

# **Between Hospitality and Inhospitability: The Politics of Migrants Protection in Germany<sup>i</sup>**

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*“Never shall you ask me,  
Nor trouble yourself to know,  
Whence I journeyed,  
What my name is, or what my origin!”  
Wagner, Lohengrin, Act I, Sc. III*

**Abstract:** In Europe, the public discourse on migration opposes narratives of endangered national identities and sovereignties to utilitarian arguments that migrants can restore fiscal balance and demographic dynamism. The notion of hospitality as the foundational basis for granting protection is, however, absent from the debate. In Germany, the initial spirit of organized popular solidarity with refugees and asylum seekers that came in during summer and fall 2015 were soon disillusioned by the unpreparedness of the bureaucracy in processing all asylum claims. As a result of the massive streams of migrants in the recent years, resentment towards migrants, while still marginal in Germany, has become more outspoken. The state’s duty to provide protection to refugees and asylum seekers has become fraught with political considerations that serve bureaucratic interests. Consequently, the provision of protection paradoxically developed into inhospitable practices that disenfranchises migrants and hinders the provision of protection to incoming displaced populations. This article proposes a re-discovery of hospitality by integrating the analyses of Derrida and Hallie. It argues for a politicization of hospitality that can be achieved by enabling migrants themselves to enter discourse and fill it with their subjective outlook on their own mobility. Hospitality, as a discursive act that relates the host and the guest on a basis of equality, demarginalizes migrants in the reception country as they are invited into the public space to express their own voices on the migratory processes that they experienced.

**Keywords:** hospitality; refugees; asylum; Derrida; Hallie

## **Introduction**

In Europe, the public discourse on migrants is caught in a whirl of contradictory debates that fail to capture the complexity and diversity of migration. Narratives of endangered national identities and waning sovereignties are countered by calls for human solidarity with the migrants. Fears of increased strain on already inefficient domestic labor markets and overburdened welfare states are disputed by utilitarian arguments that migrants can restore fiscal balance and demographic dynamism. This ongoing conversation on migration without migrants undermines their agency and ignores their own subjective outlook on mobility. In addition, the considerable migratory influx that Europe has undergone in recent years, and especially since summer 2015, has contributed to the proliferation of the ‘crisis’ discourse in European Union (EU) politics. The sentiment of urgency pervading all discourses on migration in the EU combined with the deficient, yet governing, knowledge of the subjectivities of migrants prevent formulating policies as

systems of decisions and principles designed to achieve lasting results that propose effective protection.<sup>ii</sup>

This article argues for re-centering the voices of migrants, particularly of refugees and asylum seekers to serve a sociological as well as a political agenda. First, collecting the subjectivities of migrants increases the knowledge and awareness of the ways in which they represent and express the ‘exilic journey’: an event that has transformative effects on their processes of identification<sup>iii</sup>. Indeed, the journey does not constitute a linear and uncomplicated travel between a starting point and a destination, but represents the individual constructions of a process that encompasses episodes of movement, stuckness, wandering, and violence as consequences of human encounters and confrontations with border control practices. The knowledge extracted from migrants’ journey narratives is, therefore, sociologically important for the sake of increasing our understanding of the contemporary patterns of human mobility within the migratory process.

Second, listening to these narratives is a political intervention on the discursive terrain of migration that can challenge the powerful narratives of agents such as the media and politicians that disenfranchise migrants and ignore the importance of the journey. The common categorization of migrants as either refugees or ‘economic migrants’ along criteria of forced or voluntary flight is very problematic. Not only does this discourse discount the complexity of the decision to migrate, but it also justifies severe restrictions on migrants’ human rights. Indeed, ‘economic migrants’ are illegalized by the policies that subscribe fully to this categorization, and if they do not behave as passive recipients of humanitarian aid they risk deportation as ‘illegal migrants.’ Finally, because the process of migration is often a violent and dangerous one, considering the exilic journey can strengthen the justification for providing better and less restricted protection.<sup>iv</sup>

However, before delving into migrants’ subjectivities on mobility, and thus proposing an alternative narrative of migration that neither marginalizes nor posits them as sources of insecurity for the receiving society, this article takes a necessary detour by addressing the following questions: why do migrants’ narratives matter? And how can the receiving countries include them in their duty of providing protection? In a context of increasing restrictions to asylum and migration policies in the EU, bolstering the ability of migrants to express, on their own terms, who they are, constitutes a political invitation to co-exist in the public sphere with the natives of the host society. Acts of intersubjectivity such as these engage and interact with the (foreign) other on a basis of equality and with a particular consideration to his/her singularity.<sup>v</sup> Inspired by Derrida’s essay *On Hospitality*, I argue that establishing an intersubjective relation to migrants is an act of hospitality that grants the foreigner, who often comes as the silenced and nameless other, the possibility to access the public space and fill it with a thus far absent, albeit crucial, narrative on the migratory journey. In other words, hospitality becomes a normative political condition that emancipates migrants from muteness<sup>vi</sup> and empowers them to produce discourse.

Starting with an overview of the German political context of the 2015 massive streams of migrants, which is referred to as the “summer of migration,”<sup>vii</sup> <sup>viii</sup> I draw upon Derrida’s

analysis of hospitality to demonstrate its fundamental importance for granting protection to refugees and asylum seekers. Finally, I propose a discursive analysis of the credibility assessment procedure in Germany, as a particular area of the refugee status determination in which asylum seekers undergo a ‘hearing’ to prove the well foundedness of their application. The proposed analysis of the ‘hearing’ is based on German legislative texts and reports by the German Federal Office for Migration and Refugees (BAMF):<sup>ix</sup> the migration authority that is responsible for conducting the hearing with asylum seekers and carrying out decisions regarding their applications. I also use data gathered from interviews that I conducted with refugees and asylum seekers in Germany in summer and fall 2016.

### **Evolution of the German protection practices during the “summer of migration”**

At the end of August 2015, Germany decided to open its borders to the thousands of migrants, asylum seekers, and refugees blocked in Hungary. The initiative meant that Germany unilaterally suspended an important part of the EU law, namely, the Dublin Regulation, which established the criteria that determined which EU Member State was responsible for processing an asylum request. Typically, the country responsible for processing an asylum request is the Member States through which the asylum seeker entered the EU for the first time. For migrants coming from the southern Mediterranean Basin, EU countries most likely to be responsible for processing asylum requests are Greece, Italy, and Spain. A year later, Germany had received about 890,000 asylum seekers<sup>x</sup>. In spite of a fierce backlash from her political family and from other EU Member States for her temporary open-border policy, Chancellor Merkel remained firm:

Also next year, everything will depend particularly on this: our cohesion. It is important that we also always listen to the arguments of other[s], even when [they] assess concerns and opportunities differently as you do. It is important that we do not let ourselves become divided – not into generations, not into social groups, and not into those that are already here and those that are new citizens. It is important not to follow those who, with coldness and even hatred in their hearts, claim the right to be called German for themselves alone and try to exclude others.<sup>xi</sup>

In these unifying words, the Chancellor tried during the 2016 New Year’s address to gather the people together behind the open-border policy. Her call for solidarity among the Germans in the context of a divided society over the question of migration was at odds with the assertive tone of her August 2015 press conference. Merkel’s decision to welcome refugees and asylum seekers received then a wide support from the German society, which rallied behind her famous phrase: “We have accomplished many things – we will accomplish this!”<sup>xii</sup>

But as Chancellor Merkel later deplored, the German society has become more deeply polarized between pro- and anti-immigration opinions.<sup>xiii</sup> Two events exacerbated the division and overturned a part of the public opinion. First, there was the Paris terrorist attacks in November 2015, where a Syrian passport presumably used by a refugee was found near a body. Second, the growing concern about the existence of a refugee ‘problem’ (conflated with migrants and Muslims) was further intensified after mass sexual assaults and muggings were reportedly perpetrated by many North African

migrants during New Year's Eve of 2016 in Cologne and other German cities Across Europe, terrorist attacks have been systematically instrumentalized by rightwing parties for the purpose of renouncing the right of asylum. In Germany, this hostility, visible both in public discourse and within members of the political class, including Chancellor Merkel's own ranks in the CDU/CSU, led to the disavowal of the initial movement of generosity towards migrants.

In its efforts to tighten legislation regarding asylum, the German government and several political parties displayed 'political expediency' at the expense of basic ethical responsibility of granting protection to the displaced.<sup>xiv</sup> The 2016 proposal of a new asylum legislation made to Merkel's cabinet (Asylpaket II) illustrated well this mindset. The Asylpaket II resulted from a negotiation process involving the ruling coalition party partners: the Christian Democratic Union (CDU) and the Social Democratic Party (SPD). Among other restrictions of the asylum law, the package aimed to suspend the possibility of family reunion for holders of the status of subsidiary protection<sup>xv</sup> for two years. However, after having agreed to the asylum reform proposal, the SPD coalition partner picked up on a detail that it claims was not part of the first draft of the negotiated bill. The detail in question extended the suspension of family reunion to unaccompanied minors as proposed by the CDU. CDU members were irritated that their SPD counterparts rejected this specific provision after approval. Eventually, this specific provision concerning unaccompanied minors was removed from the family reunion suspension.<sup>xvi</sup> However, this episode is indicative of the fragility of the foundational humanitarian justifications for granting asylum. While basic requirements such as the non-refoulement principle are usually respected, the practice of politics and ethical considerations are kept strictly separated.

