe transfer, so relocation was a **positive tool** because it allowed for **greater protection of refugees**, which is **our specific aim, it granted safe channels inside the European Union** (Interview with UNHCR spokesperson, UN1, Catania, April 2018).

The role of the UNHCR in providing information about *relocation* was also described by the Prefect of Agrigento before the *Parliamentary Commission of Inquiry* on the Italian reception system. The Prefect described the case of a group of Eritrean migrants who refused fingerprinting and *relocation*:

The difference, at this point, can only be made by information. **Information is made (..) mainly by the two international organisations, UNHCR and IOM**, and as I told before, they start this kind of activity the moment people arrive at the centre. (..) during all the period of permanence – this has also been the agreement -, humanitarian organizations continue during the following days (..) to provide this kind of information. Precisely because of the difficulty (..) **of making them understand the need for**

**the photo-identification and fingerprints and to overcome their doubts** we continue during days to provide this kind of information (...) (Italian Chamber of Deputies, 2016b: 10)  
(...) little by little (...) each of them, in small groups, **provided fingerprints** and, **then, we proceeded to complete the relocation procedure** (Italian Chamber of Deputies, 2016b: 5).

Furthermore, as described by the *Frontex* coordinator before the same Parliamentary Commission (Italian Chamber of Deputies, 2016c), the authorities also resorted to *Skype* calls with migrants who had already been relocated to convince those migrants that were reluctant to give their fingerprints and to accept *relocation*. These persuasion practices were consistent with one of the main goals of the hotspot that was to prevent migrants from leaving before the completion of identification and registration procedures (Italian Chamber of Deputies, 2016c:3). In agreement with theory (Andrijasevic, 2006, 2010; Alberti, 2010; Mountz et al. 2012; Geiger and Pécoud, 2013; Bernardie-Tahir and Schmoll, 2014b), practices of coercion and persuasion can contribute to the management of migration and the stratification of migrants' rights. Processes of *bordering* through the classification of migrants and the stratification of rights on the ground of *protection* and humanitarian rationales (Ticktin, 2006; Agier, 2008; Fassin, 2010; Mezzadra, 2015; Cuttitta, 2018a; Pallister-Wilkins, 2018; Vandevordt, 2019) can be perpetuated by the interaction between coercion and persuasion practices.

The following examples of practices carried out by migrants that were in disagreement with the *relocation* procedure are consistent with a theoretical interpretation of *relocation* as a migration management tool. In January 2016 in Lampedusa, around 200 Eritrean migrants refused to be fingerprinted and protested against the *relocation* mechanism. A blog-post by the NGO *Mediterranean Hope*<sup>145</sup> reported the words of a migrant that summarized their claims:

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145 <https://www.mediterraneanhope.com/2016/01/03/la-protesta-degli-eritrei-a-lampedusa/>; *Mediterranean Hope* is a project of the Federation of Evangelical Churches in Italy.

Our aim is to join our relatives that already live in Europe. Unfortunately, the relocation mechanism does not take into account our will. They want to decide about our future as if we were objects.

On May 7<sup>th</sup> 2016, several migrants (including Eritreans) that had been held in the hotspot of Lampedusa for months, released a statement (with the help of a local activist group) that ended as follows:

(..) Giving fingerprints in these conditions does not leave us the freedom of our future choices, as for example joining our families or communities that are in other countries (*Askavusa* activists' group, press release, 7 May 2016)<sup>146</sup>.

Moreover, I had the chance to interview an operator that had worked (until the end of 2016) in a hub for *relocation* candidates situated in Rome. This operator reported to me that in some occasions *relocation* candidates carried out protests and hunger strikes when they understood that they could not choose their country of destination (interview with social worker in a hub for *relocation* candidates in Rome, ORC1, Catania, December 2018).

UNHCR information-giving practices were aimed at protecting migrants and providing them with an alternative to so called *onwards movements*. However, the fact that interviewees repeatedly used terms such as “stop”, “convince” or “change their minds” highlights that migrants had other autonomous mobility projects. In agreement with theory, practices of this kind can contribute to a) legitimizing *migration management* through soft control techniques (Geiger and Pécoud, 2010, 2012, 2013; Pécoud, 2010), b) influencing and channelling mobility and c) perpetuating *re-bordering* processes through the stratification of legal-statuses and rights (Kofman, 2002; Cuttitta, 2007; De Genova, 2002, 2013; Casas-Cortes et al., 2014; Tazzioli, 2015, 2016). Moreover, practices of this kind contribute to legitimizing the dichotomy between *forced* and *voluntary* migrants and contribute to perpetuating

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146 <http://www.osservatoriorepressione.info/lampedusa-no-alla-militarizzazione-e-al-centro-di-detenzione-per-migranti/>.

*bordering* processes through categorization based on humanitarian and protection criteria (Walters, 2009, 2011; Jeandesboz and Pallister-Wilkins, 2014; Mezzadra, 2015; Akoka, 2016; Pallister-Wilkins, 2017, 2018; Cuttitta, 2018a; Bassi, 2018).

### 8.1.3 PROVIDING INFORMATION WITHIN THE HOTSPOT: THE RED CROSS' INFORMATION ABOUT RFL

In hotspot areas, the Red Cross' information-giving practice (RFL)<sup>147</sup> is aimed at preventing the separation of households during disembarkation and identification procedures. RFL activities were carried out in different ways depending on the area of intervention. In Catania, this information-giving practice took place just after disembarkation and consisted in a) asking migrants if they had arrived with a relative and, if this was the case, b) telling migrants to inform the authorities of the fact that they had arrived with a family member. After having reported to the Red Cross that they had arrived with a relative, these migrants waited under the Red Cross' gazebo until their relatives got off the boat and then they walked together towards the police identification gazebo (interview with Red Cross coordinator, RCO1, Catania, April 2018). In Catania, the Red Cross provided RFL information before migrants went through identification procedures and the registration of family units was then evaluated by the police mainly on the basis of migrants' statements:

We thought about a type of information based on existing norms that **safeguard the concept of family unity**. We do not give out legal information (...) we say to **migrants that if they have a family member they would do well to tell it to us as well as to the authorities** because this allows them to be registered as a household and to walk together towards the same destination (...) we have set up a gazebo so if migrants tell us *'yes we have a family member on board'* they wait under our gazebo. When the family member gets off, they go towards the authorities and **then, obviously, it is always up to them, they [migrants] have to declare to the authorities that they arrived with a relative** (Interview with Red Cross coordinator, RCO1, Catania, April 2018).

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<sup>147</sup> This information-giving activity is part of a broader international project called "Restoring Family Links" (RFL).

In 2016 around 16 000 migrants arrived in Catania and the Red Cross informed each migrant about RFL: this practice contributed to safeguarding the unity of around 700 families (Interview with Red Cross coordinator, RCO1, Catania, June 2018).

In Pozzallo, the Red Cross team estimated that there was not enough time to carry out this activity at the dock. In this context, the Red Cross did not have a fixed presence inside the hotspot centre and used signs attached to the walls of the structure to inform migrants about the RFL service: to collect RFL requests, the Red Cross resorted to the collaboration of the other actors operating inside the hotspot that referred migrants to the Red Cross office in Ragusa (Interview with Red Cross' coordinator, RCO2, Pozzallo, June 2018).

Interviews suggest that, in the different hotspot areas, the authorities' decisions were mainly based on migrants' statements while further checks could be carried out at later steps of the reception process (Interviews with: Red Cross coordinator, RCO1, Catania, April 2018; Red Cross coordinator, RCO2, Pozzallo, June 2018). As explained by both Red Cross coordinators, uncertainty concerning family ties in hotspot areas was unavoidable:

The International Committee at the beginning said *'it is really delicate, at the dock we cannot have the certainty that they are relatives'*. All this activity is characterized by **uncertainty**. At this stage you can possibly do a quick check but we do not define them as relatives, we do not register them as relatives. **The authorities define and register them as relatives because the question is asked to migrants by the authorities, so we do not decide anything** (Interview with Red Cross' coordinator, RCO1, Catania, April 2018).

Sometimes arrive uncles, or people to which parents have given the custody of their children, they are not their parents but they have been given custody of the children, or children that lost their parents during the journey. If you talk with a child and you ask him: *'she is your mother?'*, he tells you *'yes!'* but you don't know if it is true. (..) At the same time it is clear that when they [migrants] are missing or



arrive in different places, before they [authorities] give the custody of a minor to a person they have to be really sure that she is the parent (Interview with Red Cross' coordinator, RCO2, Ragusa, June 2018).

Interviewees reported that basically were considered as family members those migrants linked by "blood ties" (Interview with Red Cross coordinator, RCO1, Catania, June 2018) or by close family ties (Interview with Red Cross coordinator, RCO2, Ragusa, June 2018). As reported by the Red Cross coordinator of Pozzallo:

I mean, **brothers, parents and sons, cousins, uncles, grandparents** but they have to be family ties, if you say '*he is my friend*' it does not work (Interview with Red Cross' coordinator, RCO2, Ragusa, June 2018).

Within these definitions, were included also wives and husbands (interviews with: Red Cross coordinator, RCO1, Catania, April 2018; Red Cross coordinator, RCO2, Ragusa, June 2018). Moreover, single parents with children are expressly defined by law<sup>148</sup> as a vulnerable category and their rejection at the border is expressly limited by law (Consolidated Immigration Act, art. 19; Training session held by MEDU, Messina, November 2017; Interview with MEDU team, ME2, Ragusa, July 2018).

The police filled an individual *foglio-notizie* for each family member, marked an identification code on each form and grouped the forms together in order to clarify that they referred to a single family unit (interview with Red Cross' coordinator, RCO1, Catania, July 2018). In the practices carried out by the authorities, family units, in particular when they included children, were considered as vulnerable groups: according to interviews, households were never rejected in hotspot areas (i.e. they did not receive rejection orders) but they were channelled towards reception centres where they would formalize the asylum application and wait for the decision of the competent Territorial Commission. Families were usually transferred to specific centres (e.g. Sprar centres; hubs) that could be located anywhere on the national

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148 Article 17 of the Legislative Decree 142/2015 about asylum seekers reception.

territory (Interviews with: Red Cross' coordinator, RCO1, Catania, July 2018; TDH operator, TDH2, Pozzallo, June 2018).

From 2014, the Red Cross committee of Catania promoted the introduction of the RFL information during disembarkations and later this project was extended to other sites such as Pozzallo, Messina and Augusta. Family separations could happen for several reasons: a) family members rescued by different ships could be disembarked at different ports, b) the rapidity of procedures at the docks, c) the swift transfer of some of the family members in other Italian regions and d) other organizational dysfunctions (Interview with Red Cross' operator, RCO1, Catania, April 2018). The following extract describes how separation could take place and how the Red Cross intervened in Catania to influence authorities in order to safeguard the unity of family groups:

(..) in September 2015 the Prefecture told us that there would be two disembarkations the same day (..) we arrived at eleven o'clock, everything was ready, and the first boat arrived: there were only men. We asked why there were only men (..) they [migrants] said *'no no, we have family'* (..) They had families on the second boat that would arrive at one o'clock. (..) **We intervened immediately and we said 'no, a lot of them cannot leave because they declare having family members, wives, children, on the other boat'. We could not allow a separation like that.** (..) At the beginning the **authorities did not take it very well because this implied postponing everything but in the end we did it** (Interview with Red Cross' operator, RCO1, Catania, April 2018).

By advocating for the safeguard of family units the Red Cross contributed to raise authorities' awareness (Della Porta et al., 2003; Onyx et al., 2010; Casey, 2011) on the need to keep family members together and to expand these information-giving practices in other disembarkation areas in order to improve the protection of family groups.

The Red Cross RFL practices described above were aimed at protecting families. Moreover, the fact of being part of a family unit, in particular when children were involved, reduced the probability of receiving a rejection order and increased the

possibility of being channelled towards asylum and reception procedures. It can be argued that RFL practices could have a different influence on migrants' selection depending on the specific hotspot area in which they were carried out. The example of Catania suggests that oral RFL information provided immediately before identification procedures could contribute to influence, more or less directly, the chances of being channelled towards asylum and reception procedures. On the other hand, the example of Pozzallo suggests that not providing oral RFL information and relying only on written signs attached to the hotspot walls could reduce the possibility for this practice to influence selection procedures.

Information-giving practices of this kind contribute to legitimizing the strategical selective closure that characterize the EU border regime (Van Houtum and Pijpers, 2007; Tsianos et al., 2009; Tsianos and Karakayali, 2010; Pécoud, 2010) and can perpetuate, more or less consciously, the current migration management system based on the selection between those migrants deserving protection and "others" (Ticktin, 2006; Fassin, 2010; Walters, 2011; Tassin, 2016; Akoka, 2016; Bassi, 2018). Legitimizing selection on the basis of vulnerability categories contributes to perpetuating *bordering* processes through the stratification of migrants' access to territory and rights (De Genova, 2013; Ticktin, 2006, 2014; Fassin, 2010; Mezzadra, 2015; Pallister-Wilkins, 2017, 2018; Cuttitta, 2018a; Vandevoordt, 2019).

On the other hand, information-giving practices like the ones described in this section can increase the chances of inclusion for family groups on the grounds of vulnerability reasons. Moreover, in the case described in this section, the TSO that provided information to migrants also contributed to convince authorities to introduce this practice: in agreement with theory, this can be considered a form of *insider* and *individual* advocacy that promotes the interests of a specific category of migrants (Onyx et al. 2010; Casey, 2011; Ambrosini, 2014, 2015a, 2017; Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017).

#### 8.1.4 VULNERABILITY IDENTIFICATION AND PSYCHOLOGICAL ASSISTANCE WITHIN THE HOTSPOT

The legislative decree n. 142/2015 provided the legal framework of reference for actors entrusted with the task of identifying migrants' vulnerabilities in hotspot areas. The list of vulnerable cases indicated in the *article 17* of this decree includes: minors, unaccompanied minors, disabled people, seniors, pregnant women, single parents with minors, victims of trafficking, people with severe diseases or mental illness, people for whom it has been recognised that they have been victims of torture, rape or other severe forms of psychological, physical or sexual violence, and victims of genital mutilations (Legislative decree 142/2015, article 17).

Italian immigration legislation sets strict limits to the rejection or expulsion of people recognized as vulnerable (article 19 of the Consolidate Act on Immigration; Training session held by MEDU, Messina, November 2017). Moreover, as reported by different interviewees, migrants identified as vulnerable in hotspot areas are, as a general rule, channelled towards reception and asylum procedures (Interviews with: Red Cross coordinator, RCO1, Catania, June 2018; MEDU team, ME2, Ragusa, July 2018).

All the interviewees mentioned the identification of vulnerabilities as one of their activities, but UNHCR, MEDU and *Terre des Hommes* operators gave particular relevance to this practice. Each TSO focused specifically on the identification of vulnerabilities (as defined by the categories listed in the above-mentioned legislative decree) and referred *vulnerable* people to the authorities or to other humanitarian organisations.

A main difference between these organisations concerns the fact that UNHCR operators (who did not have specific medical skills) focused mainly on informing migrants about possible vulnerabilities. UNHCR operators tried to identify vulnerable migrants mainly during the information sessions described in *section 8.1.1*. They tried to identify stories that possibly fitted the vulnerability categories established by law.

The UNHCR operators referred the vulnerable migrants that they were able to identify to other competent actors (i.e. the prefecture and control authorities, the IOM, NGOs). These operators also informed migrants about the fact that they could report their needs or suffering to services available in second-level reception centres (e.g. social workers, reception operators, psychologists and so on):

(..) in our information sessions we say in a quite insisting manner to people who think to fit those cases [of vulnerability], who could have undergone violence of any kind (..) we tell them that they can talk about it to competent actors. Once the vulnerability detected, myself, **not having notions of medicine (..) the relevance of the identification of vulnerabilities is to activate referrals to various actors, healthcare actors for example**, who can take care of that person. This is really important in order to provide people with the services they need, this is the aim, that the person can be taken care of from the very beginning (..)

ME: so the criteria that you have as reference to identify vulnerabilities are those from article 17?

UN2: yes, those listed in article 17 of the decree 142 of 2015 (Interview with UNHCR legal-associate, UN2, Catania, May 2018).

Psychological support provided by TDH (focusing on minors and families) and MEDU (focusing on victims of torture) was mainly aimed at: a) providing immediate support and relief to migrants; b) identifying and referring healthcare and psychological vulnerabilities to competent authorities (i.e. mainly local health authorities and the prefecture) or to other TSOs.

When considered appropriate, TDH and MEDU carried out individual interviews with migrants and successively drafted a vulnerability report that they gave to the person: at a later stage, migrants could give this report to the Territorial Commissions that examined their asylum claims (*Terres des hommes*, 2017: 18; Interviews with: TDH coordinator, TDH1, Pozzallo, December 2017; MEDU team, ME2, Ragusa, July 2018). During my fieldwork period, MEDU and TDH intervened mainly on the docks and inside the hotspot of Pozzallo.

TDH operators carried out group reception activities that could help them identify psychological vulnerabilities:

During group reception activities we explain our project (..) we explain that if someone is not okay there is the opportunity to have a psychological interview in the hotspot. During the reception activity we can see **if there are vulnerabilities** (..) we ask if someone is not fine or needs to talk with the psychologist, we say that in any case it is possible to talk with the psychologist (..) We often tend to do groups activities also because **they help to detect first vulnerabilities**, they are for example expressive activities through painting, other times also activities of relaxation for example simply colouring pre-printed images (..) If instead there is the need for a psychological interview, in that case my colleague, who is a psychologist, carries out the **interview. Then the psychological report is shared with the person** and is sent to the reception centre that will accommodate the person so that she will continue to be taken care of **because our part ends at this stage** (Interview with TDH operator, TDH2, Pozzallo, June 2018).

MEDU operators tried to establish first contact with migrants within the hotspot by introducing themselves, by explaining what they did and by trying to open the possibility for a discussion (if migrants were willing). Sometimes, migrants spontaneously looked for the operator to ask for assistance:

(..) it could seem strange but, we try to **introduce ourselves** and **people also come to us** because they need help (..) and then there could be the person who, or you see her and you try to understand what's going on, or **she comes to you spontaneously**, she opens up with you because she understands that she can talk or she has an extreme need that as soon as she sees a minimum of attention she lets off some steam that she has inside (Interview with MEDU team, ME2, Ragusa, July 2018).

