



ASILE

Global Asylum
Governance and
the European
Union's Role

Actors and their Networks: Scope for adaptation to and contestation of global norms for refugee protection

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EXECUTIVE SUMMARY

This report analyses the research conducted in the framework of WP2 of the ASILE project. The Report develops an actor-centred perspective on the governance networks for asylum/refugee protection in the six ASILE case countries. The analytical focus is on both *the composition of* and *the effects of* variation in governance systems on the ways in which global norms and standards can have effects in our six case countries, particularly the impact of the Global Compact on Refugees (GCR). We thus take governance systems as the independent variable in our analysis and assess how variation affects the impact of international norms and standards. The report shows that there is significant scope for variation in the impact of global norms and standards because of variation at the level of governance systems. The main contribution is to specify through the collection of data from both surveys and interviews what these key sources of variation are and the effects that they can have. The report draws from the literature in International Relations scholarship on 'localisation' to establish a conceptual framework for its analysis. It then specifies four potential effects of global norms and standards on the six ASILE case countries. These are adoption, adaptation, resistance and rejection. To provide empirical substance to its claims, the report conducted network analysis in three ASILE case countries (Bangladesh, Brazil and Turkey) supplemented by interviews with 99 elite actors in the six case countries defined by their leadership role in relation to asylum and refugee governance. The main contribution of the report is to: map the sources of variation in asylum/refugee governance; identify the ways in which global norms can be contested; and to show that this contestation can lead both to watering-down of global norms and standards, but also, as we show in the case of Brazil, for protection upgrades at national level through use of regional norms and standards that are seen as more progressive than global norms and standards.



1. Introduction

This report on the research conducted during WP2 of the ASILE project analyses the extent to which global norms and standards affect protection standards for asylum-seekers and refugees in the six ASILE case countries (Bangladesh, Brazil, Canada, Jordan, South Africa and Turkey). Our analytical focus is on both *the composition of* and *the effects of* variation in governance systems on the ways in which global norms and standards can have effects in our six case countries, particularly the impact of the Global Compact on Refugees (GCR). We thus take governance systems as the independent variable in our analysis and assess how variation affects the impact of international norms and standards. This reverses the usual analytical focus of governance research where governance responses are analysed as an *ex-post* reaction to asylum/refugee migration. In contrast, we identify the key, *a priori*, role played by governance systems in giving legal, political and socio-economic meaning to protection norms and standards. The six case countries constitute a most-different-system design given significant variation in their governance systems and in their adherence to international norms and standards, such as the Geneva Convention. Of the six case countries and as a broad, initial characterisation, Brazil and Canada have refugee protection systems that draw from global and regional standards; Bangladesh and Jordan can be characterised as ‘forced migration management models’; South Africa has a model of ‘local integration’ while Turkey operates a system for non-European refugees that can be labelled as a ‘temporary protection’ system (Brumat 2022; Brito and Borges 2020; Cintra and Cabral 2020; Atak 2018; Macklin 2013; Ahmed 2009; Alam 2018; Lenner and Turner 2019; Achilli 2016; Addaney and Quan 2015; Ineli-Ciger et al. 2021; Adam 2016). The majority of the ASILE cases are located in countries where international norms and standards are often not incorporated into domestic law and, even when they are, can be poorly implemented. Our research highlights the negative effects of persistent structural inequalities in the global system and from our interview data we also show that the perceived double standards of high income countries can be seen as a barrier to the diffusion of norms and standards for refugee protection in lower income countries.

This report does not undertake detailed analysis of provisions and practices in the case countries; that work is done in other WPs. What we do is take two steps to analyse the effects of variation in governance systems on protection outcomes.



- i. We identify at a conceptual level a range of potential pathways by which global norms and standards could become present in the domestic contexts in the case countries and specifying a range of potential outcomes. These range from straightforward adoption to outright rejection, with adaptation and resistance in between.
- ii. We relate these back to the core ASILE project ideas of containment and mobility and thus to explore the effects of these outcomes on the protection of asylum-seekers and refugees.