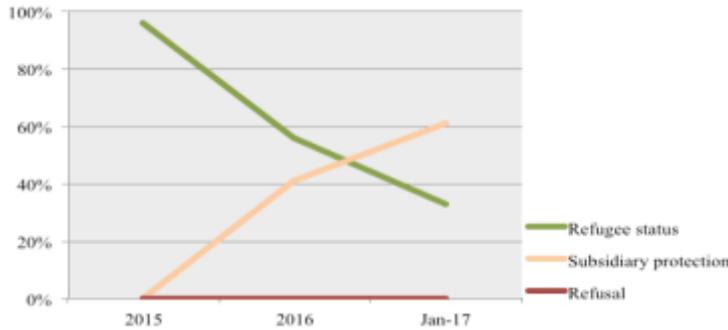
More generally and beyond this unfortunate episode, these backroom political deals reflect the state of mind that prevails in the current political context: the preference for frenzied accumulation of juridical and legislative provisions over the duty to provide protection as stated in the international refugee regime. The reform of Germany's asylum policy has had indubitable effects on the country's capacity to provide protection to people seeking refuge. Indeed, examining one of the currently largest groups of asylum seekers by country of origin, some clear trends in the decision practices by the BAMF concerning asylum applications emerge. According to the European Asylum Support Office (EASO)<sup>xvii</sup>, the refugee recognition rate for asylum applications of Syrians, Iraqis and Eritreans was, throughout 2015, above 80 %.<sup>xviii</sup> However, for Afghan applicants, the rate was around 30 %.<sup>xix</sup> In 2016, the situation is significantly different: the number of subsidiary protection statuses was much higher at the expense of the refugee recognition rate (see figures 1.a-d).

In the first month of 2017, this trend in the practice of providing protection to asylum seekers continued irrespective of the insecurity and violence prevailing in the applicants' countries of origin. Although Germany decreased the level of protection of migrants much later than most EU Member States, it has progressively caught on with its neighbors in the past year. Consequently, the asylum application outcomes have become increasingly detached from the situation in the applicant's country of origin. For example,

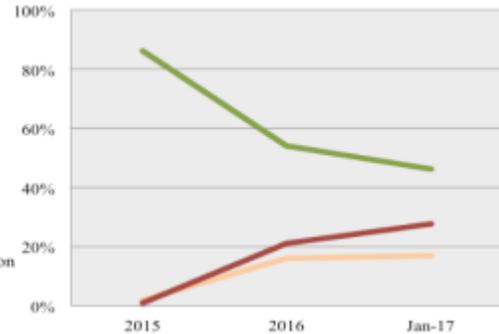
the German Federal Ministry of Foreign Affairs dissuades its citizens from traveling to any Iraqi province, including Baghdad and regions within Kurdistan, because of the risks of terrorist attacks, kidnappings and crossfire<sup>xx</sup>, and yet, asylum decisions do not reflect this situation since an increasing number of Iraqi applicants are being denied (see figure 1.b). As for Afghanistan, the Office of the United Nations High Commissioner for the Refugees (UNHCR) published in April 2016 an assessment of Afghan asylum seekers' protection needs. The document argued that Afghan males in age of fighting are particularly vulnerable because they risk being forcibly recruited by the Afghan Local Police or anti-government armed groups, some of which could be affiliated with the Islamic State. Overall, the UNHCR adds, the situation has deteriorated in Afghanistan in 2015<sup>xxi</sup>. The trends toward increased restrictions in providing asylum is not likely to reverse itself, especially amidst declining popular support for migrants after terrorist attacks were perpetrated in recent months.<sup>xxii</sup>

*Figures 1.a-d: Asylum application outcomes in Germany*

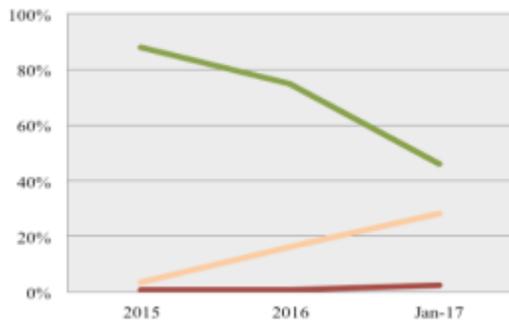
*Figure 1.a: Syrian applicants*



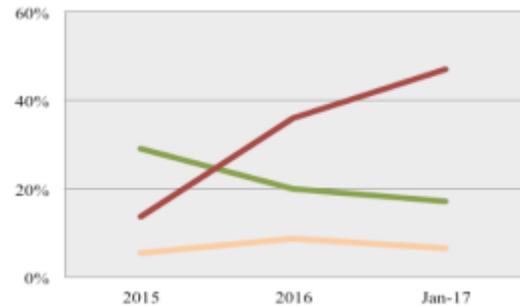
*Figure 1.b: Iraqi applicants*



*Figure 1.c: Eritrean applicants*



*Figure 1.d: Afghan applicants*



Sources: (BAMF 2016, 2017)

The level of protection granted by the German authorities changed courses dramatically since the end of 2015, departing from the generosity of the “Willkommenskultur” and

leaning toward ‘political expediency,’ that is, an “*action that carries out political ends germane to policies and institutions [that] does not, however, stand in for moral or political justifications.*”<sup>xxiii</sup> The ethical imperative of granting asylum, as stated in the Convention Relating to the Status of Refugees,<sup>xxiv</sup> has been engulfed by administrative decision-making practices that are prescribed by the political contingencies of the recipient country. While asylum seekers make a moral claim when requesting protection, it has become harder for administrative agents who must abide by political expediency to consider the morality of the treatment of the applicants.<sup>xxv</sup>

Increased restrictions on asylum policy constitute expedient anti-immigration practices to contain arrivals of new migrants. The administrative practice of increasing the difficulty for asylum seekers to obtain protection is less a rejection of the Refugee Convention and more a refusal to consider denied applicants as subjects of its provisions. The pattern of asylum denials and the granting of subsidiary protection statuses reviewed earlier suggest a conscious refusal to recognize many applicants as legitimate recipients of protection as stated in the Convention. Instead, they are categorized as cases lying outside of the Convention’s framework. In other words, the current trend in processing asylum requests in Germany increasingly disregards applicants’ exilic journey as a legitimate claim for protection. As I explore later in this article, this highly selective hospitality is sustained by a disregard for applicants’ own subjectivity on the journey, which prevents them from producing and expressing a narrative that could challenge restrictive asylum practices.

### **Normalizing exceptions to the right of asylum**

The proliferation and normalization of the ‘crisis’ discourse, framed alternatively as a crisis of refugees, of migration, of the EU, or even of humanitarian aid, saturate the public space with rhetoric on the ‘unprecedented’ flow of migrants<sup>xxvi</sup> and the necessity to urgently adopt last resort measures of management and containment.<sup>xxvii</sup> This leaves little space for the media, politicians, and the bureaucracies in charge of processing asylum requests for acknowledging alternative narratives of migration. On the contrary, exceptional categories emerge from the ‘crisis’ discourse, such as the bogus asylum seeker or the notion of ‘third safe country’ that exacerbates the exceptionalization of treating asylum claims. These categories enable the asylum processing bureaucracies to increasingly situate applicants outside of the norm established by the Refugee Convention. Paradoxically, the exceptionalization of migrants is embedded in the very texts that establish their human rights.

The right of asylum is a basic human right that is generally accepted as self-evident in the sense that its invocation has no other justification than itself (see the Preamble of the Universal Declaration of Human Rights). It is all the more fundamental that it is supposed to be upheld by the international community as a protection of last resort. As a result, its universality purports to transcend the *Raison d’État* or any other political imperative, and so expresses an ethical requirement that becomes law whatever the situation may be. This means that all human beings can appeal to the right of asylum as members of the human community. Evidently, this naturalist conception of the right of asylum is in open confrontation with the positivist perspective that understands it in terms of juridical and constitutional principles.

The incompatibility of these two visions has been compellingly illustrated by Hannah Arendt in her chapter “The Decline of the Nation-State and the End of the Rights of Man.”<sup>xxviii</sup> In this text, she criticized the abstractness of the “Man” to whom the Universal Declaration of Human Rights refers. She argued that this ‘man’ does not exist, since no human has ever lived outside of some kind of social order. As a witness of the 1930s and 1940s in Europe, she saw that when displaced Jewish populations – the stateless – had been deprived of their citizenship, the ‘rights of man’ did not substitute for them. Contrary to the promise of the Universal Declaration of Human Rights, the loss of citizenship and the loss of political status were correlated. When cast outside of a political community, the ‘man’ is left ‘naked,’ that is, reduced to the mere biology of being human. The ‘abstract nakedness of being human’<sup>xxix</sup> is covered by no protective rights in spite of the promise of eternal values made by the Declaration.

In *Homo Sacer*, Agamben steers Arendt’s discussion of the abstractness of human rights toward the realm of biopolitics, and in so doing, makes explicit the relation between the sovereign power and the rights of man. He develops the concept of ‘bare life’ to describe what remains of an individual reduced to his or her biological features after having lost all rights, including that of physiological survival. In the absence of an intermediate protective juridical status (such as the right of asylum), the individual’s bare life is irremediably at the mercy of the sovereign power. Following Arendt’s thinking, Agamben uses the concept of bare life to suggest that when in 1789 the French Revolutionaries wrote the “Declaration of the Rights of Man and of the Citizen,” the addition of the word ‘citizen’ in the title could be interpreted as a reminder of the ‘nakedness’ of man when he is no longer a citizen member of a polity.<sup>xxxxxi</sup> In other words, human beings are entitled to political rights and state protection so long as they are citizens of the state.