As explained by both MEDU and TDH's psychologists (Interviews with: TDH coordinator, TDH1, Pozzallo, December 2017; MEDU team, ME2, Ragusa, July 2018), the main tools used to identify psychological vulnerabilities were the observation of migrants' behaviour and the relationship with the person (both considered as clinical

tools). Situations of vulnerability could emerge after the healthcare triage at the docks: within the hotspot, operators mainly observed migrants' gaze, posture or other signs that could indicate possible conditions of vulnerability (Interview with TDH coordinator, TDH1, Pozzallo, December 2017). As reported by another TDH team member:

(..) actually **you also detect vulnerability physically** (..) in the sense that you see that in general those that are more vulnerable than others generally have downcast eyes (..) you see that he has a defensive position, I mean, psychologists often refer to this book which says '*the body feels the blow*'. The fact is that, in some way, **the body talks about the suffering** you have undergone (Interview with TDH operator, TDH2, Pozzallo, June 2018).

In the following extracts, the MEDU psychologist and the team coordinator described some of the tools they used:

(..) **the clinical eye plays a key role**, in the sense that we are clinical practitioners prepared to identify vulnerability (..) what we try to understand is if there are **scars on the body**, this is one of the fundamental factors. Then **the gaze**, we are able to understand if the person is suffering from dissociation or not (..) dissociation is one of the most frequent symptoms when you suffer from post-traumatic stress (Interview with MEDU team [psychologist], ME2, Ragusa, July 2018).

(..) sometimes **the clinical eye is essential** because if he stays crouched down in a corner with a fixed gaze and if I am not a doctor, I walk past and I do not notice it. Someone who comes to talk to me is more visible but maybe the one crouched down is more in need than the one who comes to me directly, but these are also things that you learn from experience (..) and then you can also have behaviours of extreme agitation and extreme fear (Interview with MEDU team [coordinator], ME2, Ragusa, July 2018).

Furthermore, the identification of psychological vulnerabilities carried out both by MEDU and TDH was mainly aimed at ensuring that vulnerable migrants would promptly receive adequate support and would be transferred to relevant reception

centres (Training session held by MEDU, Messina, November 2017; Interviews with: TDH operator, TDH2, Pozzallo, June 2018; MEDU team, ME2, Ragusa, July 2018).

The UNHCR, MEDU and TDH (and also the Red Cross when they identified vulnerabilities) cooperated in order to refer vulnerable migrants to the competent organization. Some examples provided by interviewees clarify this division of tasks: UNHCR operators referred minors to TDH (in case of psychological vulnerability) or to Save the Children (for legal information). TDH referred possible victims of human trafficking to the IOM, minors in need of legal information to Save the Children and people in need of asylum to the UNHCR. Migrants separated from family members were referred to the Red Cross and possible victims of torture were referred to the MEDU team<sup>149</sup>.

It is possible to argue that, in the hotspot context, the State delegated competences and tasks to actors recognized as having the required expertise to accomplish them. In agreement with theory (Andrijasevic and Walters, 2010; Geiger, 2005; Geiger and Pécoud, 2010, 2013; Korneev, 2014; Garnier, 2014; Wolff, 2015), this kind of division of tasks and competences, based on specific expertise and knowledge, can contribute to improving the *migration management* capacity of the State. Moreover, cooperation among actors guided by different principles and interests such as NGOs, IGOs, local healthcare authorities, prefectures and police officials contributes to producing a *multi-level* and *multi-actor* migration governance field in which heterogeneous actors struggle, negotiate and harmonize their positions (Wihtol de Wended, 2012; Triandafyllidou and Dimitriadi, 2014; Ambrosini, 2015a, 2018; Ambrosini and Van der Leun, 2015; Eule et al., 2018).

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<sup>149</sup> Interviews with: Red Cross coordinator, RCO1, Catania, April, 2018; Red Cross coordinator, RCO2, Ragusa, June 2018; UNHCR legal-associate, UN2, Catania, May 2018; TDH operator, TDH2, Pozzallo, June 2018; MEDU team, ME2, Ragusa, July 2018.



### 8.1.5 VISIBLE AND NON-VISIBLE VULNERABILITY: A DIFFERENT ROLE IN MIGRANT FILTERING

According to the interviews and reports presented below, a distinction could be made between *visible* and *non-visible* vulnerabilities in hotspot areas. Due to the rapidity of hotspot procedures and to the overall organizational framework, it was possible to mainly identify the more evident vulnerabilities. Within this category were included: physical violence, unaccompanied minors, pregnant women, single parents with children, elderly people and people with disabilities. Vulnerabilities linked to psychological issues and trauma, post-traumatic stress and human trafficking were considered less visible (ECRE et al., 2016:25; DRC, 2017). According to some organisations' reports (i.e. the *Danish Refugee Council* and the *ECRE*), less visible vulnerabilities were under-detected in hotspot areas:

“(..) **Visible vulnerabilities** such as pregnant women or single-headed households, unaccompanied minors or people with disabilities are usually identified already at the port. **Non-visible vulnerabilities** such as victims of trafficking, torture survivors, victims of extreme violence etc, tend to be identified much later, if at all, in the regional hub where people stay longer than in the hotspots” (ECRE et al., 2016:25-26);

“(..) The **under-identification of vulnerable persons** remains a persistent problem in both Italy and Greece (..) in the Italian hotspots **less visible vulnerabilities risk being overlooked**” (DRC, 2017:3).

“(..) in Italy (..) the procedures at the hotspots (..) often do not allow sufficient time for all vulnerable profiles to emerge, effecting victims of **certain vulnerabilities which may disclose only at a later stage** [as is the case with traumatic events such as gender-based violence]” (DRC, 2017:10).

Several humanitarian TSO operators confirmed that it was very hard to identify vulnerable people within the hotspot (due to timing, tools, settings and procedures). As explained to me by a TDH coordinator, during medical screening on the dock, the

vulnerabilities that could be identified were mainly the *visible* ones such as pregnant women or people with severe injuries (interview with TDH coordinator, TDH1, Pozzallo, December 2017).

MEDU operators explained that migrants could show different degrees and profiles of vulnerability: some were considered as immediately identifiable while for others, such as victims of torture, it was harder (Interview with MEDU team, ME2, Ragusa, July 2018). Moreover, MEDU operators explained that:

The work is sometimes very complex, precisely due to the way the hotspot is organised, and also because of how short a time people stay here, that is a good thing because remaining in a hotspot for a long time is really detrimental, but at the same time **it gives us less time to do our job** (Interview with MEDU team, ME2, Ragusa, July 2018).

As reported to me by a UNHCR legal-associate:

**(..) a specific vulnerability or a person would not necessarily come up immediately after disembarkation, so certain things could come up later on** and this is the reason why in reception centres there is a psychologist, a social worker and so on, precisely to signpost people towards the services they need (Interview with UNHCR legal-associate, UN2, Catania, May 2018).

A TDH operator reported that often, when you meet a vulnerable person in the hotspot:

**(..) you make sure understand where they are going to be transferred but you do not necessarily intervene because the conditions aren't there to intervene in forty-eight hours** (Interview with TDH operator, TDH2, Pozzallo, June 2018).

The following extract reports the opinion of a Red Cross coordinator in Pozzallo:

(..) **maybe you see the most striking [vulnerabilities]**, but you know, they arrive, they get off, photo, they put them on buses (..) and then you lose them (..) **there is not enough time**, we would need to talk with all of them at least for a moment, to see who they are, but **it is absolutely not possible** (Interview with Red Cross coordinator, RCO2, Ragusa, June 2018).

Humanitarian operators did not participate in the decisional process that determined migrant rejections in hotspot areas. These decisions were taken by the Italian authorities (i.e. the Italian police). During disembarkation procedures the UNHCR and NGOs helped identify the most visible vulnerabilities and they referred them to the authorities: this could limit the possibility for vulnerable migrants to receive a rejection order. At the same time, the identification of less visible vulnerabilities in hotspots was very complex and TSO operators usually had much more time to intervene after the identification procedures (i.e. after rejection decisions had already been taken). From this point of view, TSO practices only had a limited influence on the authorities' decisions.

Vulnerability identification practices (and the logic underpinning them) can have an ambivalent role in terms of (de)politicization: on the one hand, the identification of vulnerable migrants contributes to increase their chances of inclusion on vulnerability grounds. On the other hand, vulnerability identification contributes to legitimizing, more or less consciously, the classification and selection of migrants and contributes to perpetuating *bordering* processes based on vulnerability criteria (Ticktin, 2006; Fassin, 2010; Walters, 2011; Mezzadra, 2015; Pallister-Wilkins, 2017, 2018; Cuttitta, 2018a). Identifying vulnerabilities inside a system that filters mainly between *forced* and *voluntary* migrants contributes to legitimizing classifications and categorizations based on specific criteria of suffering. In agreement with theory (Malkki, 1996; Cuttitta, 2007, 2018a; Ticktin, 2014; Fleischmann, 2017; Vandevooordt, 2019), the legitimization of vulnerability classifications, humanitarian categories and logics contributes to *depoliticizing* the current border regime.

## 8.1.6 PSYCHOLOGICAL VULNERABILITY IDENTIFICATION AND ITS ROLE BEYOND THE HOTSPOT

MEDU and TDH carried out psychological interviews with migrants inside the hotspot and, when it was appropriate, produced reports on migrants' vulnerabilities. The main aim of these reports was to ensure the continuity of support provided to migrants and to facilitate their access to services in the second-level reception centres. This report was delivered exclusively to migrants, to safeguard their privacy. Migrants could then present this report to the Territorial Commission that decided upon their asylum application (interviews with: TDH coordinator, TDH1, Pozzallo, December 2017; MEDU team, ME2, Ragusa, July 2018).

According to interviews with TDH operators, these vulnerability reports could play a role in ensuring an adequate follow-up of vulnerable migrants while they were not directly linked to the definition of the legal position of migrants in hotspot areas. On the other hand, the report could play a role during the asylum claim examination process:

(..) with regard to the first level of reception what we can do is to draft, to give this report of vulnerability, to contact the centre and to make sure that there will be a psychologist there (..) **in general this is how it works: the prefecture takes care of the transfer of families, social services is in charge of minors, and we leave a trace of the psychological work we carried out** (Interview with TDH operator, TDH2, Pozzallo, June 2018).

I have to respect professional secrecy, I do not speak directly with members of the immigration office concerning specific vulnerabilities (..) **the identification of psychological vulnerabilities does not influence the path of the migrant from the hotspot even because the *foglio notizie* is submitted immediately**. Rather, when I draft the report about the vulnerability of the person (..) **this report can be presented [by migrants] at the Territorial Commission that decides about the asylum application** (Interview with TDH coordinator, TDH1, Pozzallo, December 2017).

According to the MEDU coordinator, vulnerability reports could play a role in ensuring adequate future support for the migrant rather than in contributing to the actual definition of migrants' legal position inside the hotspot (Interview with MEDU coordinator, ME1, Ragusa, December 2017). In addition, the meaning and the concrete use of the report was clarified by MEDU operators:

We report critical issues from a psychological or also psychiatric point of view (..) this report is then delivered, a copy remains with us, but the original is delivered to the migrant who keeps this form and the idea is that it provides them with a first document, **a first attestation of their vulnerability, to be given to the reception centre that later will provide accommodation** (Interview with MEDU team, ME2, Ragusa, July 2018).

The identification of psychological vulnerabilities did not concretely influence the filtering process carried out by the police in hotspot areas. According to interviews, these types of vulnerabilities are less visible and are difficult to identify in hotspot areas. The report drafted by NGOs could instead play a role in the asylum recognition process: this report could influence the decision concerning the concession of a protection status (e.g. humanitarian protection on the ground of the suffering experienced by migrants). In this sense, vulnerability reports could contribute to the selective process of asylum recognition. In agreement with theory, on the one hand reports attesting the suffering of migrants could increase the chances for migrants to be included and to benefit from certain rights on the grounds of vulnerability and humanitarian criteria (Ticktin, 2006; Fassin, 2010; Ambrosini, 2014, 2018; Cuttitta, 2018a). On the other hand, practices of this kind perpetuate (and do not question) processes of differential inclusion and stratification of rights based on the fact that the more vulnerable migrants are seen as more legitimately entitled to inclusion (Ticktin, 2006, 2014; Fassin, 2005, 2010; Cuttitta, 2007, 2018a; Feldman, 2012; De Genova, 2013; Mezzadra, 2015; Tazzioli, 2015; Vandevorodt, 2019).

## 8.2 OPEN EUROPE: THE OXFAM RESPONSE FROM OUTSIDE THE HOTSPOT SYSTEM

During the first half of 2016 Oxfam launched the *OpenEurope* project in Sicily: until at least the first-half of 2017, the primary goal of this project was to support migrants rejected from hotspot areas. Oxfam resorted to mobile teams that operated in a flexible way and covered a vast part of eastern Sicily (e.g. Messina, Catania, Siracusa, Ragusa and also Caltanissetta and Agrigento). As one of the operators told me during an informal conversation, this flexibility was perceived as one of the strengths of the project that allowed Oxfam to be one of the few TSOs capable of intervening rapidly in different places in order to support migrants excluded from the reception system.

In the extracts reported below, Oxfam operators explained to me how they intervened before the drop in the number of arrivals by sea (which occurred in the second half of 2017) and the reduction of summary rejections directly from hotspot areas. During this phase, the main aims of Oxfam's intervention were: understanding if the rejection order had been given in violation of people's rights (e.g. lack of information, lack of adequate translation), explaining the content of the order to migrants and successively informing them about their right to ask for international protection and the related procedures. Oxfam operators described to me the asylum procedure as the only chance that migrants had to try to regularize their situation (at least at this stage): operators highlighted that appealing against rejection orders without claiming asylum was useless because it would not contribute to regularize the person's position. However, not all migrants wanted to claim asylum and some of them would rather carry on their journey:

OOP1<sup>150</sup>: we provided legal information mainly about how to access international protection procedures. There were a lot of mass rejections from ports and from hotspots. (..) Beneficiaries were mainly people that were on the street with a rejection or expulsion order (..)

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150 OOP: Oxfam operator;

OOP2: obviously, in the legal information we included the different situations, we are talking about people who were on the street, they were not inside [reception] centres.

OOP1: yes, mainly rejection orders and expulsions. (...)

OOP1: yes, we provided information about the meaning of claiming protection and about who can ask for it. Then obviously, for those who needed to go deeper (..) we understood if there was a need for legal support or not, or just for guidance towards lawyers.

OOP2: and then distribution of kits, so backpacks and phone cards, almost 14 items (...)

ME: All right, and for people who received the rejection order, usually, what was the procedure that you followed?

OOP1: the first thing was to ask the guy if he had understood that piece of paper [rejection order]. (..) then we explained, we read the order and we explained the meaning of the order. Then we asked some questions to understand in which conditions he had received the order, why he had signed? Did he understand? (..) for example if there was a translation, if they asked the reason for which he arrived in Italy, all these things.

OOP2: in that period there were a lot of, in quotes, mass rejections linked simply to nationality so if you were Moroccan or Tunisian [you were rejected]..

OOP1: also Ivorians. Then we explained that anyway they had the right to appeal (..) we explained that to appeal they could be referred to a legal assistance centre or even to lawyers who provide legal aid (..)

OOP3: (..) often [the order] was not adequately translated and the deadline [for appealing] had expired. But a lack of translation could have allowed a readmission [of the appeal] even after the deadline (..) it is thirty days right?

OOP2: yes, yes..

OOP3: so we asked, 'did you understand? Did they translate it for you?' (..)

OOP3: then the issue with the rejection order is that you have to provide the information about the rejection but there was the problem that not all of them [migrants] wanted to claim international protection..

OOP2: exactly, so you did not appeal..

OOP3: appealing was useless, without claiming asylum you cannot regularize the situation, you appeal but you cannot regularize (Interview with Oxfam team, OX2, Catania, November 2018).

Information and support were given by operators using two leaflets: one leaflet (see Figure n.4) focused on the overall legal procedure from disembarkation to the asylum

application (and its possible outcomes) and the other provided a list of useful services and contacts of national and local TSOs.



Figure 4. Part of the Leaflet *OpenEurope - Guide to rights* (Source: Oxfam Italy – author’s picture).

The perception of Oxfam operators was that migrants that received a rejection order in hotspot areas had very little information about their rights and about what happened (in terms of legal consequences) inside hotspots:

OOP2: (...) the feeling was always that upon arrival something happened because we knew that the IOM and the UNHCR did something, but they [migrants] did not give us this impression. There might have been several reasons: the information given immediately after disembarkation, in a stressful context, or made in moments like the short bus journey [towards the hotspot centre]. (...) For those who had just disembarked, the perception was that the information they received was always very



partial or at least they did not receive information like what we were able to provide (..) (Interview with Oxfam team, OX2, Catania, November 2018).

From the start, *OpenEurope* was characterized by the involvement of some local and national TSOs: two of Oxfam's main partners were *Borderline Sicilia*<sup>151</sup> and the *Waldensian Diaconia*<sup>152</sup>. The former provided legal assistance to migrants met on the ground by the Oxfam team; the latter mainly provided material support and cultural mediators. MEDU was another key partner of Oxfam on this project: MEDU helped provide psychosocial support to those migrants met by the Oxfam team that were excluded from the reception system. It is worth noticing that MEDU had the capacity to act both inside and outside the *hotspot system*, building alliances with organisations outside the hotspot and intervening in a project overtly aimed at contrasting hotspot practices. In this way, MEDU was able to *re-politicize the hotspot approach* by challenging migrant rights violations and by countering this system both from the inside and from the outside.

Oxfam's intervention contributed to fill the information gap left open by the authorities (and also by the UNHCR, the actor entrusted with the task of informing migrants within the hotspot) and tried to safeguard migrants' rights. At the same time, Oxfam's intervention contributed to counter and neutralize arbitrary practices carried out in hotspot areas. In particular, Oxfam supported precisely those migrants whose rights had been previously denied inside hotspot areas and this can be considered as a *politicizing practice*. Through their everyday practices Oxfam teams implemented an *outsider strategy of individual advocacy* (Onyx et al., 2010; Casey, 2011) that contributed to oppose illegitimate governmental practices, limit migrants' exclusion and increase chances of inclusion for those rejected from hotspots. Moreover, some scholars (Cuttitta, 2007) suggested that the use of the *deferred rejection order* is an example of border *introversion* or *internalization*: from this

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151 It is a local NGO that provides legal assistance and monitors migrant rights respect in Sicily.

