



## **The Truth at Borders: Asylum and the Structure of Inequality**

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**Abstract:**

Many states and international organizations based in the West or in Western doctrines claim to dedicate themselves to the safety and fair treatment of refugees, yet it is becoming increasingly clear that these words contradict reality. Protectionist border controls coupled with the criminalization of migrants through gendered and racial discourses perpetuate the danger of being a modern asylum-seeker. In examining this dichotomy, this paper argues that the borders of Western states are sites where global structures of inequality become visible, despite the supposed “liberal” attitude of these states. The securitization of offshore border sites, detention centres and the case of queer migrants are used to support this argument through the treatment of asylum seekers.

**Résumé :**

Beaucoup d’Etats et d’organisations internationales basés dans l’Ouest ou dans les doctrines de l’Ouest prétendent qu’ils sont dédiés à la sécurité et le traitement équitable des réfugiés, mais il est de plus en plus évident que ces mots contredit la réalité. Les contrôles des frontières protectionnistes complétés par à la criminalisation des migrants par les discours racialisés et genrés perpétue le danger d’être un demandeur d’asile moderne. En analysant cette dichotomie, cet article soutient que les frontières des Etats de l’Ouest sont des sites où les structures mondiales de l’inégalité deviennent visibles, malgré l’attitude « libérale » prétendue de ces états. La sécurisation des sites de frontières offshore, les centres de détention et le cas des migrants queer sont utilisés afin de soutenir cet argument par rapport au traitement des demandeurs d’asile.

## Introduction

Literature on migration and borders clearly catalogues the struggles that migrants face, the gender gap in asylum seekers, and the extreme criminalization to which they are subject. When most Western countries claim to personify equality and freedom, it calls into question the alignment of their border practices with these qualities. This paper seeks to answer the question: Why do border practices in the Western world differ so much from their domestic equity policies and expressed beliefs? In answering this question, the paper will look at the case of asylum seekers and refugees to exemplify these stark inconsistencies even when faced with people deemed “in need.” The definition of the concept “refugee” will be taken from the 1951 Convention Relating to the Status of Refugees which defines a refugee as,

A person who is outside his/her country of nationality or habitual residence; has a well-founded fear of persecution because of his/her race, religion, nationality, membership in a particular social group or political opinion; and is unable or unwilling to avail himself/herself of the protection of that country, or to return there, for fear of persecution.<sup>1</sup>

This paper argues that modern bordering practices to combat migration are hyper manifestations of global structures of inequality which favour white, Christian, cisgender males. As such, the securitization of migration exposes the realities of the global system. By securitizing migration, resulting in an increase in security practices both at the border and at new border sites, a realm of truth emerges at the border site which plainly shows systemic inequalities which persist in the Western world. Unwanted migrants exist outside of the veil which shields the citizens of a Western, liberal state. In their article, *Producing Transnational Space: International Migration and the Extra-territorial Reach of State Power*, Collyer and King assert:

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<sup>1</sup> Alison Mountz, *Seeking Asylum : Human Smuggling and Bureaucracy at the Border* (Minneapolis, MN: University of Minnesota Press, 2010), 4.

Migration control inevitably takes place in a context of institutionalized discrimination on the basis of characteristics embodied in the migrant such as gender, nationality or sexuality. Yet such power structures relate to, and are frequently justified by, a broader geopolitical context.<sup>2</sup>

This paper examines these migratory discriminations within the geopolitical context of western state borders. I will start with an overview of some background theories to frame the paper before discussing the exemplification of these theories through state practices of offshore border sites and detention centres. The case of queer asylum seekers will then be used to show how discourses of power are engaged at border sites and in the creation of migratory identity definitions, followed by a summary of the paper.

### **Background: Modern Asylum**

In understanding the current approach to and landscape of the modern asylum debate, this section of my paper will present some recent data concerning the plight and destination of asylum seekers. The UNHCR published the top 10 countries receiving asylum claimant applications in 2013, which were all Western European countries with the exception of Australia, the USA and Turkey.<sup>3</sup> However a later UNHCR report states that 86% of the world's refugees are hosted in developing countries.<sup>4</sup> Finally, in 2014, the UNHCR listed the seven countries of origin of the highest number of refugees, with Syria, Afghanistan and Somalia as the top three.<sup>5</sup> In the same article, a graph shows a dramatic decrease since 1980 in the number of refugees accepted into the United States, and indicates an extremely low number of European refugees, except during the 1990s, which can be largely explained by

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<sup>2</sup> Michael Collyer and Russell King, "Producing transnational space: International migration and the extra-territorial reach of state power," *Progress in Human Geography*, 39, no.2 (2014): 187.

