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Why People Migrate...

Program

Thursday, February 18, 2016

1pm **Corinna Mieth** (Ruhr-University Bochum) – Opening Remarks

Chair: **Corinna Mieth** (Ruhr-University Bochum)

1:30-2:40pm **Zachary Lomo** (York University Toronto) – *Understanding Migration and Displacement in our Time: A Normative Proposal* (40min)
Johannes Keyserlingk (Ruhr-University Bochum) – Comment (10min)
Discussion (20min)

2:55-4:05pm **Dallal Stevens** (Warwick) – *Motivations for Forced Migration: Is Asylum in 'Crisis'?* (40min)
Matthias Kettner (Universität Witten-Herdecke). – Comment (10min)
Discussion (20min)

Chair: **Volker Heins** (KWI Essen)

4:20-5:30pm **Andreas Niederberger** (University of Duisburg-Essen) – *Why Should Reasons for Migration Matter?* (40min)
Henning Hahn (University Kassel/Freie Universität Berlin) – Comment (10min)
Discussion (20min)

5:45-6:55pm **Jennifer Hyndman** (York University Toronto) – *National Security Meets Human Rights Protection: Refugees and other Migrants* (40min)
Olivia Rutazibwa (University of Portsmouth) – Comment (10min)
Discussion (20min)

Friday, February 19, 2016

Chair: **Christian Neuhäuser** (Technical University Dortmund)

- 9-10:10am **Nergis Canefe** (York University Toronto) – *Migration as Necessity* (40min)
Andreas Cassee (Freie Universität Berlin, Berlin/Germany) – Comment (10min)
Discussion (20min)
- 10:25-11.35am **Peter Higgins** (Eastern Michigan University) – *Feminist Philosophy of Immigration* (40min)
Frank Dietrich (Heinrich Heine-University Düsseldorf) – Comment (10min)
Discussion (20min)
- 11:50-1pm **Galya Ruffer** (Northwestern University) – *The Demise of the 1951 Refugee Protection Regime and The End of the Rights of Man* (40min)
Volker Heins (KWI Essen) – Comment (10min)
Discussion (20min)

Lunchbreak

Chair: **Christine Unrau** (Käte Hamburger Kolleg/University of Duisburg-Essen)

- 2:30-3:40pm **Paula Banerjee** (Calcutta Research Group) – *Guilty As Charged: Criminalisation of Women Migrants from Myanmar and Bangladesh into India* (40min)
Corinna Mieth (Ruhr-University Bochum) – Comment (10min)
Discussion (20min)
- 4-6pm *Germany in Crisis? Refugees, Cities, and the Law*
Christine Bleks (Tausche Bildung für Wohnen e.V., Duisburg)
Sibylle Florin (Deutsches Rotes Kreuz, Düsseldorf)
Viktoria Waltz (Technical University Dortmund)
Chair: **Andreas Niederberger** (University of Duisburg-Essen)

Saturday, February 20, 2016

Chair: **Andreas Niederberger** (University of Duisburg-Essen)

- 9-10:10am **Tendayi Bloom** (Yale University) – *Some thoughts on trying to understand migrant decisions from Sub-Saharan Africa to and through the Mediterranean Region and the role of private sector actors* (40min)
Christian Neuhäuser (Technical University Dortmund) – Comment (10min)
Discussion (20min)
- 10:25-11.35am **Olaf Kleist** (Oxford/University of Osnabrück) – *Post-Migration Reasons of Flight in Asylum: How Countries of Refuge and Refugees Construct Causes of Displacement* (40min)
Jan Brezger (Freie Universität Berlin) – Comment (10min)
Discussion (20min)
- 11:50-1pm **Shelley Wilcox** (San Francisco State University) – *Immigration Justice in Nonideal Circumstances* (40min)
Eva Weiler (University of Duisburg-Essen) – Comment (10min)
Discussion (20min)
- 1-1:30pm Concluding Session

Abstracts

Zachary A. Lomo (York University, Toronto/Canada)