152 It is a Waldensian church no profit organisation, see at <https://www.diaconiavaldese.org/csd/pagine/chi-siamo.php>.

perspective, Oxfam, contrasting the delivery of rejection orders to migrants, contributed to a process of *debordering* at the southern Italian border. Oxfam contributed to *re-politicizing* the *hotspot system* by monitoring the situation and by safeguarding migrant rights through practical engagement and everyday practices on the ground (Cuttitta, 2016, 2018b; Fontanari and Borri, 2017; Zamponi, 2017; Bosi and Zamponi, 2018).

## TO SUM UP

*Paragraph 8.1* described TSOs' activities of information provision and vulnerability identification carried out inside hotspot areas: practices of this kind can play a dual role. On the one hand, these practices contribute to reducing the possibilities of receiving a rejection order and contribute to increasing the chances of inclusion for specific groups of migrants. This kind of practices can increase migrants' access to certain rights and support services on the basis of vulnerability criteria (Ticktin, 2006; Fassin, 2010; Ambrosini, 2013, 2014, 2017; Cuttitta, 2018a). On the other hand, these practices can also perpetuate, more or less consciously, the distinction between those migrants that are legitimized on the grounds of vulnerability and humanitarian criteria and the others. In agreement with theory (Fassin, 2005, 2010; Cuttitta, 2007, 2018a; Walters, 2011; Mezzadra, 2015; Pallister-Wilkins, 2017, 2018), vulnerable people are categorized as legitimized to access to the territory and *reduced* legal statuses and rights are attributed to them on the grounds of humanitarian criteria: in this way, *bordering* processes and the strategical selectivity of the EU border regime are perpetuated (Van Houtum and Pijpers, 2007; Tsianos et al., 2009; Tsianos and Karakayali, 2010; Mezzadra and Neilson, 2011; Casas-Cortes et al., 2014; Mezzadra, 2015; De Genova, 2013, 2016).

*Paragraph 8.2* described some TSO's information-giving and support activities for migrants carried out outside the *hotspot system*. The example of Oxfam suggests that

legal information provided outside the hotspot (aimed at contrasting arbitrary practices) contributed to countering the actual hotspot procedures and contributed to processes of *debordering* of the southern Italian border. In agreement with some scholars (Cuttitta, 2016, 2018b; Zamponi, 2017; Fontanari and Borri, 2017; Sandri, 2018; Stierl, 2018), everyday practices of this kind contribute to *re-politicizing* the border and migration management system. At the same time, practices of this kind contribute to perpetuating, more or less consciously, the dichotomy between *forced* and *voluntary* migrants that is at the basis of the *bordering* narratives and practices that characterize EU member States' management of migration (Jeandesboz and Pallister-Wilkins, 2014; Akoka, 2016; Tassin, 2016; Bassi, 2018).

The previous paragraphs described some of the *individual* and *insider* advocacy practices carried out by TSOs both inside (e.g. Red Cross or UNHCR) and outside (e.g. Oxfam and MEDU) the *hotspot system*: practices of this kind can contribute to defend the rights and promote the interests of specific groups of migrants and increase their chances of inclusion (Chaves et al., 2004; Onyx et al., 2010; Kimberlin, 2010; Casey, 2011; Verschuere and De Corte, 2015).

It can be argued that operating inside or outside the institutional migration control system does not hinder the capacity of these TSOs to *re-politicize* the current border regime while at the same time these actors contribute to legitimizing, more or less consciously, the dichotomy at the basis of the selective functioning of the migration management system.

Finally, the examples presented in these paragraphs show that heterogeneous actors with different focuses, situated at different levels and guided by different principles, contribute to making the governance of migration a *(battle)field* characterized by cooperation, negotiation, tension and contention (Wihtol de Wenden, 2012; Betts, 2013; Triandafyllidou and Dimitriadi, 2014; Ambrosini, 2015a, 2018; Ambrosini and Van der Leun, 2015; Bonizzoni, 2017; Eule et al., 2018).

### 8.3 OXFAM ADAPTING *OPENEUROPE* AT THE END OF THE HOTSPOT “EMERGENCY”

This paragraph focuses on the case of Oxfam in order to analyse how this NGO adapted its intervention since the decrease of migrant arrivals by sea. Since at least the end of 2016 the summary rejection of migrants from hotspots (that began at the end of 2015) started to decrease. From the second half of 2017, the number of migrant arrivals at the southern Italian shores significantly dropped. This shift implied a relevant drop in the number of migrants rejected directly from hotspot areas (Interview with Oxfam team, OX2, Catania, November 2018).

In a context perceived by Oxfam as undergoing to continuous changes (Oxfam, 2017b:10), the team tried to adapt its intervention according to the actual needs of migrants. With the gradual reduction of arbitrary rejections carried out inside hotspots, the target population of Oxfam’s intervention changed. The Oxfam teams did not meet high numbers of migrants rejected from hotspots anymore and started to focus on supporting asylum seekers that were already accommodated in reception centres. On the whole, the team’s strategy of meeting migrants on the street did not change. They continued to monitor the same areas (train stations areas, small parks, squares and so on) that migrants (both accommodated not accommodated ones) frequented. The new target population of Oxfam’s intervention were migrants that, despite being accommodated in reception centres for asylum seekers, did not receive all the services to which they were entitled (e.g. legal information). Providing information to migrants who did not receive it inside reception centres was consistent with the Oxfam’s goal of *protection*:

OOP1: we met a lot of migrants for example in Messina and Siracusa, migrants accommodated in [reception] centres (...). We carried out [legal] information because maybe the centres were not qualified to give this kind of information, or because there were not cultural mediators, at least this was what they [migrants] told us (...)

OOP2: migrants were already following the asylum procedure but they did not know anything about the procedure (..)

OOP1: so even in this case the information was carried out as we usually did (..)

OOP3: during internal debates we decided to give information also to those accommodated in badly organized and mismanaged centres. Before we worked to avoid exclusion [directly from the hotspot], instead, in that period, **we started to imagine how to prevent the exclusion occurring after reception**. In fact, if you are badly informed (..) you risk to arrive badly prepared to the Territorial Commission [hearing] (..) We decided that it was pertinent to inform also migrants accommodated because it answered to their needs and it could prevent a form of exclusion (Interview with Oxfam team, OX2, Catania, November 2018).

Moreover, the adaptation of *OpenEurope* to the new context was based on the direct experience of operators. This presence on the ground and the continued monitoring were considered by operators as: a) a tool that allowed them to witness arbitrary practices and the dysfunctions of the reception system and b) a useful resource in order to adapt their intervention to a shifting context (Interview with Oxfam team, OX2, Catania, November 2018). In 2017, Oxfam published a report, using also data collected through monitoring carried out in Sicily, through which this NGO raised public awareness on the dysfunctions of the Italian reception system and on their consequences in terms of migrant exclusion (Oxfam, 2017c). In agreement with theory, practices of this kind can be considered examples of *outsider* and *systemic* advocacy (Onyx et al, 2010; Casey, 2011; Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017) that contribute to raise public awareness and to make political pressure on governmental institutions (Della Porta and Kriesi, 1998; Della Porta et al., 2003; Brändström and Kuipers, 2003; Kimberlin, 2010; Ambrosini, 2015a, 2017).

### 8.3.1 INTERMEDIATION AND SUPPORT ON THE GROUND

I started to follow the activities of the Oxfam mobile team around the half of July 2018. For months, Oxfam operators had been meeting migrants that needed a

support that went beyond legal information about asylum procedures: these migrants, arrived mainly by sea, had been in Italy for several months (and sometimes years), they were at different stages of the asylum procedure and they had complex legal/administrative situations. Besides their main focus on legal information, Oxfam operators tried to expand their intervention in order to better respond to migrants' needs by:

- supporting migrants in bureaucratic procedures (e.g. the renew of the permit of stay, the registration at the Registry Office, the access to healthcare services);
- accompanying migrants to, and mediating with, local police headquarters, municipalities, lawyers, local TSOs, clinics and shelters.

These activities were also considered a way to directly monitor the practices carried out by bureaucracies and public services (e.g. local police headquarters, municipalities or local healthcare services).

The Oxfam team started to be much more present in certain towns and focused in particular on the city of Catania. Oxfam operators continued to monitor mainly the central train station and other specific areas of the city. Besides Catania, the team monitored also Messina and Siracusa while monitoring in Ragusa, Agrigento and Pozzallo gradually decreased.

At the end of July 2018, the Oxfam mobile team was composed by three members (two socio-legal operators and a cultural mediator) that covered at least four languages: Arabic, English, French and Italian. Operators worked both in team and individually: they organized their daily work autonomously and they did it mainly in relation to the needs that emerged from monitoring the situation on the ground. On the one hand, they could receive from other TSOs (e.g. *Caritas*, *Save the Children*, *Arci*) alerts or calls concerning specific cases or situations. On the other hand, they

organized monitoring activities in order to look for migrants in need of support. An example of the latter kind of monitoring occurred during my very first day with the team when we met at the office in the afternoon and then we went out:

We arrived by car near the train station to look for migrants in need of support. Operators dress a professional badge indicating their name and their role. They resort to an *informal approach* in order to establish a first contact with the migrants who are sat on some benches. The operators' *informal approach* practically consists in approaching migrants saying 'hello! How are you?', introducing their names and proposing a handshake<sup>153</sup>. The operators explain that they work for Oxfam and that they support migrants excluded from the reception system providing legal information and guidance towards services. After some small talks and ice-breaker conversations, the operators mainly ask to migrants if they already asked for international protection, if they are already accommodated in reception centres and supported by a lawyer. Migrants [they were three] answer that they are already accommodated and they are waiting for the decision regarding their asylum claim. Once understood that they are not in need of support at the moment, the operators say good-bye and decide to move to another area usually frequented by migrants. The goal is to warn migrants that we will pass the day after in order to talk with the ones who need support. Successively, while we were coming back home, an operator explained to me that they started to pass more or less regularly in this area since a couple of months; the operators resort also to these short visits in order to warn migrants of their passages the following days. This was perceived by the operator to possibly contribute to establishing a trustworthy relation and to become also 'recognized' by migrants (Field notes, Catania, July 2018).

During my fieldwork, it happened several times that we met migrants who, ultimately, were not in need of support (e.g. they were in good reception centres, they did not have problems with the asylum procedure or they were already in contact with a lawyer).

Besides referring migrants to other actors (e.g. local TSOs, lawyers, municipalities, public healthcare services) Oxfam operators carried out an activity of mediation that became particularly relevant over time: the Oxfam team attempted to facilitate the

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<sup>153</sup> Moreover, operators try to be sensitive, avoiding to put pressure on migrants. In particular, operators use small talks to possibly establish a contact with migrants. Then they try to understand if there is the "space" to talk deeper about legal/administrative situations.

interaction between migrants and these other actors. The following extracts from my field notes provide some examples of this activity:

During a monitoring a migrant approached us. He explains that he is beneficiary of protection but he has lost the paper document and he would like to know what to do. The operator suggests to fix a meeting with a lawyer of a local TSO that offers legal assistance for free; agreed on the option proposed, the operator calls the lawyer in order to fix a meeting for the following day. After having indicated the address and how to reach the local TSO's office, we say good-bye to the migrant. Successively we meet another migrant who tells to the operator that he appealed against the denial of the asylum claim but he has no news about that [since months]; the operator proposes to the migrant to call the lawyer [who was in charge of his appeal] in order to ask for some news about the situation. After having talked on the phone with the lawyer, the operator explains to the migrant that the bureaucratic procedure is long and complex so unfortunately he needs to wait (Field notes, Catania, July 2018).

One of the following days an operator helped a migrant who had lost his (valid) permit of stay for humanitarian reasons:

After some small talks we agreed to go to the local police headquarter to ask information about the documents needed to fix an appointment in order to ask for a duplicated of the permit of stay. Once at the local police headquarter, after some waiting times, the operator has been able to obtain the information. Among the papers needed, it is asked a paper regarding the housing [*alloggio*] that does not seem to be formally required by law. The operator and the migrant decide to think about this issue in order to understand what to do. Unfortunately, at the moment nothing can be done and they agree to stay in touch for possible updates (Field notes, Sicily, July 2018).

Most of the migrants we met during my observation period were in a “regular” situation: however, some of them did not have a stable shelter and several of them had difficulties related to their permit of stay (mainly due to procedures and bureaucratic complications). Many of the migrants supported by the Oxfam team were either in formally “regular” situations or in “semi-legal” situations. Several scholars focused their attention on “semi-legal” statuses (Duvell, 2008; De Genova



and Peutz, 2010; Kubal, 2013; Ambrosini, 2018). A particular category of migrants in a *semi-legal* situation encountered by the Oxfam team was that of asylum seekers who appealed against the denial of their asylum claim and were waiting for a response (Ambrosini, 2018: 6). I report below the kind of situations most commonly encountered during my observation period:

- asylum seekers accommodated in reception centres (some were at different stages of the asylum procedure<sup>154</sup> and some had appealed against a decision of denial);
- asylum seekers without a shelter whose asylum claim had been rejected (some were in the phase of appealing and others were in a stuck situation);
- beneficiaries of different forms of protection (in particular humanitarian protection) without a shelter and/or facing bureaucratic difficulties (e.g. for the renewal of their permits of stay for humanitarian protection or for asylum claim).

In agreement with theory, these examples can be considered types of *reduced legal statuses* that are an expression of the process of border *introversion/internalization* (Cuttitta, 2007, 2018a; Alberti, 2010; Walters, 2009, 2011; Mountz et al., 2012; Mezzadra, 2015; Campesi, 2015). The following extract exemplifies the complexity of the situations experienced by migrants and the difficulties encountered by Oxfam operators in their attempts to support migrants:

We arrive in the city centre and we go directly to a park where migrants usually meet. The operators approach migrants as usual [informally] and they introduce themselves and the work of Oxfam. I follow one of the operators who starts to talk more in depth with two migrants. These migrants are in the same situation, they are struggling with the renewal of their permit of stay for humanitarian protection due to the request of the local police headquarter to provide a paper regarding the housing

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<sup>154</sup> Some of them just expressed the wish or formalized their claim through the C3 form, others were waiting for the hearing before the Territorial Commission, others were waiting for the answer of the Territorial Commission.

[*alloggio*], which does not seem to be required by the law, in order to fix a meeting to renew their document. Their situation seems blocked at the moment. The operator has not concrete solutions to propose. The operator decides to give migrants a leaflet about services and circles with a pen the relevant services existing in the city; moreover the operator advises migrants to go to a local TSO that operates there and that provides legal assistance to migrants. The migrants thank the operator and we say good-bye to each other (Field notes, Sicily, August 2018).

One of the most complex situation faced by operators involved migrants that had lost the appeal against the denial of their asylum application. Moreover, it was often difficult for migrants to take appointments and to renew their permit of stay due to: a) bureaucratic obstacles (e.g. delays and waiting times) and b) the practice of authorities to ask, in certain cases, documents not formally required by law (e.g. documents linked to housing). Both Oxfam and ASGI reported that this kind of practices occurred in different regions of Italy<sup>155</sup>.

Oxfam operators reflected a lot about the difficulty they were facing and the available tools they had to respond to migrant needs. At the same time, the activity of monitoring was a manner for the team to detect and gather evidences about arbitrary practices that could jeopardize migrants' rights. Monitoring these practices can be considered as an activity that contributed to *politicize* the action of Oxfam. Moreover, before the end of my fieldwork period the team started also to reflect about, and to promote together with other TSOs, the opportunity to carry out some pressure action concerning these arbitrary practices (e.g. drafting letters or reports). As it was described in this paragraph, Oxfam's everyday practices included: a) providing legal information, b) mediating between migrants and public services (e.g. municipalities, local police headquarters), c) monitoring the respect of migrants' rights and d) facilitating migrant access to administrative procedures and to rights. Monitoring the respect of migrants' rights and acting in order to facilitate migrants' access to their rights can both be considered relevant *re-politicizing* practices

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155 [https://www.oxfamitalia.org/wp-content/uploads/2018/06/Se-questa-%C3%A8-Europa\\_BP\\_15giugno2018.pdf](https://www.oxfamitalia.org/wp-content/uploads/2018/06/Se-questa-%C3%A8-Europa_BP_15giugno2018.pdf);  
<https://www.asgi.it/notizie/richiedenti-asilo-bologna-questura/>.

(Cuttitta, 2016, 2018b; Ambrosini, 2017; Zamponi, 2017; Stierl, 2018; Sandri, 2018; Sinatti, 2019) carried out by Oxfam despite the complex and unstable context in which it operated. In agreement with theory (Onyx et al., 2010; Casey, 2011; Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017), everyday practices of this kind can be considered practices of *individual* advocacy that contribute to defend the interests of an individual or of small group of persons. Oxfam monitoring practices allowed the NGO to collect elements that were then used for *outsider* advocacy purposes: practices of this kind contribute to raise public awareness about social issues (Della Porta and Kriesi, 1998; Della Porta et al., 2003; Onyx et al., 2010; Casey, 2011; Kimberlin, 2010; Verschuere and De Corte, 2015). In agreement with some scholars (Binderkrantz, 2005; Dellmuth and Tallberg, 2017), this paragraph provided examples of the fact that different advocacy strategies (e.g. *individual, systemic, outsider, insider*) can be used by TSOs in complementary ways.

#### **8.4 OXFAM AND OTHER HUMANITARIAN TSOs RESPONDING TO THE *SECURITY DECREE***

From the beginning of September 2018, the fact that the Italian government was working on a new *security decree* (adopted in October 2018) gradually became a relevant issue for humanitarian TSOs: these actors began to mobilize in order to evaluate the possible impacts that the new measures could have on migrants and to identify possible strategies in order to safeguard migrants' rights. The Oxfam team estimated that the *security decree* could represent a threat for migrant rights and life conditions (see *chapter 1*): at the same time, the Oxfam team continued to carry out the same kind of practices (i.e. legal information and intermediation) but it gradually focused these practices on the *security decree* and its possible consequences in terms of migrant exclusion.