A key contribution offered by this research is to show how governance systems of various types mediate the relationship between 'the global' and 'the domestic' and also how global norms and standards are powerfully dependent on 'local' contexts and actors. To add empirical depth to this point and to identify relevant actors, we focus on the constitution of governance networks to not only identify the key actors that are present within governance networks and the relations between these actors, but also to use extensive interview material from the case countries to illustrate about the social and political meaning of these relations. We use both qualitative and more quantitative research methods to analyse the effects of governance systems and the associated constellations of power and authority that develop within very different governance systems in the six ASILE case countries. Appendix 1 presents background empirical data on each of the case countries.

In terms of method, we combined both structured questionnaires and semi-structured interviews to analyse what we refer to as 'globalising' and 'localising' dynamics in refugee protection. We show that the domestic adaptation of global norms and standards for refugee protection is powerfully mediated by the scope for domestic level contestation, by which we mean the approval or disapproval of such norms. This contestation can take very different forms. It can range from non-adoption or rejection, on the one hand, but also to the adoption of even more liberal and open policies than the existing global standards. For example, this was evident in Brazil that granted refugee status to Venezuelan refugees using the provisions of the Cartagena Declaration, a Latin American agreement (Cintra and Cabral 2020; Acosta Arcarazo and Sartoretto 2020; Gurmendi 2018). The evidence suggests that actors that are commonly seen as key 'globalising' actors – particularly international organisations such as UNHCR - can also play a crucial role in the 'localisation' or adaptation of international norms and standards to domestic contexts. This is because they provide resources (such as funding, ideas and technical support) that can strengthen local actors.



The conceptual framing of the analysis draws from Brumat, Geddes and Pettrachin (2021) to specify four main outcomes that we identify as being linked to processes of localisation that are primarily, albeit not only, related to governance systems at national level. These four outcomes are: 'adoption'; 'adaptation'; 'resistance' and 'rejection'. We specify these in more detail below.

Our data shows how and why refugees norms and standards can be contested in countries in the global south and that this can occur for a variety of reasons that can, broadly speaking, be linked to state capacity. In the case of Brazil, for instance, resistance to global norms and standards is not only because these are seen as costly or as an imposition, but because they are seen as less protective and less liberal than existing national and regional frameworks, more specifically, the Cartagena Declaration and their national legislation which includes it.

2. Methodology

The MPC at EUI led Task 2.1, which developed a comprehensive understanding of the instruments, programmes and arrangements that are adopted and implemented for the functioning of the GCR in the six case countries. To do this, we adopted two methodological instruments. The first one is Social Network Analysis (SNA), which maps the field of refugee governance to identify the key actors that take part in the design and implementation of those instruments, programmes and arrangements, as well as the relationships between these actors (Hafner-Burton, Kahler, and Montgomery 2009). We can also understand more about interactions and various kinds of flows within the network (of, e.g., ideas and resources). These interactions are developed and occur within governance networks that intersect and interact at different levels (sub-national national, regional, international) and can also involve a range of public and private actors. We administered a structured survey instrument in all six case countries (see Appendix I). The survey focused on four issues:

- identifying the key actors in the field.
- measuring the most frequent contacts between the actors.
- evaluating of the perceived usefulness of these contacts; and
- understanding which are the key sources of information.



In WP1, we had previously identified 50-60 potential respondents in each country. These potential respondents are 'elite' actors, who are defined by their leadership role and are involved in making, shaping or influencing responses to asylum, refugees or forced displacement. Respondents were located in various organisational locations, but we distinguished between five main types: (i) political leaders; (ii) national government administrations; (iii) international organisations; (iv) civil society organisations; (v) academia/research. Given the travel restrictions during the COVID pandemic, travelling for fieldwork proved impossible, so we digitalized the surveys and contacted the potential respondents online. For this and other reasons, including non-responsiveness from central actors in Canada, Jordan and South Africa (the South African Department of Home Affairs officially refused to participate in our research) we were able to gather information to complete the SNA in three countries: Bangladesh (N=18), Brazil (N=26) and Turkey (n=20). This information was analysed using Gephi, an open access software for SNA that allows us to elaborate the visualizations of the networks.