Understanding Migration and Displacement in our Time: A Normative Proposal

This paper examines the reasons people *migrate* or *flee* from one country to another or from one part of the world to another. Focusing on migrations and movements from and to Africa, it argues, first, that there is nothing radically different from contemporary patterns of migration and movement by people. While technological advancements in communication and transportation have made travel and mobility easier, the fundamentals of why people move from one region to another over the centuries remain the same. Secondly, the search for reasons that influence people to migrate or flee must not only focus on internalist explanations but also address the role of external forces in producing the internal dynamics that trigger the impulse to move or flee. In the context of Africa, it necessitates a critical interrogation of economic deprivation, vast inequalities between western countries and developing countries resulting from historical injustices of colonialism and its impact, destructive neo-liberal economic policies spawned by the Washington Consensus imposed on many of the countries in the global south, endemic corruption, bad leadership, and increasing restrictive immigration policies and laws by all countries that distort human migration. This calls for a thorough grasp and analysis of the interplay between migration and economic deprivation, law, economic policies, politics, and immigration policies and the elements of human agency.

Dallal Stevens (University of Warwick, Coventry/UK)

Motivations for Forced Migration: Is Asylum in 'Crisis'?

There are many assumptions about – and approaches to – asylum, refugee protection and the causes of forced migration. With changing events in the world and the rise in forced migration there has been an increasing questioning of the limited legal entitlement to protection of the 'refugee'. While a long history might favour persecution – and political persecution at that – as the sole ground for imposing an obligation on a hosting state to admit an individual forced to flee his or her home country, recent years have witnessed a challenge to the legal supremacy of the 1951 Refugee Convention/1967 Protocol as the final arbiters of 'who is a refugee'. Many commentators have suggested that there are several aspects of the Convention that are arbitrary, unfair or outdated: the requirement that a refugee cross the border of his country of nationality or habitual residence; the famously restrictive grounds for persecution contained in the Refugee Convention, concerned with civil and political rights, and said to reflect the interests of Europe and North America at the time of drafting; the difference in entitlements of the refugee and other forcibly displaced; and its lack of relevance to many contemporary migration movements. Consequently, it can be argued that the Convention has limited relevance to current reasons for and causes of forced migration. Yet, it remains the major source of state obligation to those in need of asylum, refuge, protection or a new home.

This paper will explore the historical underpinnings of the current international refugee law framework and its contemporary application. It will focus on the construction by law of the 'asylum seeker' and 'refugee', the link between the reasons – or grounds – for protection and the duty of the state to protect. In so doing, it will draw upon preliminary research findings from interviews conducted in 2015 with individuals crossing the Mediterranean to the island of Kos in Greece.

Andreas Niederberger (University of Duisburg-Essen, Essen/Germany)

Why Should Reasons for Migration Matter?

Some obligations we have with regard to other persons depend on the reasons, why they are in the situation they are in, others do not. Reasons matter, if the situations as such do not immediately create obligations – or at least certain kinds of obligations: If a person wanders through a forest and is hit by a falling tree, we are obliged to help the person, but we are typically not obliged to check forests for possibly falling trees. In the case of migration the legal and political understanding is such that obligations mostly depend on reasons: persecution, civil war, extreme poverty and hunger, climate change etc. In the philosophical debate and in many perspectives on migration in the social sciences authors often do not consider reasons (or at least specific reasons single [groups of] migrants have) to be necessary for obligations. This raises the question, if and if yes, why reasons should matter (more) in these approaches to migration and the obligations of those, who are exposed to the claims of migrants.

Jennifer Hyndman (York University, Toronto/Canada)

National Security Meets Human Rights Protection: Refugees and other Migrants

This paper will explore the conundrum of protracted refugee situations (PRS), defined as human displacement for more than 5 years with no sign of a solution. PRS affects that vast majority of refugees, 86% of whom live in the global South. While refugee status and camps are only ever meant as a temporary stop-gap measure, they can exceed this imagined temporality and extend for decades. States provide support to survive the initial crisis, but ultimately these ‘saved’ refugees become part of a different crisis (a threat as potential migrants to the welfare infrastructure and security of these states). Support for refugee survival continues on for years, but with a different tactic and meaning behind it: stay put until your place is inhabitable again. In other words, humanitarian aid serves – along with the externalization of asylum, hi-tech border biometrics and connected visa regimes – to contain refugees in their regions of origin. Whereas refugee protection characterized state approaches to displaced persons after WWII and during the Cold War, national security and containment are the salient themes that apply to refugees after the Cold War and in the context of the ‘war on terror.’