The power of the sovereign, Agamben argues, operates by isolating the bare life within each subject. As the subtitle of the book *Homo Sacer* hints at, the relationship between the sovereign power and the bare life is characterized by capture. The mechanism of capture of bare life is carried out through structures of exception. Indeed, in its capacity to establish the juridical order, the sovereign power can also suspend it and thereby create a space of exception. For instance, migrants can be made stateless through geographic manipulation that create extraterritorial spaces where the law can be suspended and the legal status of migrants rendered ambiguous.<sup>xxxii</sup>

However, these spaces of legal ambiguity are not always extraterritorial. It is indeed inaccurate to limit the production of statelessness by ‘geographic design’<sup>xxxiii</sup> to the creation of Guantanamo-style sites located beyond the physical borders of the sovereign power. Instead of locating the space of exception within or outside the borders of the sovereign power, it can also be represented by the body of the migrant. For instance, during the interviews that I conducted with asylum seekers and refugees in Germany in summer and fall 2016, I came across an extremely harrowing account of the journey that illustrates the suspension of juridical protection of stateless human beings. Majid and Lana, a young couple of refugees (at the time of the interview) from Syria are among the

many migrants who journeyed across the Balkans in summer 2015 to reach Germany. Lana was pregnant during their journey and she started to feel very ill as they arrived at a refugee camp in Serbia. They had to enter the camp to obtain a registration document that would allow them to legally stay in Greece for six months thus allowing them to reach the Hungarian border. However, they were asked by the Serbian law enforcement agents stationed there to first queue outside of the camp until the next day because the documents were given on a first-come, first-serve basis. Majid protested that they only asked that a doctor come and see his wife, but to no avail. She had internal bleeding but the doctor came the next day, when it was their turn to enter the camp. She eventually lost the child. Then, once they arrived in Hungary, they were arrested and detained by the police. The reason for their detention was that the police found them in an area that was too close to the Romanian border, a very unusual place to be for Syrian asylum seekers who normally try to get to Germany through Austria. Majid and Lana could not explain that they were lost. The police released them three days later when they decided to believe them.<sup>xxxiv</sup>

On a more general level, however, the protection practices described earlier in this article already constitute instances of exceptions. These exceptions are produced each time a decision is taken according to a specific interpretation of the law that privileges certain policy goals independently from the law upon which it is based.<sup>xxxv</sup> In other words, political expediency produces exception. Concretely, the receiving country creates new frameworks and concepts such as ‘safe third country,’ ‘safe country of origin,’ ‘subsidiary protection,’ or ‘internal flight alternative,’ which are either absent from the Refugee Convention or emerge from an extremely strict interpretation of its articles. These exceptions constitute attempts to curtail the right of asylum and emerge in an *ad hoc* fashion out of state practice of the duty to grant asylum. For instance, German Minister of Interior Thomas de Maizière alluded to the ‘internal flight alternative’ (IFA) in an August 2016 interview by arguing that there are regions in Afghanistan (usually Kabul) to which Afghan asylum seekers can be safely sent back.<sup>xxxvi</sup> The IFA concept is an increasingly used criteria of the refugee status determination that helps the asylum officer decide whether the applicant has a relocation alternative in his or her home country (or country of habitual residence) instead of seeking international protection. However, it is a questionable concept because it is mentioned nowhere in the Refugee Convention, but rather stems from a very strict and non-humanitarian interpretation of the Convention’s criteria, namely Article 1A(2) that defines the refugee.<sup>xxxvii</sup> In the convention, a refugee is defined as an individual ‘owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country...’<sup>xxxviii</sup> a strict understanding of this article can argue that an asylum seeker makes an unfounded claim when his or her country of origin can provide the protection needed but the applicant still wants to leave the country.<sup>xxxix</sup> The IFA concept can become very problematic when it is used to achieve policy goals such as expediting asylum processing to alleviate the workload of the administration in charge or to simply reduce the number of granted asylum requests.

The problem of the production of exception can only be solved by re-thinking the right of asylum. New frameworks for this right should dispose of both the transcendence of a universal ethical necessity (its humanitarian underpinnings) and the judicial positivity (the political expediency) that characterize the practice of granting protection.

In the following sections, I draw upon Derrida to argue that hospitality enables re-imagining the right of asylum. For Derrida, hospitality is torn between two opposing tensions: the duty to offer hospitality unconditionally, and the necessity to protect one's home.<sup>xi</sup> I argue however that this internal conflict enables pursuing both the universal ethic of providing asylum as well as satisfying the necessity to translate hospitality into positive state laws.<sup>xii</sup> However, hospitality not only guarantees the protection of the asylum seekers' bare life, but it also politicizes migrants by allowing them to have agency and, thus, produce their narratives in the public space of the receiving country.

### **Hospitality: from transcendence to immanence**

When he wrote *On Cosmopolitanism*, Derrida proposed a new conceptualization of the right of asylum, which he called "the duty to hospitality."<sup>xiii</sup> However, centuries before the 1951 Convention for Refugees, Immanuel Kant laid out the groundwork for the right of asylum and the obligation to provide protection to the displaced as we understand them today.

In his essay *On Perpetual Peace*, Kant conceived of the law of hospitality towards strangers as a legal obligation rather than a philanthropic duty. More precisely, hospitality defined as the act of greeting the foreign other who does not pertain to the same polity, is not in Kant's view an act of philanthropy but a legal entitlement and duty that binds the guest and the host. He wrote: "'Hospitality' here indicates the Right of a stranger in consequence of his arrival on the soil of another country, not to be treated by its citizens as an enemy."<sup>xiii</sup> As long as the guest comes with no hostile intentions, he makes a valid legal claim to temporarily reside in the host country. However, Kant supposes that the right of hospitality is to be granted to individuals that are already members of a civil political entity.<sup>xivxv</sup> It follows that stateless individuals are excluded from this legal scheme because they are outside of Kant's proposed cosmopolitan federation of sovereign states. Or, as Seyla Benhabib puts it: for Kant, the right of hospitality is "the space between human rights and civil rights, between the right of humanity in our person and the right that accrue to us insofar as we are members of specific republics."<sup>xvi</sup> So for Kant the protection of human rights relies exclusively on a pre-existing legal status. This view runs against Arendt's argument for a universal norm that guarantees to all the right to have rights.<sup>xvii</sup>

Although Kant was not more specific regarding the obligations of the host toward the guest, the current international regime for refugees and asylum seekers echoes his essay centuries later. Most remarkably, Kant added an essential condition to the right of hospitality: the host cannot deny entrance to a foreigner (endowed with legal status of citizenship) if it would lead to the demise of the stranger (Kant 2010/1795, p.23). The principle of non-refoulement of the Geneva Convention is a direct reflection of this condition. Unfortunately, contemporary principles of providing protection and conditions

of non-refoulement are often violated or at least mitigated by countries that agreed to the Refugee Convention and have, thus, recognized their obligations toward people seeking refuge. It is therefore important to critically review the shortcomings of Kant's right of hospitality in order to consider a different way of granting it and protecting migrants.

Kant's considerations on hospitality were seminal and led the way to the current regime for refugees, asylum seekers, and the stateless, precisely because it aimed at endowing hospitality with an international juridical status that would have to be respected everywhere. Kantian hospitality was, however, insufficient because only the right of visit was granted to the foreigner, never the right of residence. In addition, it excluded private hospitality, which is today governed by the law and potentially results in the emergence of 'the crime of hospitality.' The gesture of hospitality made to irregular migrants may be an offence liable to punishment by law. For instance, instances of criminalization of hospitality took place in France (under the no less problematic label 'crime of solidarity') against two Frenchmen who helped (i.e. without a payment in return) undocumented migrants enter and stay in France illegally (Morenne 2017).<sup>xlviii</sup>

It emerges from this that hospitality and, subsequently, the right of asylum, have been designed to be governed by laws and principles placed above it. With Kant, hospitality has been subjected to transcendental laws and principles such as a common body of international laws that strive to maintain peace between nations as advocated by Kant. This framework inspired the 1951 Refugee Convention. However, the principle of state sovereignty also governs hospitality. In fact, as I discussed earlier, the international regime that establishes nation-states' duty to grant protection has been almost totally eclipsed by states' concern about the security risks that foreigners may represent. On the contrary, hospitality is ultimately a human ethical value and, as such, deserves to be critiqued and constructed from an immanent position. Such immanence is reached by directing our analytical focus on that stranger who comes, not only as a potential threat to the city, but also as a likely member of the host polity. It is eventually the subjectivity of the migrant, that is, the meaning he ascribes to the migratory process, from the causes of mobility to the journey into and the integration within the host society that is the object of the hospitality gesture.

Derrida's work is relevant to the argument made in this article because his interest in hospitality is not motivated by a quest for recovering a lost ethicality but rather in unveiling the limits of the ethic itself.<sup>xlix</sup> Therefore, his analysis does not lead to the proposition of an alternative set of governing moral norms, but to the disclosing of hospitality's aporia. This way, Derrida provides the answer to the question: what makes hospitality impossible and necessary? Derrida's analysis does not end with the rejection of hospitality altogether. Paradoxically, it is through impossibility that hospitality is rendered possible. The very conflict within hospitality keeps it going and justifies the necessity and urgency of its re-instatement in asylum and migration policies that typically only recognize the severely restricting framework of the *Raison d'État*.