From at least July 2018, Oxfam promoted regular meetings with local TSOs and other humanitarian organizations (including the UNHCR and the Red Cross): the main goals of these meetings were the improvement of the cooperation among these actors, the definition of pertinent strategies for migrant *protection* and the safeguard of migrant access to rights and services. In October and November, I participated to some of these meetings that involved mainly organisations based in Catania: one of the themes of discussion regarded the situations detected on the ground and the possible impact of the *security decree* measures. In this context, the Red Cross, Oxfam and the UNHCR cooperated between them and with several local TSOs, in order to limit, or at least to mitigate, the impact of these restrictive measures.

During the meeting held at the beginning of October, besides ordinary discussions about the main needs detected on the ground, the hardening of migration policies and the imminent adoption of the *security decree* became a priority:

All the present actors expressed their preoccupation for the possible impact of the new measures. They expressed the difficulty to predict the future scenario and the possible effects in terms of exclusion of vulnerable migrants. The shared position and strategy of these organisations was that of remaining vigilant: they were assisting to a rapid shift regarding possible discriminatory practices both at the national and at the local level. The main idea was to monitoring the impact of these new policies and of the practices carried out on the ground by the authorities, by public services and also inside reception centres. The aim was to put to work, if needed, an adequate strategy to safeguard migrant rights and to timely act in order to ensure their protection (Field notes, Catania, October 2018).

These organizations estimated that these restrictive measures could contribute to worsen migrant conditions by increasing the number of migrants left out from the reception system, by depriving them of basic services and by increasing the risk of work exploitation.

Oxfam operators focused on analysing the *security decree* in order to define the best way (and tools) to inform migrants about the new measures. The Oxfam team organized several (internal) training sessions focused on the legislative changes<sup>156</sup>.

Informing migrants about the new measures and their possible consequences was a practice that the Oxfam team considered immediately useful. Oxfam operators decided to organize, in particular in Catania, some information sessions for migrants. I did not have the chance to be there during two of these sessions but operators explained to me how they implemented these activities:

Two information sessions have been carried out by the Oxfam team on two different days. The operators organized these group sessions in order to promote a dynamic and interactive talk with migrants. The first day operators and migrants organized a circle using also some chairs in an area where migrants usually met. It was a sunny day and there were a lot of migrants, around fifteen. The operators explained some of the new measures introduced by the *security decree* also illustrating some technical issues. The operators received questions and also opinions of migrants regarding both the overall restrictive context and their individual situations. The second information session, that took place some days later, was carried out in the same way but there were less migrants (Informal conversation with Oxfam operators, Catania, November 2018).

The Oxfam team cooperated with some local TSOs in order to inform more migrants about the measures established by the *security decree*. For example, Oxfam operators collaborated with *Caritas* volunteers to organize an information session for migrants that frequented the diurnal homeless centre of Catania (managed by *Caritas*):

Today in the morning we went to the *Caritas* diurnal shelter in order to carry out the information session about the *security decree*. We entered and there were a lot of people having their breakfast. While some of them were already aware about the information session, we started to tell it to the others who were possibly interested in participating. After twenty minutes and after the end of the breakfast time, around ten migrants remained for the information session. Two operators introduced the information session, first in English and then in Arabic and French. They started asking migrants if

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<sup>156</sup> These sessions were aimed at going deeper in the comprehension of the new measures in order to be well prepared and to then provide migrants with pertinent information.

they already heard about the *security decree*, what they knew about it and if they were interested in some specific aspects. Then, the operators carried out a general introduction on the decree's measures and focused in particular on the abolition of the humanitarian protection and on the new categories of protection. Some of the migrants were interested in knowing what changed for those who had a permit for asylum claim or for appeal and were interested in knowing more about the new obstacles to the registration at the Registry Office. One operator explained that the impossibility of registering at the Registry Office was a problem because this hindered the possibility for asylum-seekers to enjoying several rights. Moreover, another main issue was that those having a permit of stay for humanitarian protection were in a situation of limbo regarding the renew of their permit of stay [due to the fact that the humanitarian protection had been abolished]. We discussed around one hour about these issues and about migrants' questions (Field notes, Catania, December 2018).

Towards the end of November, I participated to a second meeting focused on migrant access to services and rights. During this meeting, all TSOs (among which Oxfam, the UNHCR and the Red Cross) underlined the importance of coordinating among them in order to counter the restriction of migrants' rights:

The meeting is organized at the Oxfam office. There are a lot of operators of at least ten between local TSOs and international humanitarian organisations. All the operators, and in particular those intervening on the street, express their concerns about the stress and frustration they are detecting among migrants due to the difficulties depending on new measures and on a more restrictive context. The operators start to give account about the main situations they have encountered during the last months. Several operators report difficulties for migrants concerning procedures of renewal of permits of stay, arbitrary practices of local and national authorities, and the increasing risks of exclusion in particular for vulnerable people. Some operators highlight that they started to receive notice about migrants, also vulnerable ones, excluded by reception centres; moreover, operators foresee that several migrants will be soon left out from the reception system. Operators agree that one of the possible strategies to oppose illegitimate exclusions from the reception system could be to share these types of cases in order to appeal more or less systematically. Operators agree about the fact that, at this stage, the most important thing is to monitor and to see how things evolve in order to be ready to act and to ensure migrant protection (Field notes, Catania, November 2018).

In December 2018, Oxfam, together with other TSOs (i.e. Action Aid, Amnesty International, Caritas, Emergency), promoted a public manifestation to claim for the respect of human rights. This manifestation (that took place in 80 Italian cities) was also aimed at raising public awareness on the possible consequences of restrictive policies and on the current Italian and international context more at large. The promoters of this manifestation<sup>157</sup> stated that: a) the actual disregard of human rights (both in Italy and at the international level) was facilitating the diffusion of new forms of racism; b) solidarity was being treated as a crime and c) helping those in need was being delegitimized. The Oxfam team participated to this manifestation in Catania (together with several local TSOs): Oxfam operators held a large banner with the name of the NGO to show its presence. Several participants held torch-lights and some read the articles of the Universal Declaration of Human Rights (Field notes, Catania, December 2018).

For the Oxfam team, monitoring the situation on the ground remained a central activity. In December, there had been rumours about the possibility that an indefinite number of beneficiaries of humanitarian protection could be left out from a reception centre for asylum seekers (also in consequence of the new measures adopted). To monitor the situation more closely and to collect first-hand information, one of the Oxfam operators decided to speak with some MEDU operators that worked inside the reception centre and with some local TSO representatives. The Oxfam team wanted to better understand how many migrants were at risk of exclusion and how much concrete this risk was:

We arrive in front of this big camp. Outside the camp, we see an operator of MEDU and some local TSOs representatives. The Oxfam operator asks how is the situation inside. The answer is that it is quite calm; they are aware about around 90 people who could leave the camp but none knows which kind of protection they have. They say that it seems that the prefecture has already established agreements with some parishes of the area in order to ensure that the migrants won't be left on the

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<sup>157</sup> <https://www.oxfamitalia.org/diritti-a-testa-alta-10-dicembre/>.

street. One of the local TSOs' representative say that there are also several civil-society associations trying to find solutions to provide a temporary shelter to migrants. After having exchanged these information, operators agree that the situation at the moment is somehow managed both by the authorities and by civil-society actors (Field notes, Sicily, December 2018).

By operating inside the institutional system, MEDU was able to use its humanitarian *borderwork* to monitor the situation, to defend migrants' rights and to carry out forms of political *borderwork*.

## TO SUM UP

Regardless of their involvement in the institutional migration control system, international humanitarian TSOs were able to cooperate and to adapt their intervention in order to defend migrant rights and to counterbalance different *re-bordering* policies. In this sense, it can be argued that the fact of operating inside or outside the institutional migration control system does not hinder the capacity of these TSOs to *re-politicize* the actual border management system.

These organizations used their position on the ground to monitor the situation and the possible consequences of the restrictive measures adopted by the Italian government. These monitoring practices were aimed at a) concretely supporting migrants, b) finding solutions for those excluded from reception centres and c) collecting information useful for different types of advocacy strategies (e.g. *outsider*, *insider*, *individual* and *systemic* advocacy). In particular, the humanitarian actors object of this study acted as *political dissidents* (Flesichmann, 2017) and, besides their humanitarian *borderwork*, they were also able to carry out political *borderwork* (Cuttitta, 2018b; Sandri, 2018; Vandevordt, 2019; Sinatti, 2019) against the *security decree*.

These humanitarian TSOs attempted to counter the restrictive turn of the autumn of 2018 through different practices: a) by monitoring the situation on the ground, b) by



finding concrete remedies to migrants' exclusion and c) by protesting against the restriction of migrants' rights. In agreement with theory (Fleischmann and Steinhilper, 2017; Zamponi, 2017; Stierl, 2018; Bosi and Zamponi, 2018; Cuttitta, 2016, 2018b; Sandri, 2018; Vandevoordt, 2019; Sinatti, 2019), practices and strategies of this kind contribute to *re-politicizing* the current migration and border regime.

After the adoption of the *security decree* of 2018, the Red Cross, the UNHCR, Oxfam and MEDU cooperated in order to monitor the situation and to identify useful tactics to safeguard migrant rights: practices of this kind show that humanitarian TSOs, positioned in different ways within the field of migration governance, can cooperate to support migrants and to define strategies to counterbalance the impact of restrictive migration policies (Castles, 2000, 2004; Papadopoulos et al, 2013; Ambrosini, 2013, 2015a, 2017; Ambrosini and Van der Leun, 2015; Bonizzoni, 2017). The examples described in *paragraph 8.4* suggest that actors situated at different levels (e.g. local, national and international) cooperated to harmonize their practices and strategies in order to better support migrants and to counter restrictive policies. In agreement with theory (Walters, 2011; Ambrosini, 2015a; Ambrosini and Van der Leun, 2015; Zamponi, 2017; Stierl, 2018; Cuttitta, 2016, 2018b; Eule et al., 2018; Sandri, 2018), this kind of cooperation contributes to make migration governance a *multi-actor* and *multi-level* field of negotiation in which humanitarian actors contribute to the *re-politicization* of the current border regime.

## CHAPTER 9

### CONCLUSIONS

The present study aimed at exploring the contribution of international humanitarian organizations to the *(de)politicization* of the current EU border regime and to the legitimization or countering of *(de)bordering* processes. In this chapter I will consider the specific goals of my research and summarize the main findings of this study.

*Describing the implementation of the hotspot approach in Sicily and identifying elements of (dis)continuity with the previous system*

As discussed in *chapter 5*, after the introduction of the *hotspot approach* the selection between *forced migrants in need of protection* (legitimized to access the territory and certain rights) and *voluntary or economic migrants* (to be repatriated), remained the prevailing rationale underpinning the management of migration on the southern Italian border. In agreement with theory (Jeandesboz and Pallister-Wilkins, 2014; Vollmer, 2016; Akoka, 2016; Tassin, 2016; Bassi, 2018; Sigona and McMahon, 2018), the selection of migrants on the basis of the *forced/voluntary* dichotomy underpins the *bordering* discourses, policies and practices of EU member States.

The distinction between *forced* and *voluntary* migration was included within the *migration management* discourse that characterized the documents through which EU and Italian authorities introduced the *hotspot approach*. In agreement with theory (Geiger and Pécoud, 2010, 2012, 2013, 2014; Schotel, 2013; Pécoud, 2017), *migration management* can be considered the dominant paradigm in the context of the EU migration and border regime.

In agreement with some scholars (Walters, 2011; Schotel, 2013; Jeandesboz and Pallister-Wilkins, 2014; Tassin, 2016; Cuttitta, 2015b, 2018a; Bassi, 2018; Sigona and

McMahon, 2018), the present research suggests that, on the southern Italian border, migrant mobility and legal statuses remained mainly managed on the basis of the above-mentioned rationales and discourses. However, the present study suggests that, in partial discontinuity with the previous migration management system, the introduction of the *hotspot approach* in Italy contributed to hardening fingerprinting and selection procedures directly in hotspot areas (at least during a first phase).

*Exploring how international humanitarian TSOs interact between them and with other relevant actors (e.g. Italian authorities and other types of TSOs)*

The present research suggests that international humanitarian organizations (with their positioning, discourses and practices) contributed to making *migration governance* a field of negotiation, contention but also cooperation among actors situated at different levels (Wihtol de Wenden, 2012; Triandafyllidou and Dimitriadi, 2014; Crépeau and Atak, 2016; Ambrosini, 2015a, 2017; Ambrosini and Van der Leun, 2015; Eule et al., 2018). These multi-level linkages between heterogeneous actors (Caponio and Pavolini, 2007; Zincone and Caponio, 2006; Geiger and Pécoud, 2010, 2014; Ambrosini and Van der Leun, 2015; Caponio et al., 2017) characterized the management of the southern Italian border and produced unexpected outcomes in terms of *(de)politicization* of the current migration management system.

The international humanitarian TSOs analysed in this study had an ambivalent relationship with authorities. On the one hand, each humanitarian organization provided different services according to its specific area of competence: in agreement with theory (Guiraudon and Lahav, 2000; Guiraudon, 2006; Menz, 2009; Andrijasevic and Walters, 2010; Geiger and Pécoud, 2010, 2013, 2014; Sørensen and Gammeltoft-Hansen, 2013; Hernandez-Léon, 2013; Garnier, 2014; Wolff, 2015; Lopez-Sala and Godenau, 2016) this kind of provision of services and of division of tasks contributes to building the capacity of authorities to manage migration and to perpetuating the

actual border management system. On the other hand, these humanitarian organizations were able to use their position inside the migration management system in order to influence procedures and authorities' practices. Humanitarian TSOs, both those operating inside and outside the migration control system, were able to hold more or less conflictual and critical positions in relation to authorities (e.g. to promote migrant protection and to counter the possible violation of migrant rights). In agreement with theory (Brändström and Kuipers, 2003; Della Porta et al., 2003; Jenkins, 2011; Onyx et al. 2010; Kimberlin, 2010; Papadopoulos et al, 2013; Flesichmann, 2017; Ambrosini, 2018; Bosi and Zamponi, 2018; Sandri, 2018), this kind of positions in relation to governmental authorities contributes to challenging the actual state of affairs.

This research suggests that both IGOs and NGOs were able to advocate for the *protection* of migrants and, in particular, for the respect of potential asylum seekers' rights: the international humanitarian organizations analysed in this research mobilized and cooperated during different *rebordering* phases in order to *protect* migrant rights. Moreover, these organizations were able to coordinate also with local TSOs in order to oppose restrictive governmental policies and to provide concrete remedy to the deterioration of migrant rights and conditions.

*Exploring the extent to which operating inside or outside the migration control system influences the position, the discourses and the practices of humanitarian TSOs and their capacity to (de)politicize the current border regime*

The organizations analysed in this study (both those operating inside and those operating outside the migration control system) were able to challenge restrictive governmental discourses and practices and to claim for policy changes. International humanitarian organizations operating inside the migration control system used their *internal* position in order to monitor the situation and to advocate

for migrant rights. Intervening inside or outside the institutional system does not seem to significantly influence the capacity of these organizations to *re-politicize* the actual migration management system.

At the same time, the way the humanitarian organizations analysed in this study interpreted their humanitarian stance (e.g. their *neutrality*) contributed to their nuanced positions and discourses. All these actors share a *rights-based* approach according to which their actions are aimed at protecting migrants, which means at ensuring the full respect of migrant rights according to international laws. The Red Cross was less inclined to publicly denounce or criticize restrictive policies and practices. During both *rebordering phases*, the Red Cross did not take an overtly critical position against restrictive policies and arbitrary practices: in agreement with theory (De Jong and Ataç, 2017; Vandevordt, 2019), this organization held primarily a *problem-solving* approach rather than a *critical* approach. At the same time, *neutrality* was used by the Red Cross in order to carry out strategies of *individual* and *insider* advocacy (Onyx et al, 2010; Kimberlin, 2010; Casey, 2011; Verschuere and De Corte, 2015; Dellmuth and Tallberg, 2017) that contributed to increase possibilities of inclusion for specific groups of migrants (e.g. family groups).

Even if the UNHCR and INGOs (MEDU, *Terre des Hommes* and Oxfam) had a different attitude in relation to authorities (the UNHCR less conflictual than the INGOs), it can be argued that these actors interpreted their humanitarian stance in a slightly different way in comparison to the Red Cross: the public criticism against violations of rights and illegitimate practices can be considered a key feature that guided the intervention of the UNHCR, MEDU, TDH and Oxfam.

At the same time, all the actors analysed in this study perpetuated *bordering* discourses based on the distinction between potential asylum seekers and other migrants.

It can be argued that INGOs (MEDU, TDH and Oxfam) and the UNHCR discourses and practices were not so different: the content of their discourses (e.g. the priority given

to vulnerability and protection arguments) and their practices (e.g. legal information and vulnerability identification) were similar.

Besides sharing principles and cooperating within global forums (Barnett and Finnemore, 1999; Willets, 2001; Ahmed, 2011; Crépeau and Atak, 2016; Spencer, 2017), INGOs and IGOs cooperate also on the ground in order to concretely protect migrants and to respond to restrictive migration policies. In agreement with theory (Barnett and Finnemore, 1999; Merlingen, 2003; Lavenex, 2016; Piper, 2017), IGOs are also able to act as independent actors, to criticize and to influence the policies and practices of their creators (States). The present research suggests that, ultimately, IGOs and INGOs can play a similar role in *(de)politicizing* the current migration and border regime.