<sup>3</sup> Adrian Edwards, "UNHCR report shows leap in asylum applications for industrialized countries," *UNHCR: The UN Refugee Agency*, last modified March 21, 2014, <http://www.unhcr.org/>. Image 1.

<sup>4</sup> "Facts and Figures about Refugees," *UNHCR: The UN Refugee Agency*, <http://www.unhcr.org.uk>. par. 4. (accessed November 1, 2015).

<sup>5</sup> Drew Desilver, "How the U.S compares with other countries taking in refugees," *Pew Research Centre*, last modified September 24, 2015, <http://www.pewresearch.org/>. Image 3.

the Bosnian Genocide.<sup>6</sup> In *Gendering the International Asylum and Refugee Debate* Freedman notes, “Those who bear the greatest ‘costs’ in terms of hosting refugees and displaced people are not the rich states of the West... but largely the poorer states of the Third World.”<sup>7</sup> Therefore, the claims of states in the West that they cannot afford refugees, or that they accept as many refugees as possible is clearly undermined by the lack of refugees they host and support as compared to the Global South.

In addressing border discrimination and asylum practices it is important to acknowledge the history of the modern nation-state border. For much of the world, the border was imposed during the colonial reign of Europe or in the subsequent years of “decolonization.” In his paper, *Borders on the Mind: reframing border thinking*, Agnew states, “European (and, later, American) cultural hegemony has thus ‘written the script’ for the growth and consolidation of a global nation-state system.”<sup>8</sup> Consequently, the modern conceptualization of the border is based on a Eurocentric and often violently imposed order which paid little attention to the idea of unity of identity and territory within a border. Borders can be seen then as places which are physical manifestations of power struggle.

In discussing the perspective of Carl Schmitt and Giorgio Agamben and the concept of the “exception,” Agnew states that, “borders are absolutely essential to the definition of the state. They function to decide who is inside and who is outside in an essential opposition between the “friends” and “enemies.”<sup>9</sup> When paired with the notions of a “globalizing” world and the multiculturalism, notions of equality, and individualism which most Western, liberal nations claim to embrace domestically, the notion of who is the “other” or the

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<sup>6</sup> Ibid., Image 1.

<sup>7</sup> Jane Freedman, *Gendering the international asylum and refugee debate* (New York, NY: Palgrave Macmillan, 2007), 3.

<sup>8</sup> John Agnew, “Borders on the mind: reframing border thinking,” *Ethics and Global Politics* 1, no.4 (2008): 180.

<sup>9</sup> Ibid., 180.

“enemy” is not internally explicit. However, borders continue to exist, and the “othering” process occurs externally through the securitization of migration. In the article, *Conceptualizing Detention: Mobility, Containment, Bordering, and Exclusion*, Alison Mountz et al. argues that:

Nation states and security agencies deploy rationales of deterrence and securitization (including temporal logics of prevention and anticipation), and consistently frame these rationales through narratives of migrants as security threats, rhetoric that illustrates the increasing entanglement of securitization and immigration policies... [which] link migration and mobility to fear-driven national security policies, converting mobility into regimes of containment, borders into regimes of exclusion.<sup>10</sup>

This quotation explains how the securitization of migration has led to “stronger” border practices and regimes. The next two sections of this paper will focus on two instances of the securitization of migration, offshore border sites and detention centres, showing how this securitization is merely a manifestation of predetermined structures of inequality.

### **Offshore Border Sites**

In her article, *Floating Carceral Spaces: Border enforcement and Gender on the High seas*, Pickering states that, “Agamben’s boundary ride along the edges of sovereign territory is rightly recognized by Mountz (2010) as lacking local specificity, and his conceptualization has a tendency to render homogenous the processes and the subjects or objects of exclusion.”<sup>11</sup> This section of the paper will move away from the homogenous conceptualization of exclusionary processes at the geographically denoted border of the nation-state, and instead attempt to recognize the diverse processes which occur at global borders as a result of state action.