For Derrida, the aporia of hospitality is located in the contradiction between 'conditional' and 'unconditional' (or absolute) hospitality.<sup>1</sup> Unconditional hospitality is governed by

the absolute “Law of hospitality” that not only concerns relations to the guest, but more generally all human rapports. The Law of hospitality is “*abstract, utopian, illusory*”<sup>li</sup> because it says that no matter what the circumstances are, the host must greet the guest without asking him questions, not even his name and origin, nor asking him for something in exchange. Hospitality is an unconditional sacred gesture that is too valuable to be hindered in any way:<sup>lii</sup> first, it enables a new community to emerge from the encounter with the foreign other<sup>liii</sup> and, second, it reminds us of the exilic essence of human beings (today’s host may become tomorrow’s guest). In addition, unconditional hospitality not only relinquishes the need to know who the stranger is in order to determine whether he will be a threat to the host, it is also the possibility that the host renounces mastery over his domain, such that the guest may be able to claim ownership over the host’s possessions. Hospitality makes possible the competition between the host and the guest over resources owned by the host. This possibility also concerns granting access to public space if we understand it as a social arena where members compete for political rights and representation.

It is, however, the competitive potential of unconditional hospitality that renders it impossible. According to the Law of hospitality, the host must maintain and protect his home in order to be able to receive the guest and make his stay effective, both politically and economically. Being hospitable implies having the power to host and the control over the ‘house.’ Hospitality is, in this sense, a claim of ownership; otherwise, hosting would logically not be feasible. If the host lacks controls and ownership over the house, then (s)he cannot offer hospitality. But if unconditional hospitality means that the respective positions of master and guest can also be reversed, that is, the foreigner can claim mastery over the house, then the overthrown host can no longer be hospitable. Derrida concludes from this that being hospitable also requires maintaining guests under control, even by force, so that ownership of the place remains between the hands of the hospitality-giver. The risk embedded in unconditional hospitality justifies building fences and walls, restricting the mobility of migrants, or excluding certain targeted groups from crossing borders because they are deemed to be potential enemies that cannot be socialized into guests. Ingrained within hospitality is the temptation to become inhospitable.

The (im)possibility of the ethic of hospitality does not constitute, for Derrida, a pretext for its rejection. In an interview published in *Paper Machine*, he gives the following answer to a question on ethical aporia and undecidability: “there is no decision or responsibility without the trial of aporia or indecidability” and he later adds that “[t]here is no ‘politics’ of law or ethics without the responsibility of a decision.”<sup>liiv</sup> In order for the decision to be just, it is not enough for it to apply existing norms or rules, but it must take the absolute risk, in each individual situation, of rejustifying itself.<sup>lv</sup> Undecidability is not a paralysis, but is instead the political responsibility to always decide outside of an existing normative framework. Risk is nested in hospitality. But trying to exclude the risk means rejecting political action and decision. Inhospitable practices like the closure of borders and the strengthening of walls are not only attempts to definitively exclude the anguish of risk, but they also constitute an abdication of the responsibility to decide.

Consequently, hospitality does not choose the one who comes according to the level of potential risk to the receiving society that his/her presence may bring. What remains is then the relationship that the host and the guest can develop.

### **Hospitality to restore power balance**

Conditional hospitality is governed by the pre-existing laws of the hosting authority and is hospitable in name only. It has no compunction about selecting those who are granted access and sets a tolerance threshold beyond which the foreigner's visit can be denied. Contrary to its unconditional counterpart, conditional hospitality is fundamentally concerned with the potential threat of letting foreigners enter the country. It is precisely the risks of destruction of the host society by a foreign element that Kant wanted to avoid. As mentioned earlier, he restricted the right of hospitality to a mere visit rather than a right of residence. Interestingly, Kant used the example of the European colonizers who took over ownership of the recipient states to justify his point.<sup>lvi</sup> Derrida, on the other hand, did acknowledge the risks inherent to unconditional hospitality, but he also exercised skepticism towards Kant's solution. Kant argued for establishing conditions that would grant hospitality because without them hospitality would turn into a state of perpetual warfare between people. However, it could also be argued that Kant disposed of hospitality altogether when he limited it to a right of visitation only. Kant's concerns have not faded with time, since it is still the case that foreigners often endure constant control of their mobility even for a short trip through visa policies, crime control, security checks at airports, and reinforced border surveillance.

Consequently, it is possible to characterize Kant's project of perpetual peace as illusory because it counts on nation-states to be hospitable when they usually do not surrender their mastery over the control of the population and the territory. Conversely, populations can be hospitable. In this regard, Philip Hallie provided perhaps the best example to date of private hospitality. In his book *Lest the Innocent Blood be Shed*, Hallie provides a poignant account of the singular events that took place in Le Chambon-sur-Lignon, a poor mountain village in the French Alps, during the occupation of France in World War II. Under the leadership of the village Pastor, the inhabitants of Le Chambon provided refuge to some 3,500 fleeing Jews,<sup>lvii lviii</sup> almost right under the noses of Nazi occupation. Underlining the significant risks that the inhabitants of Le Chambon took, Hallie makes the same claim as Derrida regarding the danger of unconditional hospitality for the host. However, in this specific case, the danger does not come from the stranger directly, but is a result of providing them protection when the ruling authority could punish acts of generosity towards a population that was declared enemy or undesirable. Even though the cruelty involved during World War II towards fleeing populations is unmatched by the predicament that asylum seekers and refugees may face as they trespass on European countries, the risks of providing sanctuary to Jewish refugees in Le Chambon is sufficiently analogous to the potential prosecution of individuals who may commit today the crime of hospitality. In this sense, the act of hospitality becomes an act of resistance against state power. Hallie argued that hospitality, as an act of civil disobedience,<sup>lix</sup> is an escape from a cruel relationship, which he characterizes as a power differential that deprives the dominated subject of his dignity.

Hallie's analysis of cruelty is very close to the concept of structural violence developed earlier by Johan Galtung<sup>lx</sup>. Structural violence operates through relations of power that circulate through society and are materialized in intertwined social practices (such as sexism, xenophobia, homophobia, etc.) and structures (such as state institutions) that reduce the capacity of individuals to act and safeguard their dignity. Both Galtung and Hallie argued that challenging these relations of power through social and political transformations, notably towards greater emancipation, can alleviate structural violence. For Hallie, such a transformation is achieved through hospitality as an equalizer of the pre-existing power imbalance.

However, one can often confuse hospitality with an act of kindness.<sup>lxi</sup> It is important, thus, to keep in mind that Derrida did not conceive of hospitality as a new ethical norm guided by generosity towards the stranger. Besides, as Hallie argued, kindness does not lead to the liberation from a cruel relationship and could even reinforce it. It does not change the structure of the guest-host relationship and its underlying power imbalance. Hallie wonderfully captured this idea when he wrote: 'The sword does not feel the pain that it inflicts. Do not ask it about suffering.'<sup>lxii</sup>

To fully understand the distinction between kindness and hospitality, one should consider the point of view of the stranger and assess how agency can be restored. For instance, the political intervention that is hospitality is quite removed from the "acts of kindness" showcased by Frontex's rescue operations in the Mediterranean Sea: the act of preventing migrants from drowning is carried out precisely within the unbalanced power relationship while hospitality would offer an escape from the migration management regime. Hospitality is, ultimately, an invitation extended to the migrant to enter and integrate with the receiving society's public space on a basis of equality with the host. The opening of the public space to migrants is the political expression of Derrida's Law of hospitality, for it enables the foreigner to exert power within a shared democratic space to promote individual flourishing.

Hospitality provides the foreigner who wishes to stay the ability to speak and act on public space. These abilities are, according to Arendt, fundamental elements of the human condition, as they enable individuals to become members of a political community.<sup>lxiii</sup> It is at this point where Arendt and Derrida meet. The politicization of hospitality, rather than its reduction to acts of kindness that only cater to biological life and survival (bare life), is achieved through the ability to express one's own subjectivity. For Arendt, the expression of this subjectivity is meaningful insofar as it entails recognizing the others' "unique personal identities"<sup>lxiv</sup> in contrast with the homogenizing and essentializing processes of categorizing and sorting migrants. Hospitality is, therefore, a process whereby the migrant gains access to public space through the expression of his/her subjectivity or voice in order to regain agency – the sovereign over the self.

The very expression of this voice, Derrida then adds, is an essential feature of unconditional hospitality because, rather than revealing the potential enmity and cunning within the foreigner, it is his/her singularity that is at stake, or what Arendt describes as

‘single individuals, unique, unexchangeable, and unrepeatable entities.’<sup>lxv</sup> Such singularity does not reside in the name and origin of the stranger, but in his subjectivity. Unconditional hospitality is in contradiction with both the utilitarian pro-migration discourse and the anti-migration securitization discourse that both categorize and sort migrants along various moral criteria, such as good and bad migrants and those who deserve hospitality/kindness and those who do not. Listening to migrants enables state bureaucracies and institutions to subject them to a power relation where the knowledge accumulated from their narratives constructs them as recipients for policy intervention. Migrants can be categorized as a resource for the receiving country in the form of labor that can be cheap, skilled, expendable, or proper to an inescapable niche. Conversely, they can be categorized as sources of insecurity and then be illegalized or deported. In either case, the relationship to the foreign other is not intersubjective because it maintains (and possibly strengthens) a power relation that undermines agency.

The following section is a discussion of an inhospitable practice through the instrumental use of language. The practice is the ‘hearing’ stage of the credibility assessment procedure that asylum seekers coming to Germany (and Europe) must undergo. As part of the refugee status determination, the hearing enables asylum officers to listen to the applicants’ migratory story in order to determine whether they qualify for asylum. I base my argument on reports and legal texts available, but also on personal accounts that I collected from refugees and asylum seekers that I interviewed. Although the EU has established a set of good practices for the credibility assessment procedure, I limit my discussion to the ‘Anhörung’ (the hearing) as conducted by the BAMF between 2015 and 2016.