Nergis Canefe (York University, Toronto/Canada)

Migration as Necessity

Back in 1996, concerning the ethics of migration, Canadian scholar Joseph Carens argued that there are two approaches to morality: the realistic one and the idealistic one. Applied to the area of international migration, while the realistic approach inhibits us from challenging fundamentally unjust institutions, policies and practices, the idealistic one fails to provide us enough tools to assess the needs of migrants and the current realities that shape policies and practices in migrant receiving societies. Twenty years later, the ethics of migration debate moved on to much more variegated setting, the tenor of it being precariousness, uneven flows, and the thinning of the divide between forced and voluntary migration. My question, however, tags along what Carens dared to ask all that time ago, that is, what makes societies care about migrants and by default, refugees. Migration and citizenship have become a well-established field with an international team of leading political, social and legal theory scholars. Still there remain a number of challenging and under-researched themes on the subject of membership of migrant and refugees to the polity at large. There also remain a debate on whether we ought to recognize a human right to immigrate, and when it might be legitimate to restrict emigration. My entry point to this

debate is the emphasis on the value of ‘care ethics’ in migration research and policy as introduced by Yasmin Abu-Laban, another Canadian scholar working diligently on migration. My work places under critical and reflexive examination the theoretical underpinnings of what I call ‘necessity migration’. Developed to explain the migration of the relatively suffering in search of either sheer survival or a better way of remaining alive, this concept draws attention to the role of desperation within the migration framework. Through a focus on two paradigms that are currently at work within theorisations of migration—individual choice and human mobility—this third angle allows us to demonstrate the limitations and constraints of these traditional takes on migration and the side effects of bracketing forced migration as a temporary and distinct phenomenon. Engaging with longstanding debates around structure and agency to make a case for the recognition of histories of ‘necessity migration, I venture into social and political meanings created through movement, and the politics and ethics of migration when we consider it as a historical constant throughout capitalism. Through this systematic consideration, it is possible to pave the way of reinvigorated thinking on the topic.

Shelley Wilcox (San Francisco State University, San Francisco/USA)

Immigration Justice in Nonideal Circumstances

Recently, political philosophers have begun to interrogate the methodology they use to construct normative principles. Some have voiced the concern that prevailing liberal egalitarian principles are constructed under idealized assumptions and thus are ill suited to real-world circumstances where such assumptions do not apply. Specifically, critics have raised three related objections to so-called ideal theory: (1) ideal theory cannot help us understand current injustices in the actual, nonideal world; (2) ideal principles are not sufficiently action-guiding; and (3) ideal theory is counterproductive—or even dangerous—because it tends to reflect and perpetuate unjust group privilege.

This paper explores recent philosophical work on the ethics of immigration in light of these methodological criticisms, focusing on the open borders debate. I argue that prominent arguments on both sides of this debate are subject to the standard criticisms of ideal theory, and thus that a nonideal approach to immigration justice is needed. I then develop several methodological desiderata for such an approach. Importantly, given the topic of this conference, these desiderata suggest that the causes of/reasons for migration play an important role in determining our obligations toward immigrants. Specifically, I argue that such causes/reasons affect three dimensions of obligations toward would-be immigrants: the content of these obligations, the stringency of these obligations, and the bearers of these obligations.