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<sup>10</sup> Alison Mountz, et al., “Conceptualizing detention: Mobility, containment, bordering, and exclusion,” *Progress in Human Geography* 37, no. 4 (2012): 525.

<sup>11</sup> Sharon Pickering, “Floating carceral spaces: Border enforcement and gender on the high seas,” *Punishment & Society* 16, no.2 (2014): 188.

Due to the securitization of migration, border sites have become spaces of increased regulation and hold even more potential for violence. In her book, *Seeking Asylum: Human Smuggling and Bureaucracy at the Border*, Mountz notes a global decrease in the number of resettled refugees in the 1990s and again following the terrorist attacks of 9/11 in the USA.<sup>12</sup> This, she claims, has resulted in what we now see as a trend in asylum claims, whereby applications are submitted before leaving the country of persecution, resulting in “spontaneous arrivals [which] pit the human agency of the refugee claimant who employs determination and expends resources to migrate, against the preference of nation-states to select their own immigrants and refugees from a pool abroad.”<sup>13</sup> Not only does this application process provide the state with the ability to create a securitized screening process, but it also calls into question the nature of the refugee since most asylum seekers have left their country of origin, making the application process increasingly dangerous and contestable.

Both Pickering and Mountz note that these offshore borders sites actually create statelessness. As Pickering states:

Anticipatory border enforcement by states prevents migrant bodies from seeking asylum, excluding them from jurisdictions where they could make a claim. These governments extend their reach beyond sovereign territory, creating zones that render migrants stateless by geographical design.<sup>14</sup>

Mountz considers asylum seekers to become “stateless by geographical design” when states create “extraterritorial locations that are neither entirely inside nor outside of sovereign territory, but that subject migrants to graduated degrees of statelessness by introducing ambiguity into their legal status.”<sup>15</sup> The ambiguity which accompanies this security-

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<sup>12</sup> Mountz, *Seeking Asylum : Human Smuggling and Bureaucracy at the Border*, 5.

<sup>13</sup> *Ibid.*, 5.

<sup>14</sup> Pickering, “Floating carceral spaces: Border enforcement and gender on the high seas,” 187.

<sup>15</sup> Mountz, *Seeking Asylum : Human Smuggling and Bureaucracy at the Border*, 121.

supported border practice is a tool for exploitation and division. “Multicultural states” can use this technique to sift through and select the most “western” candidates for asylum, whether through education or a variety of colonially infused stereotypes and factors.

Another type of offshore border is being readily used by Australia. Australia is currently using navy and customs vessels to intercept suspected smuggler ships containing asylum-seekers, detain them in offshore detention centres located around the region, and transport them back to their country of origin.<sup>16</sup> Freedman asserts:

[Asylum claimants] on the boats were not allowed to land on Australian territory... for what the Australian authorities called “extraterrestrial processing”. This new policy marked a shift in concern from the protection of refugees to the securing of borders... which is a common feature of Western asylum and refugee regimes.<sup>17</sup>

The military presence of these ships is the result of migratory securitization. These ships, as well as offshore detention centres, create border sites and practices away from the traditional state boundary and actually perpetuate statelessness. This reinforces the strength and validity of traditional bordering because by granting rights and citizenship to refugees who use smugglers to access a country when their application has been denied, states would be silently acknowledging the superior power of transnational actors in migrant cases. The process also relies on a carceral system which employs racialization and dehumanizing processes. Therefore, through the securitization of immigration, migrants are criminalized rather than aided due to global hierarchies of power which favour white, Christian, cisgender males. As such, the border internalizes and then exemplifies these preferences and becomes representative of the biased systems the state claims it advocates against.

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<sup>16</sup> Pickering, “Floating carceral spaces: Border enforcement and gender on the high seas,” 188-189.

<sup>17</sup> Freedman, *Gendering the international asylum and refugee debate*, 5.