But before proceeding, I would like to state that I do not claim to have an exhaustive knowledge and experience of the work of the bureaucracy in question. Critiques of the credibility assessment procedure, including this article, would benefit greatly from an ethnographic study of the intimate workings of the administrations and personnel that carry it out.<sup>lxvi</sup> Therefore, the purpose here is not to essentialize or dehumanize the BAMF specifically. While acknowledging that the BAMF has been dealing with an amount of asylum applications that it was not adequately prepared for, it remains nonetheless problematic, as argued throughout this article, to exceptionalize flows of migration at a time when it is recognized everywhere as a global phenomenon. In my argument, I therefore take issue with the cynicism of the credibility assessment procedure that bases itself on extremely stringent interpretations of the Refugee Convention criteria and produces frameworks of exceptionalization.

### **Practicing inhospitality: the case of the ‘hearing’**

The hearing at the BAMF is one of the most important steps of asylum seekers’ migratory process because it is at this stage that they can defend their claim for obtaining the refugee status in the host country. Upon arrival in Germany and after having officially applied for asylum as the BAMF, an asylum seeker will receive a letter with an appointment for the hearing. During the hearing, an employee of the BAMF, most likely in the presence of a translator, will interview the applicant in order to establish whether Germany should grant asylum. Applicants must relate all the events that forced them to

leave their country of origin (or of habitual residence) and what they could risk if they return. Generally, the credibility of the asylum claim is established when the BAMF employee is convinced that the applicant had to flee because a war zone or persecution (by state or non-state actors) threatened his/her life directly and personally. The interview is in principle audio-recorded and transcribed.<sup>lxvii</sup> The applicant may add corrections to the transcript before signing it. To this end, the translator usually reads the transcript to the applicant at the end of the interview.

Before going to the hearing, applicants are strongly encouraged to prepare their “stories”<sup>lxviii</sup> and make sure that they provide accurate information as well as evidence whenever possible so that they would increase the likelihood of producing a convincing narrative. In an information film about the hearing at the BAMF supported by a German film funding institution, the voice-over narration strongly encourages applicants to ‘write [their] story down and practice it by telling it to others.’<sup>lxix</sup> If the advice dispensed in this film is certainly useful, it implies however that the language of the hearing is that of objectivity, factual precision, and consistency. It fails to acknowledge, however, that the memory of events and the consistency in the narration of stories can be seriously mitigated through the re-telling of the possible traumas suffered during the migratory journey.<sup>lxx lxxilxxii</sup> The applicant’s story must convey the required information and facts with the same accuracy that is usually expected in a trial court.

It is thus hardly surprising that refugees and asylum seekers from Syria and Iraq that I approached during my field studies have never referred to the Hearing by its official name. Even when I proposed the Arabic translation of the word ‘hearing’ in the interviews,<sup>lxxiii</sup> they did not readily associate it with the asylum application process in question. Instead, they consistently refer to the hearing in Arabic as *محكمة* (*maḥkamah*), which means ‘the court.’ In referring to the hearing as a justice court, they emphasize the institutional, legal, and bureaucratic contexts that surround their narratives, but which remain subliminal in the name “Anhörung.” For applicants, there is little doubt that this stage of the asylum process is akin to a court hearing, where a civil servant of the BAMF formally listens to evidence as well as pleadings in order to decide whether the asylum shall be granted. Technically, the BAMF is the German asylum determining authority and the room where the hearing is conducted is not a court of law. The BAMF reports to the Ministry of Interior, not of Justice. But the assimilation of the BAMF to a court is an indication of how applicants perceive, understand, and experience this process. Applicants behave like defendants in a trial where they need to establish through accurate facts and information the legitimacy of their asylum claim against suspicions of being categorized as bogus asylum seekers. By representing it as a trial, applicants point to the relation of power between the BAMF investigator and the foreign “defendant.”<sup>lxxiv</sup>

In this specific context, listening to the story of asylum seekers is not an act of intersubjectivity but the instrumental use of personal narratives to assess the alleged deservingness of asylum applicants in accord with the judgments of credibility assessors. Therefore, the hearing is an inhospitable practice of the asylum process that places migrants in a ‘subaltern’ position. For their voices are not received on their own terms, but on those of the credibility assessment procedure.

The inhospitality of the hearing is caused by what Derrida described as “the first act of violence,” that is, the imposition on the guest of the host’s ‘language.’<sup>lxxv</sup> Of course, the imposed language is not that of a people or a nation in the sense of a linguistic and cultural community. During the hearing, applicants can make their case in their native language and a translator<sup>lxxvi</sup> would be present to translate the applicant’s narrative into German. The imposed language refers instead to a mode of speech that is inevitably jargonic to the profane that does not master the legal and bureaucratic language of the credibility assessment procedure. In the in-depth interviews that I conducted with asylum seekers and refugees, the respondents would often relate their journeys on a very different mode of speech than what is expected of them during the hearing. In the interviews I conducted with them, references to the Refugee Convention were extremely rare. Instead, they would often argue that they deserve protection by highlighting their inherent value to society as hard-working and honest future members of the community rather than as a victim who fled persecution and war. Besides, they would generally dwell on the risks and imminent dangers of their journey as another source of their legitimation rather than living conditions in their home country. Consequently, preparing for the interview typically requires that asylum seekers re-arrange their migration narrative to the particular mode of speech of the hearing.

In this process, the expressive dimension of their language, as presented in Benjamin’s essay “On Language as Such and on the Language of Man,”<sup>lxxvii</sup> is replaced by a strictly communicative, factual, and instrumental function. The capacity of a language to convey particular meanings such as the significance of the migratory journey gives way to the pragmatic yet inexpressive communication of information. The inhospitality of the process lies in the reduction of the stranger’s voice to the administrative classification of persecution. It matters little that the hearing is conducted in the native (or preferred) language of the speaker. The interpreter in the room must translate the applicant’s statements twice: first into the national language in which the assessment of the application is conducted, and second into the legal-bureaucratic jargon of the credibility assessment procedure.

It can hence be said that the gesture of hospitality is, in essence, discursive since it implies a certain relationship to language. Such relationship is, in return, inherently political because it is sustained by a specific power imbalance. In other words, the terms of language use, be they cultural or jargonic, are established through a political imposition that maintains or establishes an imbalanced power relation between the one who names, or categorizes, and the one name/categorized. In the case of governing migrants, the power to name grants the ability to tell a good from a bad (finance-interested) migrant, a legitimate asylum seeker from an asylum shopper, or a bogus asylum claim. On the contrary, the act of hospitality gives the guest the ability to name himself/herself within the host community.

The outcome of the hearing is fundamental because it determines whether the applicant will receive protection and of which kind. But in reality, the outcome depends on many contingencies that are not necessarily related to the applicant’s performance during the

hearing, which is the capacity to produce a credibility-assessment-correct narrative. In fact, random elements such as the mood of the asylum officer, his or her training, educational background or previous professional experiences, the applicant's city of origin, country of transit, date of entry in the receiving country, and so on, play a part in the decision-making process on asylum applications.<sup>lxxviii</sup> As Matheis argues: '...it seems prudent to assume that refugee seekers who gain asylum do so as a result of chance and random accidents largely outside individual and/or institutional control.'<sup>lxxix lxxx</sup> But for the applicant, the problem of the hearing is political: How can the applicant appropriate a language when it is at odds with his/her identity?

The credibility assessment procedure is essentially concerned with who the asylum applicant is. This is the fundamental question the applicant needs to answer but by referring to pre-established categories and narratives rather than expressing his or her own subjective mode of self-representation. This imposed mode of speech arises from the fear that the foreigner may not be who he claims he is but a danger to the internal order of the host society. Hospitality is necessarily viewed as a risk, which in return prevents any possible compromise between unconditional and conditional hospitality; that is, between the vital necessity to protect one's home and country, and the restriction of the host's control/power over them so that the stranger can come in, even when uninvited. If unconditional hospitality says 'yes' to the uninvited migrant without anticipation, prior-identification, irrespective of whether he is a citizen of another country or not, conditional hospitality is strictly concerned with the recklessness of letting a potentially dangerous (because unknown) foreign element inside.

### **Conclusion**

In spite of the disenfranchising practices of the provision of protection, it is still possible for migrants to regain agency. In this article, I argue that hospitality as an intersubjective act that relates the host and the guest on a basis of equality enables the opening of public space to migrants, who can, thus, emerge from their victimized and silenced categories. By re-claiming their narratives, they can effectively gain the agency to propose other subject positions than those assigned to them by state bureaucracies, the media, politicians, and non-profit organizations. In this sense, the confessional discourse can be made less oppressive when it is practiced outside of the context of establishing one's legitimacy in relation to institutionalized norms and categories of migrants as produced by administrative texts and practices. The confessional discourse can become a tool for politicizing migrants by no longer subjecting others, and instead by functioning as a vehicle to express a necessary voice and, thus, exert influence on interpersonal relationships with the host community.

Hospitality, as conceptualized here, operationalizes the political agenda to empower migrants, especially refugees and asylum seekers. This is achieved by overcoming the opposition between unconditional and conditional hospitality, rather than having to maintain one over the other. The Law and the laws of hospitality pull away in opposite directions. The former leads to an idealism often conveyed by cosmopolitanism; whereas the latter grounds the Law to a more state-centric (some would say realist) form of

hospitality. Yet, both sides entail extreme representations of either romanticized or dehumanized migrants that must be kept in check.