The second methodological instrument was semi-structured interviews, which are essential for deepening the findings of the SNA and of our knowledge about the content and effects of flows of information, ideas and resources within refugee and asylum governance networks that lead to inclusionary and/or exclusionary visions of mobility policies (the questionnaire is available in Appendix 2). The semi-structured interviews targeted elite actors in the five categories specified above. The questions focused on the significance of network relationships to understand more about the flows of information, ideas and resources and also addressed key implementation issues, such as the meaning of 'protection' in practice and the difference between the categories of 'migrant' and 'refugee' when implementing policies. Between December 2020 and March 2022, we interviewed 99 key asylum and refugee governance actors in the six case countries (Bangladesh n=16, Brazil n=26, Canada n=16, Jordan n=11, South Africa N=12, Turkey n=18) and also collected 64 surveys that helped to map the refugee and asylum governance network in three of those countries (Bangladesh, Brazil and Turkey) (see Appendix 2). Interviews were conducted by Leiza Brumat (EUI-MPC): interviews in Bangladesh, Brazil, Canada, Jordan, Turkey and South Africa; Stephanie Acker (EUI-MPC) in Canada and South Africa; Andrew Fallone (CEPS): interviews in Canada; Hani Okasheh (EUI-MPC): interviews in Jordan; Mahbubur Rahman (and his team) (University of Dhaka): interviews in Bangladesh, Nandi Rayner (University of Cape Town): interviews in South Africa; Özgenur Yigit (Suleyman Demirel University): interviews in Turkey.



We used Social Network Analysis (SNA) to explore relationships and their patterns within governance networks. For the interview data, we analysed the transcripts of the interviews and the surveys using specialised software. The interviews were coded using Atlas.ti. We coded the interview material inductively, identifying emerging common patterns, and deductively, focusing on the main governance actors and their roles, the network relationships and exclusionary/inclusionary visions of mobility policies.

3.Theory: ‘Globalising’ and ‘localising’ processes

The intuition informing our analysis of the organisation of asylum and refugee protection in the six case countries was that these systems would play an important intervening role in mediating the relationship between ‘the global’ and ‘the local’ with significant scope for variation. This is consistent with the ASILE project’s aim to examine the characteristics and impacts of international norms and standards on domestic regimes and in particular, the implementation of the GCR. More specifically, the ASILE project’s first objective is to facilitate a better understanding of the constitution of the refugee/asylum systems in the six case-countries. To do this, we mapped the actors that are involved in international protection and asylum governance, the relationship between them and the flows of ideas, information and resources within these governance networks. Our focus is thus on the location, actions and interactions of ‘actors’ within asylum/refugee governance systems. Our interest in how these actors relate to each other and through their inter-relations can be constitutive of asylum/refugee governance systems. This does not mean that we privilege actors over structures, but, rather, that we seek to develop an actor-centred perspective to assess the scope for diffusion of global norms and standards. This is because the allocation of material resources (money, technical support etc) as well as the ideas that animate actions and interactions are likely to shape actors’ roles and thus play an important role in asylum/refugee governance. This means that objectively similar structural factors – conflict, inequality, disasters – can and do play out very differently in terms of their effects because of variation in governance systems. We don’t claim this as an important insight, but as a common sense observation.

International norms and standards can powerfully shape asylum-seeking and refugee migration and also shape the behaviours of governing organisations and configuration of governance actors in these areas. This is because they can influence the behaviour of states and other relevant actors. At the same time, a significant literature in the international relations literature points to the role played by various types of governance actor in shaping the impact of these norms and standards in national and regional settings



(Acharya 2004; Pincock, Betts, and Easton-Calabria 2021; Brumat, Geddes, and Pettrachin 2021). As the GCR acknowledges, the implementation of these international norms and standards, heavily relies on various levels of governance, including the regional, sub-regional, national, subnational and local levels (see sections 2 and 3 of the GCR).

The domestic incorporation of global norms and standards has been at the centre of academic debates (see Brumat, Geddes, and Pettrachin 2021; Betts and Orchard 2014). This literature has assessed the effects of 'globalisation' which refers to the process, which we understand as meaning the extent to which international norms and standards can become present at (typically, but certainly not exclusively) the national level. We also distinguish between three ways in which these global norms and standards can have an effect. The first is through creation of binding rules. The second is through activities that focus on capacity-building. The third is the 'softest' form and centres on persuasion (Betts and Orchard 2014; Cortell and Davis Jr. 2000).