*Describing the role played by specific support practices (i.e. providing information and identifying vulnerabilities) and analysing the possible tension between supporting migrants and contributing to soft control outputs*

Some of the practices (e.g. providing information and identifying vulnerabilities) carried out by the actors analysed in this study had an ambivalent role. On the one hand, these practices contributed to increasing the chances of inclusion (e.g. safeguarding the right of migrants to apply for international protection, the access to reception and to assistance services) for specific groups of migrants (e.g. asylum seekers, family units, vulnerable migrants). Information-giving practices like the ones carried out by Oxfam had the primary aim of countering the rejection of migrants based on arbitrary practices. This kind of information practices contributed to prevent the hardening of a form of border *introversion* (i.e. the illegitimate use of deferred rejection of migrants) (Cuttitta, 2007). During different *rebordering* phases, the information-giving practices of humanitarian TSOs contributed to providing remedy to migrant exclusion and to advocating for

individual cases. In agreement with theory (Della Porta et al., 2003; Onyx et al., 2010; Casey, 2011; Verschuere and De Corte, 2015; Zamponi, 2017; Dellmuht and Tallberg, 2017), practices of this kind contribute to challenging the actual state of affairs and to promote the rights and interests of specific groups of migrants.

On the other hand, these practices contributed to perpetuating, more or less consciously, the distinction between migrants that are included on the basis of vulnerability criteria and “economic” migrants to be repatriated. Providing legal information contributed to legitimizing the *voluntary/forced dichotomy*, *bordering practices* and migration management tools (e.g. the *relocation* mechanism) that perpetuated processes of differential inclusion on the basis of vulnerability and humanitarian criteria (Ticktin, 2006; Pécout, 2010; Walters, 2011; Casas-Cortes et al., 2014; Browne, 2015; Mezzadra, 2015; Akoka, 2016; Pallister-Wilkins, 2017, 2018).

*Analysing the contribution of humanitarian TSOs' advocacy to the (de)politicization of the current migration and border management system*

The present research suggests that the international humanitarian TSOs analysed in this study carry out different advocacy strategies (i.e. *outsider*, *insider*, *individual* and *systemic*) in order to advocate for migrant rights and against restrictive migration policies. By publicly advocating for migrant *protection* and against arbitrary practices, humanitarian organizations contributed to countering restrictive migration policies and to influencing authorities' practices. As shown in *chapter 7 and 8*, advocacy carried out by these actors included negotiating with authorities in order to assure a better protection to certain categories of migrants (e.g. families, minors, asylum seekers) and contributed to increasing the chances of inclusion for those categories. In agreement with theory, these *individual* and *insider* advocacy strategies are complementary with *outsider* advocacy (Binderkrantz, 2005; Verschuere and De Corte, 2015) and contribute to politicizing social issues (Child and

Gronbjerg, 2007; Onyx et al. 2010; Kimberlin, 2010; Casey, 2011; Dellmuth and Tallberg, 2017). In agreement with some scholars (Onyx et al., 2010; Verschuere and De Corte, 2015) this kind of *outsider* and *insider* advocacy strategies can be considered as non-conflictual (e.g. public information campaigns, gaining mass-media coverage, direct negotiation with authorities): strategies of *small steps* and advocacy “with the gloves on” (Onyx et al., 2010) can be nonetheless oriented towards the politicization and transformation of social issues (Della Porta and Kriesi, 1998; Della Porta et al., 2003; McAdam et al., 2007).

The present research suggests that *sector coordination* (Onyx et al. 2010) was a key strategy implemented by international humanitarian TSOs in order to lobbying and making pressure on EU and governmental authorities. International humanitarian organizations cooperated with local and national TSOs in order to carry out joint *outsider* advocacy and to respond to restrictive migration policies.

In agreement with theory (Della Porta and Kriesi, 1998; Della Porta et al., 2003; Child and Gronbjerg, 2007; Onyx et al., 2010; Kimberlin, 2010; Casey, 2011; Dellmuth and Tallberg, 2017; Cuttitta, 2016; Ambrosini, 2017, 2018; Fleischmann and Steinhilper, 2017; Vandevordt, 2019), advocacy strategies of this kind contribute to questioning the actual state of affairs and to *re-politicizing* the migration and border regime.

*Investigating the role of international humanitarian organisations (during different rebordering phases) in perpetuating or countering discourses, categories, and practices that contribute to stratifying migrant access to territory and rights*

The international humanitarian TSOs analysed in this research (both IGOs and NGOs) contributed to perpetuating the *migration management* discourse. Several scholars (Geiger, 2005; Geiger and Pécoud, 2010, 2013, 2014; Kalm, 2010, 2012; Schotel, 2013; Garnier, 2014; Korneev, 2014; Wolff, 2015) suggested that international organizations, and in particular IGOs, adopt and disseminate this kind of discourse.



The present study described how also NGOs, both those operating inside and those operating outside the migration control system, contributed to perpetuating the *migration management* discourse. In agreement with some scholars (Ahouga, 2017), this study suggests that the *migration management* paradigm gradually diffused at the local level and it was perpetuated also by local actors (e.g. local TSOs).

The discourses of the humanitarian organizations analysed in this study were mainly based on humanitarian and *protection* arguments that can play an ambivalent role in the *(de)politicization* of the current border regime (Malkki, 1996; Ticktin, 2006; Fassin, 2005, 2010; Agier, 2008; Walters, 2011; Tazzioli, 2015, 2016; Mezzadra, 2015; Pallister-Wilkins, 2017, 2018; Cuttitta, 2018a, 2018b). The discourses of these actors hardly questioned the legitimacy of *bordering* practices based on humanitarian and *protection* rationales. On the one hand, these discourses contributed to legitimizing, more or less willingly, the selective paradigm mainly based on the filtering of migrants between those *in need of protection* and the others. In agreement with theory (Walters, 2011; Akoka, 2016; Tassin, 2016; Cuttitta, 2018a; Pallister-Wilkins, 2018; Bassi, 2018; Sigona and McMahon, 2018; Vandevordt, 2019), discourses of this kind contribute to perpetuating categories used by States and the selective rationale at the basis of the *bordering* narratives and practices of EU member States. Moreover, by promoting the *hotspot approach* implementation as a good solution to better protect refugees and to better manage migration, the UNHCR contributed to reinforcing the EU migration governance agenda (Geiger and Pécoud, 2010, 2014; Schotel, 2013; Korneev, 2014; Scheel and Ratfisch, 2014; Garnier, 2014; Wolff, 2015).

On the other hand, these humanitarian organizations used *protection* and humanitarian arguments to claim for the respect of migrant rights, to promote migrant inclusion and to *re-politicize* the actual migration and border management system. As showed in *chapters 7 and 8*, during both *rebordering* phases identified in the present research (i.e. the introduction of the *hotspot approach* in 2015 and the adoption of the *security decree* in 2018), these international humanitarian TSOs were

able to carry out political *borderwork*. These actors mostly criticized restrictive policies and were able to act as a bulwark against the violation and deterioration of migrant rights. In agreement with theory (Walters, 2011; De Jong and Ataç, 2017; Fleischmann and Steinhilper, 2017; Cuttitta, 2016, 2018a; Ambrosini, 2018; Sandri, 2018; Fechter and Schwittay, 2019; Vandevoordt, 2019), discourses and practices of this kind contribute to challenging and to politicizing the current migration and border regime.

As discussed in *chapter 3*, recent studies (De Jong and Ataç, 2017; Fleischmann and Steinhilper, 2017; Sandri, 2018; Fechter and Schwittay, 2019; Vandevoordt, 2019) suggested that grass-roots and *volunteering* humanitarianism are able to carry out political *borderwork* and would challenge both the so called *mainstream* humanitarianism and the *neoliberal* governance of migration.

The present research suggests that the *mainstream* humanitarian organizations analysed in this study were able to challenge and to *re-politicize* the actual migration governance system. The present study suggests that *mainstream* and *civil* humanitarianism resort to the same kind of discourses and practices that can *re-politicize* the current border regime: defending migrant rights on the ground, making several types of advocacy for migrant rights, making political pressure on authorities and governments against the violation of migrant rights, promoting public discussions and public protests, asking for the change of asylum and migration policies (e.g. claiming for more openness and regular migration pathways). Furthermore, taking into account the literature (see *chapter 2 and 3*) about the role of TSOs situated at different levels (e.g. local, national, international), it is possible to suggest that local and international TSOs' *borderwork* is characterized by similar ambivalences, tensions and contradictions in terms of politicization and depoliticization of the current border regime.

## CONCLUDING REMARKS AND FUTURE RESEARCH

The present research suggests that the discourses and practices of international humanitarian TSOs contribute to both *depoliticizing* and *re-politicizing* the current migration and border regime (Walters, 2011; Cuttitta, 2016, 2018b; Fleischmann, 2017; Fleischmann and Steinhilper, 2017; Stierl, 2018; Sinatti, 2019; Fechter and Schwittay, 2019; Vandevooordt, 2019).

This research provides support to the arguments of several scholars (Mallki, 1996; Fassin, 2005, 2010; Ticktin, 2006, 2014; Agier, 2008; Geiger and Pécoud, 2010, 2013; Tazzioli, 2015, 2016; Pallister-Wilkins, 2017, 2018; Cuttita, 2018a, 2018b; Stierl, 2018; Vandevooordt, 2019) who emphasized that humanitarian actors contribute to perpetuating and legitimizing dominant categorization and *bordering* processes. Humanitarian discourses and practices can have inherent *depoliticizing* features that contribute to legitimizing the actual border management system in different ways: a) by focusing on vulnerability and humanitarian arguments, b) by perpetuating hierarchies and categories crafted by States and by the international law, c) by legitimizing the dichotomy between asylum seeker and “economic” migrant, d) by providing services that contribute to building States’ capacity to manage migration, e) by perpetuating *bordering* practices and a selective migration management system.

The present research suggests that, despite the more or less conscious contribution to the perpetuation of the current migration and border regime, the humanitarian *borderwork* of international humanitarian organizations is coupled with political *borderwork* and contributes to challenging the current border regime in different ways: a) by implementing practices to support migrants, b) by monitoring the situation to advocate for migrant rights, c) by criticizing governmental practices and policies, d) by protesting against restrictive turns, e) by attempting to increase the chances of migrants’ inclusion. International humanitarian TSOs contribute to *re-*

*politicizing* the actual migration and border management and to perpetuating the contentious dimension of the migration governance (*battle*)*field*.

Considering that international humanitarian TSOs' discourses and practices also contribute to the *re-politicization* of migration and border management, the present research suggests that the *borderwork* of these actors could be understood as a *political-humanitarian borderwork*.

Taking into account the limitations of the present study, the following issues could be addressed by *future research*:

- the concrete impact of legal information on a) the attitudes and choices of migrants, and b) the processes of selection during first arrival procedures and at different steps of migrants' paths;
- the concrete impact of vulnerability identification on the processes of selection and filtering of migrants during the management of migrant arrivals (and also at later steps of the reception and asylum procedures);
- the actual modalities through which humanitarian TSOs carry out *insider* advocacy and the concrete impact of these activities on governmental policies and practices.

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## APPENDIX A

### Thematic analysis process: Coding, Analysing, Theorising

According to Braun and Clarke “Thematic analysis is a method for identifying, analysing and reporting patterns (themes) within data” (Braun and Clarke, 2006:79). *Codes* can be considered as labels that indicates something that appears interesting to the analyst in relation to a certain phenomenon. A *theme* is something more abstract and general that requires interpretation and a certain degree of theorization; a *theme* contains codes and includes relevant patterned information linked to the research aims (Braun and Clarke, 2006; Vaismoradi et al., 2016; Maguire and Delahunt, 2017).

I searched for both the *manifest* and the *latent* contents (Braun and Clarke, 2006; Elo, 2007): in particular, Braun and Clarke (2006) highlighted that a *thematic analysis* at a latent level “(..) goes beyond the semantic content of the data, and starts to identify or examine the underlying ideas, assumptions, and conceptualisations – and ideologies – that are theorised as shaping or informing the semantic content of the data” (Braun and Clarke, 2006:84).

I adopted a *cross-sectional indexing* approach (Mason, 2002) that allows to use the same set of codes across the whole data set. When you have to manage text-based data, this approach can be helpful in order to identify, retrieve and group together information and topics that are dispersed within the entire data-set. Overall, I used this procedure because it allows to adopt “(..) the same lens to explore patterns and themes which occur across your data” (Mason, 2002:165). I proceeded iteratively: reading, coding, interpreting, writing and theorising went hand in hand and were in constant relationship (Mason, 2002; Tuckett, 2005).

I resorted to a procedure of *open-coding* which means that I did not have a list of pre-established codes to apply to the texts. I proceeded by reading, coding and re-

reading data and I developed and assigned codes as I went along (Maguire and Delahunt, 2017). I adopted a *hybrid approach* to thematic analysis (Swain, 2018): the identification and application of codes were both theory and data driven processes. At the same time, codes and themes did not autonomously emerge by data: they were the result of my *interpretative work* (Braun and Clarke, 2006).

Firstly, I proceeded by reading and re-reading transcripts and selected documents to *familiarize with data*. Then, I proceeded to data reduction by dividing the entire dataset into meaningful (and more easily manageable) segments of data.

I used a software called *QDAMiner*: after having transformed all my data into a manageable written version, each data item (e.g. interview transcript and document) was classified as a *case* inside the software. In this way I had the possibility, during the following steps, to easily and rapidly retrieve data items or *cases*.

I proceeded by coding tentatively and I started to compare codes and to group together the codes that seemed to repeat in a patterned way: I grouped codes within clusters that I called *sub-themes*. To provide an example of the results of this coding procedure, I report below the codes that were tentatively included within the sub-theme “*relationship of HTSOs<sup>158</sup> with authorities*”:

- *collaboration and support*
- *HTSOs’ capacity building for authorities*
- *clear different role/opposition*

At this stage, I carried out a *first cycle coding* (Miles et al., 2014) and I ended up with a list of tentative codes: I defined some *sub-themes* by identifying similarities, differences and coherence between and within *codes* and *sub-themes* (Braun and Clarke, 2006; Vaismoradi et al., 2016). I assigned more than one code to the same data segment when I estimated that it was telling something interesting about different aspects relevant to my research aims.

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<sup>158</sup> I used HTSO as an abbreviation for *Humanitarian Third Sector Organization* during the process of coding.

After the *first cycle coding* and the tentative grouping of codes within sub-themes, I suspended the coding process and I went back to reviewing literature. Going back and forth from data to theory (Mason, 2002; Tuckett, 2005) allowed me to take a distance from data and data-coding and to improve the data analysis procedure (Vaismoradi et al., 2016).

I then proceeded with a *second cycle coding* (Miles et al., 2014) because some of the initial codes were too general and/or descriptive. For example, during this second coding phase I identified some sub-codes for the codes labelled “*advocacy*” and “*sorting of migrants*”.

- *advocacy*:

--> *monitoring of illegitimate practices*

--> *criticizing migration policies*

--> *intermediation with public services*

or

- *sorting of migrants*:

--> *economic migrant VS asylum seeker*;

--> *nationality*;

--> *vulnerability*.

The *second cycle coding* included the refining and re-evaluation of the relationships between codes and sub-themes. I re-read the transcripts in order to identify relationships and links between codes, to eliminate irrelevant codes and to merge redundant codes that I initially considered as constituting a *sub-theme* on their own.

*Searching for themes* indicates the process through which “(..) the interpretative analysis of the data occurs, and in relation to which arguments about the phenomenon being examined are made” (Braun and Clarke, 2006: 88). According to



some scholars (Braun and Clarke, 2006; Thomas and Harden, 2007; Vaismoradi et al., 2016), it is difficult to describe this process because it depends on the individual researcher's judgements and interpretations.

Using the *retrieve* function of the *QDAMiner* software helped me to identify and refine relationships between codes and sub-themes. Retrieving codes through the use of the *QDAMiner* software allowed me to rapidly relocate extracts grouped together under that code within a specific sub-theme. At the same time, I wrote down on a sheet of paper the sub-themes and each code that they included in order to have an overall image of sub-themes and codes. This procedure helped me to carry out the interpretation activity in order to identify interesting issues relevant to my research aims and to draw a tentative *thematic map*.

Successively, I *reviewed* the themes I had identified in order to check if they were coherent and I started to reflect on the following issues:

“• Do the themes make sense? Does the data support the themes?

• Am I trying to fit too much into a theme?

• If themes overlap, are they really separate themes?

• Are there other themes within the data?” (Maguire and Delahunt, 2017:3358).

Reviewing themes allowed me to reconsider and refine the tentative themes. I reviewed themes using a) the tentative *thematic map* and b) *QDAMiner* that allowed me to retrieve rapidly all the codes clustered under the identified sub-themes.