But at a more fundamental level, the tension within hospitality materializes in the necessarily conflictual relation between the host and guest. In either extreme point of this tension, that is, interactions between the host and the guest cease altogether. If hospitality is governed by the sovereign power's *Raison d'État*, there is no guest anymore; conversely, if borders and border control are disposed of altogether, there is no host anymore. In either case, both mirroring figures vanish since they only exist in relation to each other. Consequently, this article suggests conceiving hospitality not as the articulation of the relation between the host and the guest, but in terms of the political conflict located in the power relation between a receiving society and the incoming community. The proposed political understanding of hospitality, that is, enabling migrants to also express their voices in the public space, restores its role in articulating power imbalance. Migrants who request protection from the receiving society run the risk of being "kindly" accepted as mute victims expected to play their role of passive recipients of humanitarian aid. In the framework discussed here, this is a "welcoming" act of inhospitality that keeps migrants excluded from the social field where they can enact their political agency. As an intersubjective act, hospitality is not to be understood as a yardstick to measure how welcoming a society is; being hospitable and unwelcoming can happen simultaneously. It is possible, however, to exercise a hospitality that surpasses the mere relationship between hosts and guests and becomes the political ability of a receiving society to enable voices of migrants to be expressed.

## Notes

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<sup>i</sup> This article includes some findings from data collected in Germany in summer and fall 2016 during in-depth interviews with asylum seekers and refugees. The study was conducted according to the research protocol IRB#16-540, which has been approved by the Virginia Tech Institutional Review Board (IRB).

<sup>ii</sup> Bernd Kasperek, "Complementing Schengen: The Dublin System and the European Border and Migration Regime." In *Migration Policy and Practice: Interventions and Solutions*, edited by Harald Bauder and Christian Matheis, 59-78. Palgrave Macmillan, 2015.

<sup>iii</sup> Gadi Benezer and Roger Zetter, "Searching for Directions: Conceptual and Methodological Challenges in Researching Refugee Journey." *Journal of Refugee Studies* (Oxford University Press) 28, no. 3 (2014): 297-318.

<sup>iv</sup> André Bank et al. make a strong argument for also designing humanitarian aid and migration policies that take into account various markers such as gender, age, race, nationality, and so on. The experiences of the migratory journey are significantly determined by these markers and must, therefore, be adequately reflected in policies (André Bank, Christiane Fröhlich, Andrea Schneider, "The Political Dynamics of Human Mobility: Migration out of, as and into Violence." *Global Policy* (Wiley), December 2016)

<sup>v</sup> Lucy Fiske, "Human Rights and Refugee Protest against Immigration Detention: Refugees' Struggles for Recognition as Human." *Refuge* (York University) 31, no. 1 (2016): 18-27.

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- <sup>vi</sup> Prem Kumar Rajaram, "Humanitarianism and Representations of the Refugee." *Journal of Refugee Studies* (Oxford University Press) 15, no. 3 (2002): 247-264.
- <sup>vii</sup> Sophie Hinger, Philipp Schäfer, Andreas Pott, "The Local Production of Asylum." *Journal of Refugee Studies* (Oxford University Press) 29, no. 4 (September 2016): 440-463.
- <sup>viii</sup> Sonja Buckel, Interview by William Callison, "Welcome Management: Making Sense of the "Summer of Migration"." *Near Futures Online "Europe at Crossroads: Managing Inhospitality"*, translated by William Callison. (January 5, 2016).
- <sup>ix</sup> Bundesamt für Migration und Flüchtlinge. The agency is part of the Federal Ministry of Interior. One of the BAMF's responsibilities is to carry out the processing of and decisions on asylum applications.
- <sup>x</sup> Federal Ministry of Interior, *Press Release*. Federal Ministry of Interior. September 30, 2016. <http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/09/asylsuchende-2015.html> (accessed May 28, 2017).
- <sup>xi</sup> Angela D. Merkel, *2016 New Year's address of the German Chancellor Dr. Angela Merkel*. January 1, 2016. <https://www.bundesregierung.de/Content/DE/Bulletin/2016/01/01-1-bk-neujahr.html> (accessed January 4, 2016).
- <sup>xii</sup> Merkel, *Summer press conference of the Chancellor of Germany Merkel*. August 31, 2015. <https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2015/08/2015-08-31-pk-merkel.html> (accessed September 1, 2015).
- <sup>xiii</sup> Spiegel, *Chaos and Violence: How New Year's Eve in Cologne has Changed Germany*. January 8, 2016. <http://www.spiegel.de/international/germany/cologne-attacks-trigger-raw-debate-on-immigration-in-germany-a-1071175.html> (accessed January 8, 2016).
- <sup>xiv</sup> Christian Matheis, "Refuge and Refusal: Credibility Assessment, Status Determination and Making it Feasible for Refugees to Say "No."" In *Migration Policy and Practice: Interventions and Solutions*, edited by Harald Bauder and Christian Matheis, 17-35. Palgrave Macmillan, 2015.
- <sup>xv</sup> The subsidiary protection scheme has been defined in Article 2 (f) of the European Council Directive 2004/83/EC of April 2004 (European Union Law website: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0083>). According to the Directive, subsidiary protection is a status that is granted to third country nationals and stateless people that do not qualify to receive refugee status but who would still face "a real risk of suffering serious harm" if returned to their country of origin. The holder of subsidiary protection is not a refugee.
- <sup>xvi</sup> Deutsche Welle, *German Coalition Denies Fight Over New Asylum Legislation*. February 2, 2016. <http://www.dw.com/en/german-coalition-denies-fight-over-new-asylum-legislation/a-19031388> (accessed February 3, 2016).
- <sup>xvii</sup> The European Asylum Support Office (EASO) is a EU agency created in 2011 to enhance cooperation between EU Member States in the field of asylum and assist them in their processing of asylum applications.
- <sup>xviii</sup> EASO, "Annual Report on the Situation of Asylum in the European Union 2015." Publications Office, The European Union, 2016, 146.
- <sup>xix</sup> BAMF, "Asylgeschäftsstatistik." Monthly report, Bundesamt für Migration und Flüchtlinge, 2016, 11.
- <sup>xx</sup> Auswärtiges Amt, *Irak: Reisewarnung*. December 20, 2016. <https://www.auswaertiges-amt.de/DE/Laenderinformationen/00-SiHi/IrakSicherheit.html> (accessed February 20, 2017).

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<sup>xxi</sup> UNHCR, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*. UNHCR, April 19, 2016.

<sup>xxii</sup> In July 2016, a young Afghan asylum seeker attacked passengers on a train near Würzburg. That same month, a Syrian refugee registered in Bulgaria set off a bomb outside a tavern in Ansbach. A deadlier attack was perpetrated in December 2016 at a Christmas Market in Berlin when a denied asylum seeker from Tunisia drove a truck into the crowd.

<sup>xxiii</sup> Matheis, 2015 p.18

<sup>xxiv</sup> Unless stated otherwise, I will throughout this article use the expression 'Refugee Convention' to refer to both the 1951 Convention and the 1967 Protocol.

<sup>xxv</sup> Ibid p.19

<sup>xxvi</sup> Jean-Christophe Dumont and Stefano Scarpetta, "Is this Humanitarian Migration Crisis Different?" *Migration Policy Debates*. The Organisation for Economic Co-operation and Development (OECD). September 7, 2015. <https://www.oecd.org/migration/Is-this-refugee-crisis-different.pdf> (accessed May 10, 2017).

<sup>xxvii</sup> European Commission, "Commission Recommendation C(2016) 871 Final." European Commission. February 10, 2016. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/commission\\_recommendation\\_addressed\\_to\\_the\\_hellenic\\_republic\\_20160210\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/commission_recommendation_addressed_to_the_hellenic_republic_20160210_en.pdf) (accessed May 15, 2016).

<sup>xxviii</sup> Hannah Arendt, *The Origins of Totalitarianism*. Meridian Book, 1958.

<sup>xxix</sup> Ibid p.297

<sup>xxx</sup> Giorgio Agamben, "We Refugees." *Symposium* (Taylor & Francis) 49, no. 2 (1995): 114-119

<sup>xxxi</sup> Agamben, *Homo Sacer: Sovereign Power and Bare Life*. 1st Edition. Translated by Daniel Heller-Roazen. Stanford University Press, 1998.

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

<sup>xxxiii</sup> Ibid p.125

<sup>xxxiv</sup> Interview with Lana and Majid, Hamburg, October 2016.

<sup>xxxv</sup> Matheis, 2015

<sup>xxxvi</sup> See the interview given by Minister of Interior De Maizière to the newspaper *Der Tagesspiegel* (August 14, 2016). A full transcript of the interview can be found here: [www.tagesspiegel.de/politik/thomas-de-maiziere-zur-fluechtlingspolitik-niemand-hat-gesagt-wir-schaffen-das-mit-links/14008358.html](http://www.tagesspiegel.de/politik/thomas-de-maiziere-zur-fluechtlingspolitik-niemand-hat-gesagt-wir-schaffen-das-mit-links/14008358.html)

<sup>xxxvii</sup> UNHCR, "Guidelines on International Protection: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees." *UNHCR - The UN Refugee Agency*. UNHCR. July 23, 2003. <http://www.unhcr.org/publications/legal/3f28d5cd4/guidelines-international-protection-4-internal-flight-relocation-alternative.html> (accessed May 5, 2017).

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<sup>xxxviii</sup> The United Nations General Assembly. "The 1951 Convention Relating to the Status of Refugees." United Nations High Commissioner for Refugees, 1967/1951. Art. 1A(2)

<sup>xxxix</sup> In principle, countries cannot use IFA to prevent asylum seekers from lodging an asylum claim. On the contrary, the IFA criterion is part of the refugee determination status, meaning that it can only be used once the claim to asylum has been made.