Galya Ruffer (Northwestern University, Evanston/USA)

The Demise of the 1951 Refugee Protection Regime and The End of the Rights of Man

The Refugee Convention regime, as a human rights compact premised on reason and the rights of man, is called into question by refugee crises today. As Hannah Arendt noted, it is only through the nation-state system that one is recognized as a rights holder, prompting her to coin the famous phrase, “the right to have rights.” In this paper, I examine the current refugee crisis as it reflects the end of the 1951 Refugee Convention regime (‘Refugee Convention’) and argue that we have reached the end of a refugee protection regime, in which reason, as the essence of moral action towards refugees is tied to the nation-state. The idea of the refugee, in the Refugee Convention paradigm, is an individual who cannot stay in her country of her birth since, as an individual, she is denied protection. In crossing a state border, she seeks admittance and protection, as an individual, in a host country. As the completion of protection, she is awarded a permanent status, integrated and becomes a

citizen, thus achieving the vision of the UDHR and the Refugee Convention of a world in which the rights of man are most secure within a nation-state system. The reaction and response to refugee crisis today demonstrates that this vision has been forsaken as unworkable in a world that can no longer, as an empirical matter, link the security and freedom of the individual with the nation-state. With over 51 million displaced person, 34 million who do not fit within the Convention definition of a refugee and, of the 16 million who do, only a small fraction offered full protection in the form of status and rights as mandated by the Refugee Convention, there is no longer the belief that the nation-state is the political solution to individual freedom and protection. Empirically, we see the demise in terms of expedited asylum, mass detention, excising of border lands, deportations, refugees kept languishing in protracted exile and the growth of the UNHCR to become the number one adjudicator of refugee status in the world. In this paper I examine these factors to argue that a new paradigm is underway premised on mobilized protection, deregularized status and privatized rights.

Paula Banerjee (Calcutta Research Group, Calcutta/India)

Guilty As Charged: Criminalisation of Women Migrants from Myanmar and Bangladesh into India

Tendayi Bloom (Yale University, New Haven/USA)

Some thoughts on trying to understand migrant decisions from Sub-Saharan Africa to and through the Mediterranean Region and the role of private sector actors

Olaf Kleist (Oxford/University of Osnabrück, Osnabrück/Germany)

Post-Migration Reasons of Flight in Asylum: How Countries of Refuge and Refugees Construct Causes of Displacement

Causes of migration are manifold in every single case but are retrospectively rationalized in single cause logics. This is relevant in asylum procedures that reduce mixed migration narratives to protection relevant causes as well as in migrants' self-perception when identities are constructed in remembered narratives of flight. This paper links these two aspects of the migration-asylum nexus, the political and the personal, by discussing the relevance of belonging for refugee protection through the role of memories.

First, it is argued that societies practice refugee protection as an extension of political belonging beyond citizenship. Agreed upon logics of political belonging form criteria under which non-citizens can find access to protection in the realm of the political community. However, societies discuss logics of belonging in the democratic process, not least in references to the past. Political memories function as a means to construct modes of belonging and in particular, in political discussions about refugees to set criteria of protection. Ultimately, refugee laws, protection guidelines and interpretations of asylum laws are based on perceptions of political belonging that determine the relevance of causes of flight for protection status.

In turn, it is argued in a second step, the protection criteria set by countries of asylum impact refugees' memories of flight and their sense of belonging and their self. Memories of flight are crucial in refugee status determination and asylum processes as the reasons of flight are compared to criteria of protection. This analysis is based on interviews with and memories of Syrian refugees who arrived in Germany in 2013 either through the Humanitarian Admissions Programme (HAP) or as asylum seekers. Asked about the reasons of their displacement and their paths to Germany, causes and agency of migration remembered in their narratives depended on presumed criteria of protection. Thus, political belonging of

the country of asylum influenced not only the criteria of protection but migrants' perception of the cause of their own flight, retrospectively.

Peter Higgins (Eastern Michigan University, Ypsilanti/USA)

Feminist Philosophy of Immigration

Answers to the question of immigrant admissions (what policies governing the admission and exclusion of foreigners for immigration may states justly adopt?) have been debated extensively by political philosophers since the 1980s. A wide variety of normative approaches to the question have been taken, but very nearly zero have been expressly feminist. Generalizing from Alison Jaggar's articulation of a feminist methodological approach to the political morality of abortion, this paper proposes a feminist methodological approach to immigrant admissions. This paper does not defend a substantive view on what policies states ought adopt, but it does describe several features of our social world that are salient for a feminist methodological approach to the assessment of the justice of states' immigrant admissions policies.