## Detention Centres

The naturalization of criminalization through racialized discourses is imperative to challenge in research by tracing the genealogies and practices of criminalization, and in advocacy by questioning organizing strategies that rely on common sense binaries between the innocent citizen and violent, criminal, or guilty person. Detention is not inevitable.<sup>18</sup>

Neoliberal globalization has opened up the world markets, yet in many ways migration remains trapped. In neoliberalism there is an inherent belief in individuals' ability to overcome and to succeed given the opportunity. What this ignores is the disadvantaged position that people are placed in due to their gender, ethnicity, age, ability, education, sexual orientation, socioeconomic status and a variety of other factors. In the predominantly white, Christian, patriarchal Western world that is responsible for the original proliferation of globalization, it is interesting that the people who are systematically disadvantaged continue to be the ones targeted by state asylum policies and bordering practices. In her book Freedman discusses the feminization of migration, and that women make up a higher percentage of migratory flows.<sup>19</sup> Placed in a position of subordination under patriarchy, women who are confined to detention centres often experience sexual abuse.<sup>20</sup> Furthermore, such detention centres are often unequipped for dealing with mentally and physically disabled persons.<sup>21</sup> The detention centres as border sites securitizing migration are very similar to prisons, criminalizing migrants by limiting access to fresh air and communications compounded by inconsistent living conditions.<sup>22</sup> Freedman explains that, "factors such as [an asylum-seekers] class and ethnicity... will have an impact both on the

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<sup>18</sup> Mountz et al. "Conceptualizing detention: Mobility, containment, bordering, and exclusion," 534.

<sup>19</sup> Freedman, *Gendering the international asylum and refugee debate*, 12.

<sup>20</sup> Asylum Aid, "Detention Conditions: United Kingdom," *Asylum Information Database*, <http://www.asylumineurope.org/>, par. 11 (accessed November 1, 2015).

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*, par. 7 and par. 15.

condition within which they migrate and their reception in the host society.”<sup>23</sup> These complexities are exacerbated when those subject to varying intersections of oppression are restrained in carceral institutions based on Western, liberal hierarchies.

In his article, *Border Studies: Perspectives and Theoretical Approaches*, Kossolov states that “the concept of ‘border space’ now embraces not only the area along the boundary, but internal regions.”<sup>24</sup> As such, any commitment to equality and denial of persisting structural inequalities not only becomes invalid (or ignored) outside of the state, but also in internal spaces where bordering practices are being enforced. This can be seen with profiling at airports for suspected “terrorists,” which is perhaps why there are often detention centres near these and other such intentionally ambiguous “internal” border zones.<sup>25</sup> As previously explained, people are often stateless by geographical design, but it is important to note that “geographical designs”, for example internal border zones, are designed by states. It may therefore be more accurate to deem them stateless by state design.

Binaries are overwhelmingly used in border studies. For example, borders create the “us” and “them” dynamic. However, by understanding the idea of statelessness we can see that borders create not only the “us” and “them” but also the “other.” Through the securitization of migration and the subsequent bordering practices, it is the “other” who are the true exemplification of Western inequalities. A state can blame the poor treatment of the “them” across the border on another state, and in the case of most Western states, acts related to the “white saviour mentality” come forth with movements to help “those people” with their problems (ignoring the historical evidence that many of these inequalities stem from Western colonialism). However, the “other” often exists without belonging to a state,

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<sup>23</sup> Freedman, *Gendering the international asylum and refugee debate*, 13.

<sup>24</sup> Vladimir Kolossov, “Border studies: changing perspectives and theoretical approaches,” *Geopolitics* 10, no.4 (2005): 623.

<sup>25</sup> Mountz et al., “Conceptualizing detention: Mobility, containment, bordering, and exclusion,” 523.

leaving Western states with no one to blame but themselves for the rampant racialization, sexism, queer-phobia, ableism and other oppressive regimes which underlie the power structures which exist at these border sites.