<sup>xl</sup> Jacques Derrida and Anne Dufourmantelle, *Of Hospitality*. Translated by Rachel Bowlby. Stanford University Press, 2000.

<sup>xli</sup> Similarly, Thomas Hobbes argued that the law of nature and civil law are related in these terms: "The law of nature and the civil law contain each other and are of equal extent. For the laws of nature, which consist in equity, justice, gratitude, and other moral virtues on these depending, in the condition of mere nature (...), are not properly laws, but qualities that dispose men to peace and to obedience" (Thomas Hobbes, *Leviathan* (1651), Part II, Book XXVI, p.164).

<sup>xlii</sup> Derrida, "On Cosmopolitanism." In *On Cosmopolitanism and Forgiveness*, by Jacques Derrida, edited by Simon Critchley and Richard Kearney, translated by Mark Dooley and Michael Hughes, 1-24. Routledge, 2001. p.4

<sup>xliii</sup> Immanuel Kant, *Perpetual Peace: A Philosophical Sketch*. 2010. Slought Foundation, Philadelphia and the Syracuse University Humanities Center, 2010/1795. p.12

<sup>xliv</sup> Seyla Benhabib, *The Right of Others: Aliens, Residents, and Citizens*. New York: Cambridge University Press, 2004.

<sup>xlv</sup> Kant's supposition stems directly from his understanding of inter-state relations as a reflection of inter-citizen relations (i.e. from various polities). For instance, international peace is, according to Kant, transitively conditioned by peace between human beings living side by side.

<sup>xlvi</sup> *Ibid* p.27

<sup>xlvii</sup> Arendt, 1958 p.296

<sup>xlviii</sup> Pierre-Alain Mannoni, a French researcher, was arrested in October 2016 because he transported three undocumented Eritreans from Italy. The Nice Criminal Court cleared him on January 2017 because of a 2012 law that grants criminal immunity to citizens who convey undocumented migrants without a payment in exchange. The other case that received widespread media attention was that of Cédric Herrou, who helped about 250 migrants cross the Italian-French border. On February 2017, the court in Nice found him guilty of assisting illegal border crossings and fined him €3,000.

<sup>xlix</sup> The same can be said about his essay *On Forgiveness* (Derrida 2001).

<sup>l</sup> Derrida and Dufourmantelle, 2000

<sup>li</sup> *Ibid* p.79

<sup>lii</sup> The sacredness of hospitality should not necessarily be understood in a religious way, but as a gesture that radically pertains to the interactions between humans. Yet, most examples of hospitality are framed within a religious rather than a secular context.

<sup>liii</sup> The emergence of a new community from the encounter of the host and the guest is often cited in religious texts as a result of hospitality. In the Quran for instance, the ninth verse of the 59<sup>th</sup> chapter titled Al-Hashr (The Exile) relates the warm greetings of the Prophet and his followers by the inhabitants of the city of Yathrib (later re-named al-Madinah) to the point of giving up what they own but in the hope that a new and stronger community would emerge. The verse in question goes as follows: "But those who before

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them, had homes (in al-Madinah) and had adopted the Faith, show their affection to such as came to them for refuge, and entertain no desire in their hearts for things given to the latter, but give them preference over themselves, even though poverty was their own lot. And those saved from the covetousness of their own souls, they are the ones that achieve prosperity.” Besides being welcomed as a foreigner-liberator by the inhabitants of al-Madinah, the Prophet, shortly after his arrival, becomes its foreigner-legislator, by drafting the Constitution of al-Madinah, which served as a legal basis for the co-existence of a multi-religious community (specifically Jews, Muslims and Pagans).

<sup>liv</sup> Derrida, "Not Utopia, the Im-possible." In *Paper Machine*, by Jacques Derrida, translated by Rachel Bowlby, 121-135. Stanford: Stanford University Press, 2005, p.128

<sup>lv</sup> Ibid

<sup>lvi</sup> Derrida and Dufourmantelle, 2000, p.22

<sup>lvii</sup> Philip Hallie, *Lest Innocent Blood Be Shed: The Story of the Village of Le Chambon and How Goodness Happened There*. Harper and Row, 1979.

<sup>lviii</sup> Hallie, "From Cruelty to Goodness." *The Hastings Center Report* (The Hastings Center) 11, no. 3 (June 1981): 23-28.

<sup>lix</sup> In *The Hunchback of Notre-Dame* (*Notre-Dame de Paris*) Victor Hugo provides a remarkable example in literature of a similar act of civil disobedience through the provision of refuge that challenges decrees and judgments of the sovereign authority. Esmeralda is accused of witchcraft and the murder of Phoebus, the Captain of the King's Archers. As a result of torture and thinking that her lover Phoebus is dead, she confesses everything that she is accused of in spite of her innocence. On her way to the gallows, Quasimodo takes her away to the Cathedral for refuge as the law of sanctuary stated. In the Middle Ages, Hugo explains, every city in France had places of asylum. Once inside that space of exception, even criminals were considered sacred and the judgments suspended. But if the asylees set one foot outside of the sanctuary, then the law of the sovereign was restored.

<sup>lx</sup> Johan Galtung, "Violence, Peace and Peace Research." *Journal of Peace Research* (Sage Publications) 6, no. 3 (1969): 167-191.

<sup>lxi</sup> Hallie, 1981

<sup>lxii</sup> Ibid p.25

<sup>lxiii</sup> Arendt, *The Human Condition*. 2nd Edition. The University Chicago Press, 1998

<sup>lxiv</sup> Ibid p.179

<sup>lxv</sup> Ibid p.97

<sup>lxvi</sup> For instance, Alison Mountz (2010) conducted a brilliant ethnography of the Canadian office for immigration.

<sup>lxvii</sup> According to the Asylum Information Database (AIDA), the interview is not transcribed verbatim but rather summarized. AIDA reports that the audio recording is deleted after the applicant signs the transcript.

<sup>lxviii</sup> During my field study in Germany, I asked asylum seekers and refugees if they prepared in any way before going to the BAMF hearing. None of the interviewees replied that they rehearsed or prepared their stories in any way.

<sup>lxix</sup> Asyl in Deutschland, *The Hearing*. Video. Produced by Kölner Filmproduzenten, Kölner Flüchtlingsrats e.V. and Film- und Medienstiftung NRW. 2016.

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<sup>lxx</sup> Teresa Puvimanasinghe et al., "Narrative and Silence: How Former Refugees Talk about Loss and Past Trauma." *Journal of Refugee Studies* (Oxford University Press) 28, no. 1 (2014): 69-92.

<sup>lxxi</sup> Emily C. Barry-Murphy and Max O Stephenson Jr., "Recognizing and Confronting State Subjectivity in Asylum Adjudications." *Refuge* (Center for Refugee Studies at York University) 31, no. 2 (2015): 3-13.

<sup>lxxii</sup> Matheis, 2015

<sup>lxxiii</sup> It can be translated as follows: *جلسة الإستماع* (*jalsat al-istimā'*)

<sup>lxxiv</sup> It is important, nonetheless, to concede that asylum applicants in Germany never have to prove every single element in the case that they make during the hearing. The Directive 2011/95/EU of the European Parliament and the Council on the standards for processing asylum applications uses the word 'substantiate' such as in Article 4 (a) and Article 5. Yet, although the threshold for substantiating a claim is, by definition, lower than that of proving it, it remains unclear how the BAMF investigator makes the difference between the conditions for refugee status - "a well-founded fear of persecution" - and the subsidiary protection status - "real risk of serious harm" (Articles 2 (f) and 15 of the Directive). This question is essential because the level of protection granted is different for each status; recipients of the subsidiary protection status are not refugees and so are not subject to the Refugee Convention.

<sup>lxxv</sup> Derrida and Dufourmantelle, 2000 p.15

<sup>lxxvi</sup> When necessary, the presence of a translator is mandatory according to section 17 (chapter 4 on Asylum procedures) of the German Asylum Act and the BAMF is, in principle, responsible for recruiting one.

<sup>lxxvii</sup> Walter Benjamin, *Selected Writings: 1913-1926*. Edited by Marcus Bullock and Michael W. Jennings. Vol. I. Harvard University Press, 1996.

<sup>lxxviii</sup> The Hungarian Helsinki Committee (HHC), a watchdog organization that monitors the respect of human rights, provides juridical assistance to the victims of human rights abuses by state actors, including asylum seekers and refugees. It published in 2013 a "training manual" on the benchmark standards for the credibility assessment procedure. In the report, they list "circumstantial factors" (any temporary characteristics of the environment of the hearing that could influence the state of the decision-maker such the moods and emotions, whether the interview is conducted before or after a break, etc.) and professional background of the decision maker as elements that can influence the decision-making process and, thus, the outcome of the process (Gyulai, Kagan, Herlihy, Turner, Hárdi, & Udvarhelyi, 2013).

<sup>lxxix</sup> Matheis, 2015 p.27

<sup>lxxx</sup> This is actually another critique that could be addressed to the European Council Directive 2004/83/EC on the provision of protection to refugees and asylum seekers. Although the directive puts a stronger emphasis on substantiation of claims by asylum applicants over proof, it still assumes that the success of failure of the application depends solely on the diligence and efforts of the applicant.

## Bibliography

United Nations General Assembly. "Convention and Protocol Relating to the Status of Refugees." *Resolution 2198 (XXI)*. 1951/1967.

UNHCR. *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*. UNHCR, April 19, 2016.

---

—. "Guidelines on International Protection: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees." *UNHCR - The UN Refugee Agency*. UNHCR. July 23, 2003. <http://www.unhcr.org/publications/legal/3f28d5cd4/guidelines-international-protection-4-internal-flight-relocation-alternative.html> (accessed May 5, 2017).