Finally, I identified four *overarching themes*:

→ Selection and channelling of migrants

→ HTSOs' position within the migration governance field

→ Ambivalence of humanitarian discourses and practices supporting migrants

→ HTSOs' adapting and responding to migration policies developments

Summary of other relevant documents analysed

<u>Institution</u>	<u>Document's reference</u>
<p>Italian Chamber of Deputies, Parliamentary Commission of Inquiry about the reception, identification and expulsion system, as well as on the conditions of migrants' detention and on the public resources employed.</p> <p><i>(Camera dei Deputati, Commissione parlamentare di inchiesta sul sistema di accoglienza e di identificazione, nonché sulle condizioni di trattenimento dei migranti nei centri di accoglienza, nei centri di accoglienza per richiedenti asilo e nei centri di identificazione ed espulsione)</i></p>	<ul style="list-style-type: none"> <li>- (2015a), "Transcript n.32", XVII legislature, Assembly of the 3 December 2015, pp. 1 – 20;</li> <li>- (2015b), "Transcript n.14", XVII legislature, Assembly of the 3 December 2015, pp. 3 – 20;</li> <li>- (2016a), "Report on the First Reception and Identification System within the purview of the hotspot centres", XVII legislature, Doc. XXII-bis, N. 8, 26 October 2016, pp. 1 – 27;</li> <li>- (2016b), "Transcript n.38", XVII legislature, Assembly of the 26 January 2016, pp. 1 – 28;</li> <li>- (2016c), "Transcript n.36", XVII legislature, Assembly of the 13 January 2016, pp. 1 – 20;</li> <li>- (2016d), "Transcript n.37", XVII legislature, Assembly of the 20 January 2016, pp. 1 – 20;</li> <li>- (2016e), "Transcript n.59", XVII legislature, Assembly of the 15 September 2016, pp. 1 – 12;</li> <li>- (2016f), "Interviews at the Prefecture of Ragusa", XVII legislature, Assembly of the 24 June 2016, pp. 1 – 4;</li> <li>- (2016g), "Il sistema hotspot e la negazione dello Stato di diritto in Europa. Relazione di Minoranza sull'approccio hotspot nell'ambito del sistema di identificazione ed accoglienza", XVII legislatura, 26 Ottobre 2016, pp. 1 – 60, available at: <a href="https://www.camera.it/leg17/491?idLegislatura=17&amp;categoria=022bis&amp;tipologiaDoc=documento&amp;numero=008bis&amp;doc=intero">https://www.camera.it/leg17/491?idLegislatura=17&amp;categoria=022bis&amp;tipologiaDoc=documento&amp;numero=008bis&amp;doc=intero</a>;</li> <li>- (2017), "Transcript n.77", XVII legislature, shorthand report, pp. 1 – 24</li> </ul> <p><a href="https://temi.camera.it/leg18/post/il-decreto-legislativo-n-142-del-2015-cd-decreto-accoglienza.html">https://temi.camera.it/leg18/post/il-decreto-legislativo-n-142-del-2015-cd-decreto-accoglienza.html</a></p>
<p>Italian ministry of the interior</p> <p><i>(Ministero dell'interno)</i></p>	<p>Ministry of the Interior (2015), "Roadmap Italiana", 28 September 2015, pp. 1 -22;</p> <p>Ministry of the Interior (2016a), "Accesso alla procedura di asilo. Garanzie e modalità", Dipartimento Libertà Civili e Immigrazione;</p> <p>Ministry of the Interior (2016b), "Standard Operating Procedures</p>

	<p>(SOPs) applicable to Italian hotspots”, pp. 1 – 26;</p> <p>Ministry of the Interior (2017), “Piano Nazionale d’integrazione dei titolari di protezione internazionale”, Department of Civic Liberties and Immigration, Italian Ministry of the Interior, pp. 1 – 33, at <a href="https://www.interno.gov.it/sites/default/files/piano-nazionale-integrazione.pdf">https://www.interno.gov.it/sites/default/files/piano-nazionale-integrazione.pdf</a>;</p> <p><a href="http://www.libertaciviliimmigrazione.dlci.interno.gov.it/it/dipartimento">http://www.libertaciviliimmigrazione.dlci.interno.gov.it/it/dipartimento</a>);</p> <p><a href="http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati_cruscotto_statistico_giornaliero_31-12-2018_0.pdf">http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati_cruscotto_statistico_giornaliero_31-12-2018_0.pdf</a></p> <p><a href="http://www.libertaciviliimmigrazione.dlci.interno.gov.it/it/governance-dellaccoglienza">http://www.libertaciviliimmigrazione.dlci.interno.gov.it/it/governance-dellaccoglienza</a>;</p>
<p>National Guarantor for the rights of persons detained or deprived of liberty</p> <p><i>(Garante Nazionale dei Diritti delle persone detenute o private della libertà personale)</i></p>	<p>- (2018), “Relazione al Parlamento 2018”;</p> <p>- (2019), “Relazione al Parlamento 2019”;</p>
<p>European Commission</p>	<p>- (2015), “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Region. <b>A European Agenda on Migration</b>”, Com (2015) 240;</p> <p><a href="https://ec.europa.eu/home-affairs/what-is-new/news/news/2015/20150420_01_en">-https://ec.europa.eu/home-affairs/what-is-new/news/news/2015/20150420_01_en</a>;</p> <p><a href="https://ec.europa.eu/anti-trafficking/eu-policy/tampere-council-conclusions-1999_en">-https://ec.europa.eu/anti-trafficking/eu-policy/tampere-council-conclusions-1999_en</a>;</p>
<p>Other institutional documents and websites</p>	<p>Anci, Caritas Italiana, Cittalia, Fondazione Migrantes, Servizio centrale dello Sprar, UNHCR (2017), “Rapporto sulla protezione internazionale in Italia 2017”, Gemmgraf Roma.</p> <p>Ministry of Health (2017), “Piano di Contingenza Sanitario Regionale Migranti. Modalità operative per il coordinamento degli aspetti di salute pubblica in Sicilia”, Italian Ministry of Health, Region of Sicily, World Health Organization, pp. 6 – 95;</p> <p>Sicilian Regional Healthcare Department (2014), “Piano di</p>

	<p><i>Contingenza Sanitario Regionale Migranti. Modalità operative per il coordinamento degli aspetti di salute pubblica in Sicilia.2014”, Regione Siciliana - Assessorato Regionale della Salute, World Health Organization;</i></p> <p><a href="http://www.marina.difesa.it/EN/operations/Pagine/MareNostrum.aspx">-http://www.marina.difesa.it/EN/operations/Pagine/MareNostrum.aspx;</a></p> <p><a href="http://www.marina.difesa.it/cosa-facciamo/per-la-difesa-sicurezza/operazioni-concluse/Pagine/mare-nostrum.aspx">-http://www.marina.difesa.it/cosa-facciamo/per-la-difesa-sicurezza/operazioni-concluse/Pagine/mare-nostrum.aspx;</a></p> <p><a href="http://www.difesa.it/OperazioniMilitari/op_intern_corso/eunavfor_med/Pagine/default.aspx">-http://www.difesa.it/OperazioniMilitari/op_intern_corso/eunavfor_med/Pagine/default.aspx;</a></p> <p><a href="http://www.governo.it/sites/governo.it/files/Libia.pdf">- http://www.governo.it/sites/governo.it/files/Libia.pdf;</a></p> <p><a href="http://www.cortedicassazione.it/cassazione-resources/resources/cms/documents/Khlaifia_e_altri_c_Italia.pdf">-http://www.cortedicassazione.it/cassazione-resources/resources/cms/documents/Khlaifia_e_altri_c_Italia.pdf;</a></p>
<p>Other TSOs documents and websites</p>	<p>Amnesty International (2016), “Hotspot Italy. How EU’s flagship approach leads to violations of refugee and migrant rights”;</p> <p>Cimade (2016), “Observation Report. European Borders. Keep Out? Illustrated by the situation in Calais, Ceuta and Melilla, and Sicily”;</p> <p>Council of Europe (2018), “Report to the Italian Government on the visit to Italy carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)”;</p> <p>Danish Refugee Council (DRC) (2017), “Fundamental Rights and the EU hotspot approach”, Danish Refugee Council, October 2017;</p> <p>ECRE, ASGI, CIR, AIDA (2016), “The implementation of the Hotspot approach in Italy and Greece. A study”, <i>European Council on refugees and exiles</i>;</p> <p>ECRE, ASGI, CIR, AIDA (2017), “Country report: Italy”, <i>Asylum Information Database, European Council on Refugees and Exiles, 2017 Update</i>;</p> <p>ECRE, ASGI, CIR, AIDA (2018), “Country report: Italy”, <i>Asylum Information Database, European Council on Refugees and Exiles, 2018 Update</i>;</p> <p>ECRE, ASGI, CIR, AIDA, (2019), “Country report: Italy”, <i>Asylum Information Database, European Council on Refugees and Exiles, 2019 Update</i>;</p> <p>CIR, ECRE, Greek Council for Refugees, Dutch Council for Refugees</p>

	<p>(2018), "Strengthening NGO involvement and capacities around EU 'hotspots' developments. Update on Augusta and Catania as "non-operational hotspot sites";</p> <p>FRA (2016), "Opinion of the European Union Agency for Fundamental Rights on fundamental rights in the 'hotspots' set up in Greece and Italy", <i>FRA Opinion 5/2016 [Hotspots]</i>, Vienna, 29 November 2016;</p> <p><a href="https://www.meltingpot.org/Hotspot-e-respingimenti-differiti-il-modello-Lampedusa.html">-https://www.meltingpot.org/Hotspot-e-respingimenti-differiti-il-modello-Lampedusa.html</a>;</p> <p><a href="http://siciliamigranti.blogspot.com/2017/04/nuovi-respingimenti-arresti-e-hotspot-i.html">-http://siciliamigranti.blogspot.com/2017/04/nuovi-respingimenti-arresti-e-hotspot-i.html</a>;</p> <p><a href="http://www.integrationarci.it/2016/04/06/visita-hotspot-pozzallo/">-http://www.integrationarci.it/2016/04/06/visita-hotspot-pozzallo/</a>;</p> <p><a href="https://cild.eu/blog/2018/10/03/strage-del-3-ottobre-ricordare-per-cambiare-le-politiche-nel-mediterraneo/">-https://cild.eu/blog/2018/10/03/strage-del-3-ottobre-ricordare-per-cambiare-le-politiche-nel-mediterraneo/</a></p> <p><a href="https://openmigration.org/analisi/migrazione-e-liberta-il-punto-di-un-anno-di-monitoraggio-da-parte-del-garante-nazionale/">-https://openmigration.org/analisi/migrazione-e-liberta-il-punto-di-un-anno-di-monitoraggio-da-parte-del-garante-nazionale/</a></p> <p><a href="http://www.asiloineuropa.it/2014/01/08/eurosur-cose-quanto-costa-a-cosa-serve-origini-e-analisi-del-regolamento-10522013-quasi-articolo-per-articolo/">-http://www.asiloineuropa.it/2014/01/08/eurosur-cose-quanto-costa-a-cosa-serve-origini-e-analisi-del-regolamento-10522013-quasi-articolo-per-articolo/</a></p> <p><a href="http://www.integrationarci.it/2016/04/06/visita-hotspot-pozzallo/">-http://www.integrationarci.it/2016/04/06/visita-hotspot-pozzallo/</a></p> <p><a href="https://www.a-dif.org/2017/10/29/respingimenti-differiti-e-trattenimento-illegittimo-di-tunisini-a-lampedusa/">-https://www.a-dif.org/2017/10/29/respingimenti-differiti-e-trattenimento-illegittimo-di-tunisini-a-lampedusa/</a></p> <p><a href="http://www.osservatoriorepressione.info/lampedusa-no-alla-militarizzazione-e-al-centro-di-detenzione-per-migranti/">http://www.osservatoriorepressione.info/lampedusa-no-alla-militarizzazione-e-al-centro-di-detenzione-per-migranti/</a>;</p>
Press Websites	<p><a href="http://www.osservatoriomigranti.org/?detenzione-normativa-nazionale">http://www.osservatoriomigranti.org/?detenzione-normativa-nazionale</a>;</p> <p><a href="https://www.ilpost.it/2015/04/22/blocco-navale-albania-1997/">https://www.ilpost.it/2015/04/22/blocco-navale-albania-1997/</a></p> <p><a href="https://ilmanifesto.it/kater-i-rades-una-memoria-che-brucia/">https://ilmanifesto.it/kater-i-rades-una-memoria-che-brucia/</a></p> <p><a href="https://www.ilfattoquotidiano.it/2018/03/19/migranti-600-da-ricollocare-dopo-la-chiusura-degli-hotspot-di-lampedusa-e-taranto-difficile-sapere-dove-firanno/4237038/">https://www.ilfattoquotidiano.it/2018/03/19/migranti-600-da-ricollocare-dopo-la-chiusura-degli-hotspot-di-lampedusa-e-taranto-difficile-sapere-dove-firanno/4237038/</a>;</p> <p><a href="http://www.vita.it/it/article/2004/07/12/cap-anamur-la-sua-storia/35646/">http://www.vita.it/it/article/2004/07/12/cap-anamur-la-sua-storia/35646/</a>;</p> <p><a href="https://www.repubblica.it/cronaca/2017/04/29/news/migranti_cap_anamur_salvataggio_2004_gommone_con_37_immigrati_sbarco_porto_e">https://www.repubblica.it/cronaca/2017/04/29/news/migranti_cap_anamur_salvataggio_2004_gommone_con_37_immigrati_sbarco_porto_e</a></p>

	<p><a href="#">mpedo cle-164215781/</a></p> <p><a href="https://www.avvenire.it/attualita/pagine/cronaca-di-un-flop">https://www.avvenire.it/attualita/pagine/cronaca-di-un-flop</a>;</p> <p><a href="https://www.repubblica.it/cronaca/2017/05/13/news/il-naufragio-dei-bambini-strage-senza-colpevoli-165309112/">https://www.repubblica.it/cronaca/2017/05/13/news/il-naufragio-dei-bambini-strage-senza-colpevoli-165309112/</a>;</p> <p><a href="http://espresso.repubblica.it/inchieste/2013/11/07/news/la-verita-sul-naufragio-di-lampedusa-quella-strage-si-poteva-evitare-1.140363">http://espresso.repubblica.it/inchieste/2013/11/07/news/la-verita-sul-naufragio-di-lampedusa-quella-strage-si-poteva-evitare-1.140363</a></p> <p><a href="http://antoniomazzeoblog.blogspot.com/2018/08/hotspot-migranti-di-messina-disumano-e.html">http://antoniomazzeoblog.blogspot.com/2018/08/hotspot-migranti-di-messina-disumano-e.html</a>;</p> <p><a href="http://www.strettoweb.com/2018/08/messina-migranti-hotspot/746278/">http://www.strettoweb.com/2018/08/messina-migranti-hotspot/746278/</a>;</p> <p><a href="http://www.rainews.it/dl/rainews/articoli/Immigrati-Minniti-in-Libia-primopasso-per-nuova-cooperazione_ceb31db3-caaa-4edd-8f06-e1a33a63e59f.html?refresh_ce">http://www.rainews.it/dl/rainews/articoli/Immigrati-Minniti-in-Libia-primopasso-per-nuova-cooperazione_ceb31db3-caaa-4edd-8f06-e1a33a63e59f.html?refresh_ce</a>;</p> <p><a href="https://www.internazionale.it/notizie/2017/01/10/accordo-italia-libia-migranti">https://www.internazionale.it/notizie/2017/01/10/accordo-italia-libia-migranti</a>;</p> <p><a href="https://www.internazionale.it/bloc-notes/annalisa-camilli/2018/06/28/libia-centri-di-detenzione-msf">https://www.internazionale.it/bloc-notes/annalisa-camilli/2018/06/28/libia-centri-di-detenzione-msf</a>;</p> <p><a href="https://www.repubblica.it/cronaca/2019/12/05/news/migranti_l_unhcr_chiede_la_chiusura_totale_dei_centri_di_detenzi_one_in_libia_situazione_terribile_-242608066/">https://www.repubblica.it/cronaca/2019/12/05/news/migranti_l_unhcr_chiede_la_chiusura_totale_dei_centri_di_detenzi_one_in_libia_situazione_terribile_-242608066/</a></p>
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**Table 6.** Summary of other relevant documents analysed.

## APPENDIX B – RÉSUMÉ SUBSTANTIEL DE LA THÈSE EN FRANÇAIS

### LES ORGANISATIONS HUMANITAIRES INTERNATIONALES À LA FRONTIÈRE EUROPÉENNE MÉRIDIONALE: (DÉ)POLITISATION ET (DÉ)FRONTIÉRISATION À L'INTÉRIEUR ET AU-DELÀ DU SYSTÈME *HOTSPOT* EN SICILE

#### Cadre analytique

Plusieurs chercheurs ont montré que les organisations du tiers secteur jouent un rôle clé dans les processus de gouvernance des migrations et que ces acteurs contribuent à la définition et à la mise en œuvre des politiques migratoires (Ambrosini, 2015a, 2017, 2018; Ambrosini et Van der Leun, 2015; Andersson, 2016; Bonizzoni, 2017; Castles, 2000, 2004; Crépeau et Atak, 2016; Geiger et Pécoud, 2010, 2013, 2014; Guiraudon et Lahav, 2000; Lester, 2005; Lopez-Sala, 2016; Sørensen, 2012; Spencer, 2017; Zincone et Caponio, 2006). Dans la littérature il n'y a pas de consensus concernant le rôle de ces acteurs en terme de politisation et/ou dépolitisation du régime actuel de gestion des migrations et de la frontière. Plus particulièrement, le rôle des organisations humanitaires, et spécifiquement des organisations humanitaires internationales qui appartiennent à l'humanitarisme *mainstream*, fait débat (Agier, 2008; Ambrosini, 2015b, 2018; Cuttitta, 2018a, 2018b; De Jong et Ataç, 2017; Fassin, 2005; 2010; Fechter et Schwittay, 2019; Fisher, 1997; Fleischmann, 2017; Fleischmann et Steinhilper, 2017; Geiger et Pécoud, 2010, 2014; Irrera, 2016; Lester, 2005; Pallister-Wilkins, 2018; Pandolfi, 2003; Sandri, 2018; Scheel et Ratfisch, 2014; Sørensen, 2012; Ticktin, 2006, 2014; Vandevordt, 2017, 2019; Walters, 2011).

Cette thèse vise à explorer la contribution des organisations humanitaires du tiers secteur à la *(dé)politisation* du régime actuel de gestion de la frontière et à la légitimation, ou la remise en cause, de processus de *(dé)frontiérisation*. D'un côté, nous enquêtons sur la connexion entre processus de dépolitisation qui légitiment le

système de contrôle des migrations et les processus de *frontièrisation* tels que les contrôles sélectifs et la stratification de l'accès des migrants aux droits et au territoire. De l'autre, nous explorons la relation entre la politisation (qui implique la remise en question du *border regime* restrictif et sélectif) et les processus de *défrontièrisation* qui peuvent remettre en cause le système de contrôle des migrations et la stratification des statuts légaux et des droits des migrants.