### **The Case of Queer Refugees and their Definition**

Many of the overlapping power structures at border sites come to light through the case of queer asylum seekers. Here, the term queer will be used to identify all those who are marginalized due to sexuality or gender. In his paper, *Real Queer: "Authentic" LGBT Refugee Claimants and Homonationalism in the Canadian Refugee*, Murray explains how queer asylum seekers are "consistently evaluated for their fit with western homonationalist sexual categories."<sup>26</sup> Homonationalism refers to state complicity with heteronormativity, while promising possible demobilized gay liberation or autonomy limited to the domain of consumerism.<sup>27</sup> Therefore, queer refugee claimants must often prove their status through stereotypical gender and sexual definitions. Murray argues:

The discursive power of homonationalist formations... work[s] to include a few and exclude many, thus further enforcing a neoliberal, multicultural national agenda that masks the centrality of race, gender, class and other intersecting structures of inequality for an ever-increasing global system of capitalist exploitation.<sup>28</sup>

The queer-refugee situation is a clearly oppressive process which comes to light when migrants attempt to cross a border. Queer asylum seekers, like many others, may be detained or refused entry at border sites simply due to non-conformity to hegemonic norms, done through the securitization of migration through these acts of refusal or detention at border sites.

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<sup>26</sup> David A.B. Murray, "Real Queer: "Authentic" LGBT Refugee Claimants and Homonationalism in the Canadian Refugee System," *Anthropologica* 56, no.1 (2014): 29.

<sup>27</sup> *Ibid.*, 22.

<sup>28</sup> *Ibid.*, 23.

Should asylum-seekers be refused entry to a country, or simply forced to leave their state of origin before application processes have concluded, many turn to illegalized border crossings. These crossings can be attempted individually, with the aid of smugglers, or with a combination of one of these and 3<sup>rd</sup> party agreements leading to so-called “human trafficking.” In each of these scenarios the term asylum does not make the border site less structurally unequal to each person. Koser aptly points out that that the term “asylum” is socially constructed and not conceptually valid.<sup>29</sup> In terms of state accepted validity, the term “asylum” is extremely important in differentiating between hegemonic approval of an individual’s reasons, paperwork, and person on the one hand and rejection by the state, and by extension the experience of the accepted or rejected person at the border on the other. However, a broader understanding of a plurality of experiences regardless of migratory terms (such as migrant worker, trafficked person or refugee) maybe be useful not only in advocating for their rights, as Pollock persuasively argues, but in understanding the role of hegemonic approval of status and situation at border sites.<sup>30</sup> If not, even more dangers are faced by rejected asylum-claimants, who use other means to cross the border. As Koser explains, “an increasing proportion of asylum seekers are being trafficked in Europe ... trafficking can expose asylum seekers ... to new forms of vulnerability ... there are a series of direct links between restrictive asylum policies, the growth in asylum trafficking and vulnerability.”<sup>31</sup>

Consequently, the securitization of migration not only reproduces hegemonic discourses of validity, but contributes to the endangerment of persecuted persons. Whether

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<sup>29</sup> Khalid Koser, “Asylum Policies, Trafficking and Vulnerability,” *International Migration*, 38, no.3 (2000): 93.

<sup>30</sup> Jackie Pollock, “The Migrant Worker, The Refugee, and The Trafficked Person: What’s in a Label? In GAATW. (July 2010).” *Beyond Anti-Trafficking Frameworks: Linkages between Trafficking, Migration, Gender, Labour and Globalisation* 33 (2010): 19.

<sup>31</sup> Koser, “Asylum Policies, Trafficking and Vulnerability,” 106.

accepted or rejected, asylum claimants suffer under the omnipresent power structures which become tangible at Western border sites.

### **Conclusion**

States may begin securitizing migration under the guise of “preventing economic strain” and determining “true or false asylum-seekers,” but in reality they are merely creating a larger and much more dire binary between the “West and the rest,” or what is now quickly becoming “the West and the other.” Much of the non-Western world, as previously stated, has had the European notion of a state border enforced upon them which, especially in continents like Africa, has come nowhere close to matching a community identity within a specific border. Thus, these areas are quickly becoming borderless areas from the perspective of the original nation-state model.

This paper examines several aspects of discrimination at the border. Offshore bordering practices, including detention centres and asylum-application processes, as well as intra-state (yet still geographically ambiguous) detention centres and practices are rife with, and perpetuate, social inequalities that modern Western states claim to contest. Through the example of queer asylum-seekers and migratory labels, the impacts of these processes on individuals become as clear as do the hegemonic discourses which predetermine them. The results of the securitization of migration at border sites reveal the border as a location for structural inequality institutionalized in the Western, liberal state, and so the “white saviour” farce is revealed.

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