Auswärtiges Amt. *Irak: Reisewarnung*. December 20, 2016. <https://www.auswaertiges-amt.de/DE/Laenderinformationen/00-SiHi/IrakSicherheit.html> (accessed February 20, 2017).

Agamben, Giorgio. "We Refugees." *Symposium* (Taylor & Francis) 49, no. 2 (1995): 114-119.

—. *Homo Sacer: Sovereign Power and Bare Life*. 1st Edition. Translated by Daniel Heller-Roazen. Stanford University Press, 1998.

Asyl in Deutschland. *Asyl in Deutschland: The Hearing*. Video. Produced by Kölner Filmproduzenten, Kölner Flüchtlingsrats e.V. and Film- und Medienstiftung NRW. 2016.

Arendt, Hannah. *The Human Condition*. 2nd Edition. The University Chicago Press, 1998.

—. *The Origins of Totalitarianism*. Meridian Book, 1958.

Buckel, Sonja, interview by William Callison. "Welcome Management: Making Sense of the "Summer of Migration"." *Near Futures Online "Europe at Crossroads: Managing Inhospitability"*, translated by William Callison. (January 5, 2016).

Bank, André, Christiane Fröhlich, and Andrea Schneiker. "The Political Dynamics of Human Mobility: Migration out of, as and into Violence." *Global Policy* (Wiley), December 2016.

BAMF. "Asygeschäftsstatistik." Bundesamt für Migration und Flüchtlinge, 2017, 11.

BAMF. "Asylgeschäftsstatistik." Monthly report, Bundesamt für Migration und Flüchtlinge, 2016, 11.

Barry-Murphy, Emily C, and Max O Stephenson Jr. "Recognizing and Confronting State Subjectivity in Asylum Adjudications." *Refuge* (Center for Refugee Studies at York University) 31, no. 2 (2015): 3-13.

Benezer, Gadi, and Roger Zetter. "Searching for Directions: Conceptual and Methodological Challenges in Researching Refugee Journey." *Journal of Refugee Studies* (Oxford University Press) 28, no. 3 (2014): 297-318.

Benhabib, Seyla. *The Right of Others: Aliens, Residents, and Citizens*. New York: Cambridge University Press, 2004.

Benjamin, Walter. *Selected Writings: 1913-1926*. Edited by Marcus Bullock and Michael W. Jennings. Vol. I. Harvard University Press, 1996.

European Commission. "Commission Recommendation C(2016) 871 Final." European Commission. February 10, 2016. <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation->

---

package/docs/commission\_recommendation\_addressed\_to\_the\_hellenic\_republic\_20160210\_en.pdf (accessed May 15, 2016).

—. *EUR-Lex - 32004L0083 - EN*. April 29, 2004. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0083> (accessed february 2, 2016).

EASO. "Annual Report on the Situation of Asylum in the European Union 2015." Publications Office, The European Union, 2016, 146.

Dumont, Jean-Christophe, and Stefano Scarpetta. "Is this Humanitarian Migration Crisis Different?" *Migration Policy Debates*. The Organisation for Economic Co-operation and Development (OECD). September 7, 2015. <https://www.oecd.org/migration/Is-this-refugee-crisis-different.pdf> (accessed May 10, 2017).

Deutsche Welle. *German Coalition Denies Fight Over New Asylum Legislation*. February 2, 2016. <http://www.dw.com/en/german-coalition-denies-fight-over-new-asylum-legislation/a-19031388> (accessed February 3, 2016).

De Maizière, Thomas, interview by Stephan Haselberger, Ulrike Scheffer and Christian Tretbar. *Thomas de Maizière zur Flüchtlingspolitik: "Niemand hat gesagt, wir schaffen das mit links"* Der Tagesspiegel, (August 14, 2016).

Derrida, Jacques. "Not Utopia, the Im-possible." In *Paper Machine*, by Jacques Derrida, translated by Rachel Bowlby, 121-135. Stanford: Stanford University Press, 2005.

—. *Monolinguisism of the Other or the Prothesis of Origin*. Translated by Patrick Mensah. Stanford University Press, 1998.

Derrida, Jacques. "On Cosmopolitanism." In *On Cosmopolitanism and Forgiveness*, by Jacques Derrida, edited by Simon Critchley and Richard Kearney, translated by Mark Dooley and Michael Hughes, 1-24. Routledge, 2001.

Derrida, Jacques, and Anne Dufourmantelle. *Of Hospitality*. Translated by Rachel Bowlby. Stanford University Press, 2000.

Federal Ministry for Migrants and Refugees - BAMF. *Asylanträge im Jahr 2015*. January 6, 2016. <http://www.bamf.de/SharedDocs/Meldungen/DE/2016/201610106-asylgeschaeftsstatistik-dezember.html> (accessed January 10, 2016).

Federal Ministry of Interior. *Press Release*. Federal Ministry of Interior. September 30, 2016.

<http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/09/asylsuchende-2015.html> (accessed May 28, 2017).

Fiske, Lucy. "Human Rights and Refugee Protest against Immigration Detention: Refugees' Struggles for Recognition as Human." *Refuge* (York University) 31, no. 1 (2016): 18-27.

Foucault, Michel. "The Confession of the Flesh." In *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, by Michel Foucault, edited by Colin Gordon, translated by Colin Gordon, Leo Marshall, John Mepham and Kate Soper, 194-228. Pantheon Books, 1980.

---

Gyulai, Gábor, Michael Kagan, Jane Herlihy, Stuart Turner, Lilla Hárđi, and Éva Tessa Udvarhelyi. *Credibility Assessment in Asylum Procedures: A Multidisciplinary Training Manual*. Training Manual, The Hungarian Helsinki Committee, 2013.

Galtung, Johan. "Violence, Peace and Peace Research." *Journal of Peace Research* (Sage Publications) 6, no. 3 (1969): 167-191.

Hallie, Philip. "From Cruelty to Goodness." *The Hastings Center Report* (The Hastings Center) 11, no. 3 (June 1981): 23-28.

—. *Lest Innocent Blood Be Shed: The Story of the Village of Le Chambon and How Goodness Happened There*. Harper and Row, 1979.

Hinger, Sophie, Philipp Schäfer, and Andreas Pott. "The Local Production of Asylum." *Journal of Refugee Studies* (Oxford University Press) 29, no. 4 (September 2016): 440-463.

Hobbes, Thomas. *Leviathan*. McMaster University Archive for the History of Economic Thought, 1651.

Kant, Immanuel. *Perpetual Peace: A Philosophical Sketch*. 2010. Slought Foundation, Philadelphia and the Syracuse University Humanities Center, 2010/1795.

Kasperek, Bernd. "Complementing Schengen: The Dublin System and the European Border and Migration Regime." In *Migration Policy and Practice: Interventions and Solutions*, edited by Harald Bauder and Christian Matheis, 59-78. Palgrave Macmillan, 2015.

Matheis, Christian. "Refuge and Refusal: Credibility Assessment, Status Determination and Making it Feasible for Refugees to Say "No"." In *Migration Policy and Practice: Interventions and Solutions*, edited by Harald Bauder and Christian Matheis, 17-35. Palgrave Macmillan, 2015.

Matheis, Christian, and Harald Bauder. "Introduction: Possibility, Feasibility and Mesolevel Interventions in Migration Policy and Practice." In *Migration Policy and Practice: Interventions and Solutions*, edited by Christian Matheis and Harald Bauder, 1-16. Palgrave Macmillan, 2015.

Merkel, Angela Dorothea. *2016 New Year's address of the German Chancellor Dr. Angela Merkel*. January 1, 2016.  
<https://www.bundesregierung.de/Content/DE/Bulletin/2016/01/01-1-bk-neujahr.html> (accessed January 4, 2016).

—. *Summer press conference of the Chancellor of Germany Merkel*. August 31, 2015.  
<https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2015/08/2015-08-31-pk-merkel.html> (accessed September 1, 2015).

Mountz, Alison. *Seeking Asylum: Human Smuggling and Bureaucracy at the Border*. Minneapolis: University of Minnesota Press, 2010.

Morene, Benoît. *French Farmer Who Aided Migrants Is Given Suspended Fine*. The New York Times. February 10, 2017.  
<https://www.nytimes.com/2017/02/10/world/europe/cedric-herrou-farmer-france-migrants.html> (accessed February 15, 2017).

---

Puvimanasinghe, Teresa, Linley A Denson, Martha Augoustinos, and Daya Somasundaram. "Narrative and Silence: How Former Refugees Talk about Loss and Past Trauma." *Journal of Refugee Studies* (Oxford University Press) 28, no. 1 (2014): 69-92.

Süddeutsche Zeitung. *Merkel: "Wann verwirkt jemand sein Gastrecht bei uns?"*. January 8, 2016. <http://www.sueddeutsche.de/panorama/silvesternacht-merkel-wann-verwirkt-jemand-sein-gastrech-bei-uns-1.2810794> (accessed January 10, 2016).

Spiegel. *Chaos and Violence: How New Year's Eve in Cologne has Changed Germany*. January 8, 2016. <http://www.spiegel.de/international/germany/cologne-attacks-trigger-raw-debate-on-immigration-in-germany-a-1071175.html> (accessed January 8, 2016).

Rajaram, Prem Kumar. "Humanitarianism and Representations of the Refugee." *Journal of Refugee Studies* (Oxford University Press) 15, no. 3 (2002): 247-264.

The United Nations General Assembly. "The 1951 Convention Relating to the Status of Refugees." United Nations High Commissioner for Refugees, 1967/1951.