Dans cette thèse le concept de *frontièrisation* (*bordering*) est utilisé pour adopter un point de vue dynamique sur les frontières (Van Houtum et Naerssen, 2002; Rumford, 2006, 2008; Cooper, 2015). Cette conceptualisation souligne que les frontières sont socialement construites par les interventions d'une pluralité d'acteurs et souligne le rôle joué par les acteurs non étatiques dans ces processus (Cooper, 2015; Parker et Vaughan-Williams, 2009; Lemberg-Pedersen, 2017; O'Dowd, 2010; Rumford, 2006, 2008). La frontièrisation est plus précisément considérée comme un processus de classification et de filtrage qui inclut l'attribution de statuts légaux et de droits stratifiés (e.g. concernant la liberté personnelle, le droit de se déplacer et voyager librement, l'accès à certains services, le droit de travailler) et qui contribue à nier sélectivement la mobilité spatiale et sociale des migrants (Alberti, 2010; Andrijasevic, 2010; Casas-Cortes et al., 2014; Cuttitta, 2007; Fontanari, 2016; Karakayali et Rigo, 2010; Mezzadra et Neilson, 2010; Mezzadra, 2015; Mountz et al., 2012; Pallister-Wilkins, 2018; Van Houtum et Naerssen, 2002). Considérer la frontière en terme de frontièrisation ne veut pas dire négliger le rôle des états et ne signifie pas que la frontière n'est pas identifiable et localisable géographiquement aux limites de l'état. Dans cette perspective, les frontières ne sont pas des limites étatiques statiques et géographiquement établies, mais elles sont continuellement étendues et déplacées à l'intérieur et à l'extérieur de l'Union Européenne (Cuttitta, 2007; Salter, 2006; Euskirchen et al. 2007; Mezzadra, 2015; Mezzadra et Neilson, 2011; Paasi, 2014; Walters, 2009). En ce sens, nous nous sommes concentrés sur le rôle des



organisations humanitaires à la frontière *introvertie* ou *internalisée* de l'Europe du sud (Cuttitta, 2007; Euskirchen et al. 2007; Mezzadra, 2015; Walters, 2009).

Cette recherche se concentre sur le rôle des organisations humanitaires internationales qui sont intervenues à la frontière italienne méridionale durant différentes phases clés de ré-frontièrisation (i.e. l'introduction de l'approche *hotspot* en 2015 et l'adoption du *décret sécurité* de 2018) et à la fois à l'intérieur et à l'extérieur du système institutionnel des *hotspots*. Cette étude se penche sur certaines organisations qui intervenaient dans le système *hotspot* (i.e. la Croix-Rouge, le HCR, Terre des Hommes et Medu)<sup>159</sup> et sur une organisation qui intervenait en dehors (Oxfam). Dans le cadre de cette recherche, la gouvernance des migrations est conceptualisée comme un champ de conflits, négociations et coopération entre acteurs guidés par des intérêts et visions différentes (Ambrosini, 2015a, 2018; Ambrosini et Van der Leun, 2015; Betts, 2013; Crépeau et Atak, 2016; Eule et al., 2018; Triandafyllidou et Dimitriadi, 2014; Wihtol de Wenden, 2012). Cette perspective souligne l'importance de prendre en considération le positionnement des organisations du tiers secteur en relation avec les positions, discours et pratiques étatiques dominants (Ambrosini, 2015a; Ambrosini et Van der Leun, 2015; Eule et al., 2018; Triandafyllidou et Dimitriadi, 2014). Cette approche est pertinente avec la perspective de frontièrisation qui souligne que les frontières sont continuellement (de)construites par des acteurs non étatiques et avec l'idée que les processus de gouvernance des migrations influencent "(..) the establishment and functioning of borders" (Ambrosini, 2018:123).

Cette thèse adopte la perspective de gouvernance multi-niveau (Caponio et al., 2017; Caponio et Pavolini, 2007; Stephenson, 2013; Zincone et Caponio, 2006) et se penche sur le rôle des organisations humanitaires du tiers secteur et sur leur interaction avec d'autres acteurs. La perspective de ce type de gouvernance est utile afin de saisir la définition et la mise en œuvre des politiques migratoires comme des processus dispersés qui incluent plusieurs acteurs situés à différents niveaux (local, national,

<sup>159</sup> HCR: Haut Commissariat des Nations Unies pour les réfugiés; MEDU: Médecins pour les droits humains.

international). La gouvernance multi-niveau met en exergue les liens, les interactions et les relations (et leurs possible résultats) entre acteurs situés à différents niveaux (Caponio et al., 2017; Caponio et Pavolini, 2007; Stephenson, 2013; Zincone et Caponio, 2005, 2006).

Cette thèse se concentre sur le cas de la Sicile qui est considéré un point d'observation pertinent afin d'explorer: a) le rôle des organisations humanitaires dans la gestion des migrations à la frontière européenne méridionale et b) la manière à travers laquelle les organisations humanitaires du tiers secteur contribuent à construire, redéfinir ou déconstruire la frontière européenne méridionale.

Cette recherche identifie et se penche sur deux phases de ré-frontièrisation récentes qui ont marqué la gestion des migrations et de la frontière en Italie: l'introduction de l'approche *hotspot* en 2015 et l'adoption du *décret sécurité* en octobre 2018. Ainsi, l'approche *hotspot* est considérée comme un instrument de politique de ré-frontièrisation de l'Europe et est vue comme le résultat de plusieurs interactions et relations de pouvoir qui ont lieu à différents niveaux dans le champ de gouvernance des migrations. De la même manière, le *décret sécurité* est considéré comme une mesure politique restrictive qui contribue à miner les droits des migrants et à détériorer leurs conditions de vie.

### Objectifs de la recherche

Cette recherche vise à contribuer au débat universitaire concernant le rôle des organisations humanitaires dans la gouvernance des migrations et des frontières et étudie la tension entre *humanitarian* et *political borderwork* (Ambrosini, 2015b, 2018; Bassi et Fine, 2013; Cusumano, 2017; Cuttitta, 2018a, 2018b; De Genova, 2013, 2016; De Jong et Ataç, 2017; Fechter et Schwittay, 2019; Fleischmann, 2017; Irrera, 2016; Pallister-Wilkins, 2015b, 2017, 2018; Stierl, 2018; Sandri, 2018; Tazzioli, 2015, 2016; Vandevordt, 2019; Walters, 2011).

- L'objectif principal de cette thèse est d'explorer la contribution des organisations internationales humanitaires du tiers secteur à la (dé)politisation du régime actuel de gestion de la frontière et à la légitimation, ou à la remise en cause, des processus de (dé)frontièrisation.

Les objectifs spécifiques de cette recherche sont les suivants:

- explorer le rôle des organisations humanitaires dans la perpétuation ou la remise en cause des discours, catégories et pratiques qui contribuent à filtrer et stratifier l'accès des migrants au territoire et aux droits;
- décrire la mise en œuvre de l'approche *hotspot* en Sicile et identifier les éléments de (dis)continuité avec le système précédent;
- décrire comment les organisations humanitaires opèrent et comment elles interagissent entre elles et avec d'autres acteurs importants (e.g. autorités italiennes, d'autres types d'organisations du tiers secteur);
- explorer dans quelle mesure intervenir à l'intérieur ou à l'extérieur du système institutionnel de contrôle des migrations influence le positionnement, les discours et les pratiques des organisations humanitaires et leur capacité de (dé)politiser le régime actuel;
- explorer comment les organisations humanitaires répondent (et adaptent leur intervention, leur positionnement et leurs stratégies) à de phases différentes de ré-frontièrisation;

- décrire le rôle des services de soutien (i.e. information légale et identification des vulnérabilités) des organisations humanitaires et analyser l'éventuelle tension entre soutenir les migrants et contribuer à leur contrôle à travers ces pratiques;
- analyser la contribution de discours et pratiques d'*advocacy* des organisations humanitaires à la (dé)politisation du système actuel de gestion des migrations et des frontières.

### Sélection des acteurs

Afin de contribuer au débat universitaire sur le rôle des organisations humanitaires internationales dans la (dé)politisation du régime actuel de gestion des frontières, cette recherche s'intéresse à certains acteurs dans le *management* des migrations à la frontière sud de l'Italie. Des études récentes ont notamment montré que les acteurs appartenant au *mainstream humanitarianism* ou à la *machine humanitaire* (De Jong et Ataç, 2017; Fechter et Schwittay, 2019; Fleischmann, 2017; Fleischmann et Steinhilper, 2017; Sandri, 2018; Vandervoordt, 2019) contribueraient principalement à dépolitiser le *border regime* actuel: à l'inverse, des acteurs humanitaires "nouveaux" (groupes *grass-roots*, civils et informels) seraient une alternative à l'humanitarisme *mainstream* et remettraient en question la gouvernance néolibérale des migrations. En considérant tout cela, il est intéressant d'explorer la capacité des organisations humanitaires internationales de (dé)politiser le régime actuel de gestion de la frontière.

Cette thèse se penche sur certains acteurs qui intervenaient à l'intérieur du système *hotspot* (la Croix-Rouge, le HCR, Medu et Terre des Hommes) et sur un acteur qui intervenait à l'extérieur de ce système (Oxfam). Les organisations qui interviennent à l'intérieur du système institutionnel de contrôle des migrations pourraient être moins

enclines à remettre en question et critiquer le gouvernement et ses politiques de ré-frontièrisation. Les organisations qui opèrent à l'extérieur du système pourraient adopter des positionnements plus critiques et conflictuels.

Ces acteurs sont intervenus en Sicile à la fois durant l'introduction de l'approche *hotspot* en 2015 et l'adoption du *décret sécurité* en 2018.

Cette recherche utilise une définition large d'organisations du tiers secteur (Garkisch et al., 2015; Viterna et al., 2015). Ce choix permet d'inclure différents types d'organisations humanitaires internationales qui ont été catégorisées de manière hétérogène par la littérature. Les ONG (organisations non-gouvernementales) sont généralement différenciées par les OIG (organisations intergouvernementales): les ONG sont constituées principalement par des associations et/or des individus alors que les OIG sont constituées par des états. La Croix-Rouge a été catégorisée de manière différente: certains chercheurs l'ont présentée comme une ONG (Pastore et Roman, 2014:26) ou comme une ONG "*nation-wide*" (Caponio et Cappiali, 2018); d'autres chercheurs l'ont définie comme une ONG internationale et comme une organisation internationale hybride "(..) in which governments work with NGOs" (Willets, 2001: 369). Certains auteurs ont utilisé la catégorie d'organisation internationale (OI) pour inclure à la fois les ONG et les OIG (Kortendiek, 2018; Willets, 2001). Certains chercheurs ont souligné que les OIG agissent au nom des états (Caillault, 2012; Lavenex, 2016; Wolff, 2015) tandis que d'autres chercheurs ont mis en évidence que ces acteurs peuvent agir de manière indépendante et autonome et qu'ils poursuivent leur propre agenda (Barnett et Finnemore, 1999; Merlingen, 2003; Piper, 2017). Les OIG et les ONG internationales coopèrent dans le cadre des processus de gouvernance internationale (e.g. elles partagent des principes et des programmes, elles participent aux forums globaux) (Crépeau et Atak, 2016; Geiger et Pécoud, 2010; Willets, 2001) mais elles peuvent aussi entrer en conflit et en compétition entre elles (Rother, 2013). De plus, Garkisch et d'autres chercheurs

(2017) ont utilisé une définition large d'organisations du tiers secteur incluant dans ce domaine des OIG comme l'HCR et l'OIM.

Dans cette thèse, le choix d'inclure l'HCR et la Croix-Rouge dans le domaine des organisations du tiers secteur est guidé par la volonté d'explorer empiriquement si, et dans quelle mesure, ces acteurs agissent de manière indépendante. Comment se positionnent-ils dans le champ de la gouvernance des migrations, et dans quelle mesure contribuent-ils à dépolitiser ou ré-politiser le système en place? De plus, cette recherche s'intéresse à une OIG (le HCR) afin d'explorer la relation entre les OIG et les ONG et les éventuelles différences dans leur capacité de politisation ou dépolitisation.

Nous avons inclus les ONG internationales (i.e. Medu, Terre des Hommes et Oxfam) dans le domaine du tiers secteur. Nous nous sommes également concentrés sur deux organisations humanitaires internationales (i.e. la Croix-Rouge et le HCR) qui n'appartiennent pas pleinement au tiers secteur. Ces acteurs ne respectent pas entièrement le critère concernant le caractère privé ou non-gouvernementale. Pour ces raisons nous avons choisi d'inclure ces acteurs, qui n'appartiennent pas complètement au domaine du tiers secteur, dans la catégorie de "quasi tiers secteur".

### Méthodes employées

Cette thèse adopte une approche *mix-method* et utilise trois méthodes principales: analyse des documents, entretiens semi-directifs et observation directe. Ce choix est justifié par le fait que la *triangulation* contribue à corroborer les résultats et à renforcer la validité de l'analyse des données (Bowen, 2009; Mason, 2002).

## Entretiens

Nous avons réalisé les entretiens semi-directifs suivants: 15 entretiens avec un total de 17 travailleurs humanitaires (12 intervenant à l'intérieur du système *hotspot* et 5 à l'extérieur de celui-ci); 7 entretiens avec d'autres informateurs clés (avocats, opérateurs d'associations locales, activistes). Pendant notre terrain de recherche (d'une durée de dix mois entre Novembre 2017 et Décembre 2018), nous avons eu aussi l'occasion de récolter des conversations informelles avec des experts de ASGI<sup>160</sup> concernant les procédures mises en œuvre dans différentes zones *hotspot* en Sicile.

## Analyse des documents

L'analyse des documents s'est concentrée sur le type de documents publics suivant:

- documents produits par les organisations humanitaires décrivant leurs projets et leurs interventions à la frontière italienne méridionale;
- rapports et déclarations officielles qui pouvaient fournir des données concernant le positionnement des organisations humanitaires sur les politiques italiennes et européennes et sur le système de gestion de la frontière au sud de l'Italie.

Nous avons sélectionné principalement des documents produits et publiés par les organisations humanitaires entre 2015 et 2018 (à partir de la *crise des réfugiés* de 2015 jusqu'à la fin de mon travail de terrain en Décembre 2018).

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<sup>160</sup> Association pour les études juridiques sur l'immigration.

## Observation

Nous avons observé les activités de l'équipe mobile de Oxfam en Sicile orientale durant environ 60 sessions et pour une période totale de quatre mois (entre Juillet et Décembre 2018). Nous avons adopté une approche de *shadowing* (McDonald, 2005; Quinlan, 2008) et une position de "participant as observer" ou "observateur participant" (Kawulich, 2005; Martineau, 2005:9): nous avons suivi les opérateurs dans leurs activités quotidiennes pendant une longue période, notre participation à leurs activités était très limitée et nous avons principalement observé les pratiques et les évènements pendant la journée.

Nous avons observé l'équipe mobile de Oxfam dans des contextes différents: pendant leurs déplacements quotidiens (pour rencontrer des migrants ayant besoin de soutien), pendant des réunions internes et avec d'autres organisations humanitaires. Au-delà de l'observation des activités d'Oxfam, nous avons participé à des sessions de formation, des réunions, et des évènements publics (e.g. conférences de presse) organisés par d'autres organisations (e.g. Medu, le HCR).

## Analyse thématique

Cette recherche emploie l'*analyse thématique* qui peut être utilisée pour identifier des informations pertinentes qui se répètent de manière cohérente dans un *data-set* (Braun et Clarke, 2006; Vaismoradi et al., 2016). Nous avons suivi les six phases de l'analyse thématique qui ont été proposées et décrites par Braun et Clarke (2006).



## Résultats et conclusions

L'objectif principale de cette thèse était d'explorer la contribution des organisations humanitaires internationales à la *(dé)politisation* du régime européen de gestion de la frontière et à la légitimation, ou la remise en cause, de processus de *(dé)frontièrisation*. Dans les pages suivantes, nous considérons les objectifs spécifiques de notre recherche et nous résumons les résultats principaux de cette étude.

*Décrire la mise en œuvre de l'approche hotspot en Sicile et identifier les éléments de (dis)continuité avec le système précédent*

Suite à l'adoption de l'approche *hotspot*, la sélection entre migrants *forcés* en besoin de protection (légitimés à accéder au territoire et à certain droits) et migrants *volontaires* ou *économiques* (à rapatrier), est resté la logique dominante dans la gestion des migrations à la frontière italienne méridionale. En accord avec la théorie (Akoka, 2016; Bassi, 2018; Jeandesboz et Pallister-Wilkins, 2014; Sigona et McMahon, 2018; Tassin, 2016; Vollmer, 2016), la sélection des migrants sur la base de la dichotomie *forcés/volontaires* étaye les discours, les politiques et les pratiques de *frontièrisation* mis en œuvre par l'UE et par ses états membres.

La distinction entre migrants *forcés* et *volontaires* était un élément central dans le discours qui a caractérisé les documents à travers lesquels les autorités européennes et italiennes ont adopté l'approche *hotspot*; ce discours était fondé sur le paradigme du *migration management* (Geiger et Pécoud, 2010). En accord avec certains auteurs (Geiger et Pécoud, 2010, 2012, 2013, 2014; Pécoud, 2017; Schotel, 2013), celui du *migration management* peut être considéré comme le paradigme dominant dans le cadre du régime européen de gestion des migrations et de la frontière.

En accord avec certains chercheurs (Bassi, 2018; Cuttitta, 2015b, 2018a; Jeandesboz et Pallister-Wilkins, 2014; Schotel, 2013; Sigona et McMahon, 2018; Tassin, 2016; Walters, 2011), cette thèse montre que, à la frontière italienne du sud, la mobilité des migrants et leurs statuts légaux ont été gérés principalement sur la base des logiques et des discours mentionnés ci-dessus. Pourtant, d'après cette thèse, en discontinuité partielle avec le système précédent, l'introduction de l'approche *hotspot* en Italie a aussi contribué à renforcer la militarisation, les contrôles et la prise d'empreintes digitales, mais aussi les pratiques arbitraires des autorités, la sélection arbitraire des migrants et la stratification de leurs droits directement dans les zones *hotspot* (au moins pendant une première phase).

*Décrire comment les organisations humanitaires internationales interagissent entre elles et avec d'autres acteurs importants (c'est-à-dire les autorités italiennes, d'autres types d'organisations du tiers secteur)*

Cette thèse montre que les organisations humanitaires internationales (par leurs positionnements, discours et pratiques) ont contribué à faire de la gouvernance des migrations un champ de négociation, conflit mais aussi coopération entre acteurs situés à différents niveaux (Ambrosini, 2015a, 2017; Ambrosini et Van der Leun, 2015; Crépeau et Atak, 2016; Eule et al., 2018; Triandafyllidou et Dimitriadi, 2014; Wihtol de Wenden, 2012). Ces liens multi-niveau entre acteurs hétérogènes (Ambrosini et Van der Leun, 2015; Caponio et al., 2017; Caponio et Pavolini, 2007; Geiger et Pécoud, 2010, 2014; Zincone et Caponio, 2006) ont caractérisé le *management* de la frontière italienne méridionale et ont produit des effets inattendus en terme de *(dé)politisation* du système actuel de gestion des migrations. Les organisations humanitaires internationales analysées dans cette étude ont eu une relation ambivalente avec les autorités. D'un côté, chaque organisation humanitaire a fourni des services dans son domaine spécifique de compétence (e.g.

identification des vulnérabilités, fourniture d'information légale): en accord avec la théorie (Andrijasevic et Walters, 2010; Garnier, 2014; Guiraudon, 2006; Guiraudon et Lahav, 2000; Geiger et Pécoud, 2010, 2013, 2014; Hernandez-Léon, 2013; Lopez-Sala et Godenau, 2016; Menz, 2009; Sørensen et Gammeltoft-Hansen, 2013; Wolff, 2015), ce type de fourniture de services et de division des tâches permet de renforcer la capacité des autorités étatiques à gérer les migrations et contribue à perpétuer le système en place. De l'autre, ces organisations humanitaires ont été capables d'utiliser leur position à l'intérieur du système de contrôle des migrations afin d'influencer les procédures et les pratiques des autorités. Les organisations humanitaires, celles intervenant à l'intérieur et celles à l'extérieur du système de contrôle des migrations, ont été en mesure de maintenir des positions plus ou moins conflictuelles et critiques envers les autorités (e.g. promouvoir la protection des migrants et dénoncer les éventuelles violations de leurs droits). En accord avec la théorie (Ambrosini, 2018; Bosi et Zamponi, 2018; Brändström et Kuipers, 2003; Della Porta et al., 2003; Flesichmann, 2017; Jenkins, 2011; Kimberlin, 2010; Onyx et al. 2010; Papadopoulos et al, 2013; Sandri, 2018), ce type de positions vis-à-vis des autorités gouvernementales permet de remettre en question le système en place.

D'après notre recherche, les OIG et les ONG ont été capables de plaider pour la *protection* des migrants et, en particulier, pour le respect des droits des demandeurs d'asile *potentiels*: les organisations humanitaires analysées dans cette recherche se sont mobilisées et ont coopéré pendant différentes phases de *ré-frontièrisation* afin de protéger les droits des migrants. De plus, ces organisations ont été capables de se coordonner aussi avec des organisations locales du tiers secteur afin de remettre en cause les politiques migratoires restrictives et de fournir des remèdes concrets à la détérioration des droits et des conditions de vie des migrants.

*Explorer la mesure dans laquelle opérer à l'intérieur ou à l'extérieur du système de contrôle des migrations influence la position, les discours et les pratiques des organisations humanitaires et leur capacité de (dé)politiser le régime actuel de gestion des frontières*

Les organisations analysées dans cette recherche (celles intervenant à l'intérieur et celles intervenant à l'extérieur du système de contrôle des migrations) ont été capables de remettre en question les discours et les pratiques gouvernementales restrictives et de demander le changement des politiques migratoires.

Les organisations humanitaires internationales intervenant à l'intérieur du système de contrôle ont utilisé leur position *interne* afin de suivre la situation et de plaider en faveur des droits des migrants. Intervenir à l'intérieur ou à l'extérieur du système institutionnel ne semble pas avoir influencé de manière significative la capacité de ces organisations à ré-politiser le système actuel.

Tous ces acteurs partagent une approche *rights-based* à la *protection* des migrants qui implique l'engagement afin d'assurer le plein respect des droits des migrants en accord avec les lois et les règles internationales. Toutefois, le type d'interprétation de la position humanitaire de ces organisations (e.g. concernant la neutralité) contribue à nuancer leurs positionnements et leurs discours. La Croix-Rouge était moins encline à dénoncer ou critiquer publiquement les politiques et pratiques restrictives. Durant les deux phases de *ré-frontièrisation* considérées dans cette recherche la Croix-Rouge n'a pas pris des positions ouvertement critiques contre les politiques restrictives et contre les pratiques arbitraires des autorités: en accord avec certains chercheurs (De Jong et Ataç, 2017; Vandevooordt, 2019), cette organisation a adopté une approche/position de *problem-solving* plus qu'une approche *critique*. Cependant, la neutralité a été utilisée par la Croix-Rouge afin de mettre en œuvre des stratégies d'*insider* ou *individual advocacy* (Casey, 2011; Dellmuth et Tallberg, 2017;

Kimberlin, 2010; Onyx et al, 2010; Verschuere et De Corte, 2015) qui ont contribué à augmenter les possibilités d'inclusion pour certains groupes de migrants (e.g. les groupes familiaux).

Même si l'HCR et les ONG internationales (Medu, Terre des Hommes et Oxfam) ont eu une attitude différente vis-à-vis des autorités (celle du HCR moins conflictuelle que celle des ONG), notre étude montre que ces acteurs ont interprété leur position de neutralité d'une manière différente par rapport à la Croix-Rouge: la critique publique contre les violations des droits et les pratiques arbitraires peut être considérée un élément qui a caractérisé l'intervention de l'HCR, de Medu, de Terre des Hommes et d'Oxfam. Cependant, tous les acteurs analysés dans cette recherche ont perpétué des discours basés sur la distinction entre demandeurs d'asile *potentiels* et migrants *économiques*.

Nous pouvons souligner que les pratiques et les discours de l'HCR et des ONG n'ont pas été très différents: le contenu de leurs discours (à savoir la priorité donnée à des arguments liés à la vulnérabilité et à la protection des migrants) et leurs pratiques (l'information légale, l'identification des vulnérabilités) ont été similaires.

Au-delà de partager des principes et de coopérer dans des forums globaux (Ahmed, 2011; Barnett et Finnemore, 1999; Crépeau et Atak, 2016; Spencer, 2017; Willets, 2001), ONG et OIG coopèrent aussi sur le terrain afin de soutenir concrètement les migrants et de remettre en cause les politiques migratoires restrictives. En accord avec la théorie (Barnett et Finnemore, 1999; Lavenex, 2016; Merlingen, 2003; Piper, 2017), les OIG sont en mesure d'agir comme des acteurs indépendants, de critiquer et d'influencer les politiques et les pratiques de leurs créateurs (les états). Cette thèse montre que OIG et ONG peuvent jouer un rôle similaire dans la *(dé)politisation* du régime de gestion des migrations et de la frontière.

*Décrire le rôle de certains services de soutien (i.e. information légale et identification des vulnérabilités) et analyser l'éventuelle tension entre soutenir les migrants et contribuer à leur contrôle à travers ces pratiques.*

Certaines pratiques (en l'occurrence, fournir des informations légales et orienter vers des services, identifier les vulnérabilités) mises en œuvre par les organisations présentées dans cette recherche jouent un rôle ambivalent. D'un côté, ces pratiques permettent d'augmenter les possibilités d'inclusion (par la protection du droit des migrants de demander l'asile, ou par la protection de l'accès au parcours d'accueil et aux services d'assistance) pour des groupes spécifiques de migrants (demandeurs d'asile, groupes familiaux, migrants vulnérables). Les activités d'information mises en œuvre par Oxfam ont eu comme objectif principal de répondre au refoulement des migrants (sur la base de pratiques arbitraires) par les autorités italiennes dans les zones *hotspot*. Ainsi, les activités de Oxfam ont contribué à entraver le renforcement d'une forme d'*introversion* de la frontière (Cuttitta, 2007). Durant différentes phases de *ré-frontièrisation*, les pratiques d'*information-giving* des organisations humanitaires ont contribué à lutter contre l'exclusion des migrants et à plaider en faveur de leurs situations individuelles. En accord avec la théorie (Casey, 2011; Della Porta et al., 2003; Dellmuht et Tallberg, 2017; Onyx et al., 2010; Verschuere et De Corte, 2015; Zamponi, 2017), ce type de pratiques contribue à promouvoir les droits et les intérêts de groupes spécifiques de migrants et à remettre en cause le système en place.

D'un autre côté, ces pratiques ont contribué à perpétuer, de manière plus ou moins consciente, la distinction entre migrants qui sont inclus sur la base de critères de vulnérabilité et migrants *économiques* à rapatrier. Fournir des informations légales a contribué à légitimer la dichotomie *volontaire/forcé* et certaines pratiques de *frontièrisation* et instruments de *migration management* (e.g. le mécanisme de *relocation*) qui perpétuent les processus d'inclusion différentielle sur la base de

critères de vulnérabilité (Akoka, 2016; Browne, 2015; Casas-Cortes et al., 2014; Mezzadra, 2015; Pallister-Wilkins, 2017, 2018; Pécoud, 2010; Ticktin, 2006; Walters, 2011).

*Analyser la contribution des discours et des pratiques d'advocacy des organisations humanitaires à la (dé)politisation du système actuel de gestion des migrations et des frontières.*

Les organisations humanitaires internationales analysées dans notre étude ont mis en œuvre différentes stratégies d'*advocacy* (i.e. *outsider*, *insider*, *individual* et *systemic*) afin de plaider pour les droits des migrants et contre les politiques migratoires restrictives. À travers l'*advocacy* publique les organisations humanitaires ont contribué à remettre en cause les politiques restrictives et à influencer les pratiques des autorités. L'*advocacy* mise en œuvre par ces acteurs incluait la négociation avec les autorités afin d'assurer une meilleure protection pour certaines catégories de migrants (à savoir familles, mineurs, demandeurs d'asile) et a favorisé l'augmentation des possibilités d'inclusion pour ces catégories. En accord avec la théorie, ces stratégies d'*insider* et *individual advocacy* sont complémentaires avec les stratégies d'*outsider advocacy* (Binderkrantz, 2005; Verschuere et De Corte, 2015) et permettent de politiser les questions sociales (Casey, 2011; Child et Gronbjerg, 2007; Dellmuth et Tallberg, 2017; Kimberlin, 2010; Onyx et al. 2010). En accord avec certains auteurs (Onyx et al., 2010; Verschuere et De Corte, 2015), ce type de stratégies d'*insider* et *outsider advocacy* peut être considéré comme non-conflictuel (campagnes d'information publique, recours à la communication médiatique, négociation directe avec les autorités): les stratégies de *small steps* et de "*advocacy with the gloves on*" (Onyx et al., 2010) peuvent néanmoins contribuer à la politisation et à la transformation de l'ordre actuel (Della Porta et Kriesi, 1998; Della Porta et al., 2003; McAdam et al., 2007).

D'après notre recherche, la *sector coordination* (Onyx et al., 2010) a été une stratégie clé mise en œuvre par les organisations analysées afin de faire pression sur les autorités gouvernementales et européennes. Les organisations humanitaires internationales ont coopéré avec des organisations nationales et locales du tiers secteur afin de mettre en œuvre des campagnes collectives d'*advocacy* et de répondre aux politiques restrictives.

En accord avec la théorie (Ambrosini, 2017, 2018; Casey, 2011; Child et Gronbjerg, 2007; Cuttitta, 2016; Della Porta et Kriesi, 1998; Della Porta et al., 2003; Dellmuth et Tallberg, 2017; Fleischmann et Steinhilper, 2017; Kimberlin, 2010; Onyx et al., 2010; Vandevordt, 2019), ce type de stratégies de plaidoyer permet de remettre en question et de ré-politiser le *border regime* actuel.

*Explorer le rôle des organisations humanitaires (pendant différentes phases de ré-frontièrisation) dans la perpétuation ou la remise en cause des discours, catégories et pratiques qui contribuent à stratifier l'accès des migrants au territoire et aux droits*

Les organisations humanitaires analysées dans cette recherche (les OIG et les ONG) ont contribué à légitimer le discours du *migration management*. Plusieurs auteurs (Garnier, 2014; Geiger, 2005; Geiger et Pécoud, 2010, 2013, 2014; Kalm, 2010, 2012; Korneev, 2014; Schotel, 2013; Wolff, 2015) ont montré que les organisations internationales, et en particulier les OIG, utilisent et diffusent ce type de discours. Cette thèse a décrit comment les ONG contribuent aussi à perpétuer le discours basé sur le *migration management*. En accord avec certains chercheurs (Ahouga, 2017), nous exposons le fait que le paradigme du *migration management* se diffuse graduellement au niveau local et qu'il est utilisé aussi par les acteurs locaux (comme les organisations locales du tiers secteur).

Les discours des organisations humanitaires que nous analysons dans cette recherche se sont penchés sur des arguments humanitaires et de protection qui



jouent un rôle ambivalent dans la (dé)politisation du régime actuel (Agier, 2008; Cuttitta, 2018a, 2018b; Fassin, 2005, 2010; Malkki, 1996; Mezzadra, 2015; Pallister-Wilkins, 2017, 2018; Tazzioli, 2015, 2016; Ticktin, 2006; Walters, 2011). Les discours de ces acteurs n'ont pas remis en question la légitimité de pratiques de *frontièrisation* basés sur des logiques humanitaires et de protection. D'un côté, ces discours ont contribué à légitimer, plus ou moins volontairement, le paradigme sélectif fondé sur la distinction entre migrants ayant besoin de protection et les autres. En accord avec la théorie (Akoka, 2016; Bassi, 2018; Cuttitta, 2018a; Pallister-Wilkins, 2018; Sigona et McMahon, 2018; Tassin, 2016; Vandevordt, 2019; Walters, 2011), les discours de ce type favorisent le maintien des catégories adoptées et utilisées par les états et la logique sélective qui est à la base des récits et des pratiques de *frontièrisation* mises en œuvre par l'UE et par ses états membres. De plus, à travers la promotion de l'approche *hotspot* comme une bonne solution pour protéger les réfugiés et pour mieux gérer les migrations, l'HCR a contribué à renforcer l'agenda européen de gouvernance des migrations (Garnier, 2014; Geiger et Pécoud, 2010, 2014; Korneev, 2014; Scheel et Ratfisch, 2014; Schotel, 2013; Wolff, 2015). D'un autre côté, ces organisations humanitaires ont utilisé ces mêmes arguments humanitaires et de protection pour demander le respect des droits des migrants, pour promouvoir l'inclusion des migrants et pour ré-politiser le système de gestion des migrations. Durant les deux phases de *ré-frontièrisation* identifiées dans cette recherche (à savoir l'introduction de l'approche *hotspot* en 2015 et l'adoption du *décret sécurité* en 2018), les organisations humanitaires internationales ont mis en œuvre le *borderwork* politique. Ces acteurs ont critiqué les politiques restrictives et ont agit comme un rempart contre la violation et la détérioration des droits des migrants. En accord avec la théorie (Ambrosini, 2018; De Jong et Ataç, 2017; Cuttitta, 2016, 2018a; Fechter et Schwittay, 2019; Fleischmann et Steinhilper, 2017; Sandri, 2018; Vandevordt, 2019; Walters, 2011), discours et pratiques de ce type permettent de remettre en question et de ré-politiser le régime de gestion de la frontière.

Des études récentes (De Jong et Ataç, 2017; Fechter et Schwittay, 2019; Fleischmann et Steinhilper, 2017; Sandri, 2018; Vandevoordt, 2019) ont montré que l'humanitarisme *grass-roots* et *bénévole* met en œuvre le *borderwork* politique et remettrait en question à la fois l'humanitarisme *mainstream* et la gouvernance néolibérale des migrations. Nous pouvons souligner que les organisations humanitaires *mainstream* analysées dans cette thèse ont été en mesure de remettre en question et de ré-politiser le système en place. D'après notre recherche, l'humanitarisme dit *mainstream* et l'humanitarisme dit *civil* utilisent des types de discours et de pratiques similaires qui peuvent ré-politiser le régime de gestion de la frontière à travers: la défense des droits des migrants sur le terrain, plusieurs types d'*advocacy* pour les droits des migrants, la pression politique sur les autorités et le gouvernement, la promotion de débats et la demande de changement des politiques migratoires et de l'asile (par exemple la demande de plus d'ouverture et de plus d'opportunités régulières de migration).

#### Observations finales et recherche future

Nous avons décrit comment les discours et les pratiques des organisations humanitaires internationales contribuent à la fois à *dépolitiser* et à *ré-politiser* le régime actuel de gestion des migrations et des frontières (Cuttitta, 2016, 2018b; Fechter et Schwittay, 2019; Fleischmann, 2017; Fleischmann et Steinhilper, 2017; Sinatti, 2019; Stierl, 2018; Vandevoordt, 2019; Walters, 2011).

Cette thèse soutient les arguments de plusieurs chercheurs (Bassi et Fine, 2013; Agier, 2008; Cuttita, 2018a, 2018b; Fassin, 2005, 2010; Geiger et Pécoud, 2010, 2013; Mallki, 1996; Pallister-Wilkins, 2017, 2018; Stierl, 2018; Tazzioli, 2015, 2016; Ticktin, 2006, 2014; Vandevoordt, 2019) qui ont souligné que les acteurs humanitaires contribuent à légitimer et perpétuer les catégorisations des migrants et les processus de *frontièrisation* dominants. Les discours et les pratiques humanitaires ont des

aspects inhérents qui sont *dé-politisants* et qui contribuent à légitimer le système en place par: a) la concentration sur des arguments humanitaires et concernant la vulnérabilité, b) la perpétuation de catégories et hiérarchies produites par les états et par le régime législatif international, c) la légitimation de la dichotomie entre réfugiés et migrants *économiques*, d) le fait de fournir des services qui renforcent la capacité des états à contrôler les migrations et e) la perpétuation de pratiques de *frontièrisation* et de la sélectivité du système de gestion des migrations.

Cette recherche montre que, malgré la contribution plus ou moins consciente au maintien du système actuel, l'intervention humanitaire des organisations humanitaires internationales est accompagnée par l'intervention politique et permet de remettre en question le régime de gestion des frontières à travers: a) la mise en œuvre de pratiques de soutien pour les migrants, b) le suivi de la situation afin de plaider pour les droits des migrants, c) la critique des pratiques et des politiques gouvernementales, d) la critique contre les tournants restrictifs, e) la tentative d'augmenter les possibilités d'inclusion des migrants. De ce point de vue, les organisations humanitaires internationales contribuent à ré-politiser le régime de gestion des frontières et à maintenir la dimension conflictuelle du (*battle*)*field* de la gouvernance des migrations.

Considérant que les discours et les pratiques des organisations humanitaires internationales favorisent aussi la ré-politisation de la gestion des frontières, cette recherche souligne que le *borderwork* de ces acteurs peut être considéré comme du *political-humanitarian borderwork*.