Our research suggests that the analysis of specific governance processes tends to have a strong focus on technical cooperation occurring in specific issue areas and can be strongly focused on building capacity and on persuasion. This technical cooperation can also have the effect of increasing the level and depth of interactions between officials. Through these interactions, ideas and resources can be exchanged and eventually, could potentially lead to the development of shared understandings and ideas, at least at this technical level (Koser 2010; Newland 2010). This means that technical cooperation can potentially help to build trust by creating 'participatory spaces' (Rother 2019). This 'functionalist' perspective - where form in the shape of rules follows functions - identifies the potential that can be inherent in these bottom-up technical processes that can build trust and lead to shared understanding (Haas 2008). At the same time, it is also clear that states continue to play a central role, there is significant 'local' at state and regional levels and a continued attachment to 'sovereignty' (Brumat, Geddes, and Pettrachin 2021).

To capture this relationship between global norms and standards and their implementation, a literature on 'localisation' particularly in the discipline of International Relations has developed. We explain how we use this term to also show how localisation has been identified an important dynamic that is highly relevant to our assessment of how global norms and standards can affect domestic contexts. Localisation as a regional-level process has been defined as:



a complex process and outcome by which norm-takers build congruence between transnational norms including norms previously institutionalized in a region and local beliefs and practices. In this process, foreign norms, which may not initially cohere with the latter, are incorporated into local norms. The success of norm diffusion strategies and processes depends on the extent to which they provide opportunities for localization (Acharya 2004, 241).

A similar dynamic could also occur at other 'levels', such as the national and sub-national. The conceptualisation also offers scope for involvement by an array of actors and stakeholders from the public and private sectors while also recognising the scope for significant power imbalances.

The 'acceptance' and incorporation of global norms and standards into domestic settings varies with scope for variation depends on governance actors operating in specific organisational settings who interpret the norms to make them 'fit' – or not - with 'local' norms and the wider institutional setting. We seek to illustrate how this process is mediated by exchanges of various kinds - of ideas, resources and information - that can shape the interpretation and effects of international norms for protection of asylum-seekers and refugees. An important implication of this approach to localisation is that states that have been classically defined as 'norm takers' are seen to possess agency because they actively shape and adapt these international norms. An important implication is that domestic-level actors can be more important than transnational actors, especially in policy implementation (Acharya 2004, 241).

Following this reasoning, variation in the local adaptation of international refugee regimes is illustrative of the adoption, adaptation, resistance or even rejection of ideas and practices when they encounter other settings at regional, national or sub-national levels, i.e., when they are localised. While localisation processes are subject to power dynamics at this local level, they are also mediated by local knowledge (Betts and Orchard 2014; Pincock, Betts, and Easton-Calabria 2021). The inclusion of local knowledge can increase the legitimacy of interventions, together with their efficiency and effectiveness (Fiddian-Qasmiyeh 2017).

The localisation literature has acknowledged that the outcomes of the incorporation of international norms and standards into the domestic legal and political order are not dichotomous meaning either acceptance or rejection (Meyer et al. 1997). We now specify the four potential 'localisation' outcomes:



- **direct adoption** of global norms and standards that would reflect isomorphic, globalising tendencies in the international system albeit with scope for variation in the depth of transformation that is induced.
- **adaptation** of these standards that could be seen as a form of adoption but with 'national colours'.
- **resistance** where key actors could seek to undermine global norms and standards or, as is the case for Brazil (see later) when global standards are actually viewed as less developed than those that have emerged at national and regional levels.
- **rejection** where global norms and standards are flatly disregarded.

While 'adoption' can be seen as an outcome of globalization processes, 'adaptation', 'resistance', and 'rejection' of global norms and standards are strongly influenced by localization processes.

In the previous report for WP1, we have already identified significant evidence in the research literature for the localisation of global standards on refugee migration by which we meant that outcomes are strongly dependent on governance systems, primarily but not exclusively located at national and sub-national levels. This has important implications for the ASILE project objectives. It does not mean that global norms and standards are rejected, nor does it mean that these local 'obstacles' must somehow be overcome. It is possible, as has occurred in Brazil, that localisation can actually enhance scope for protection. This is, of course, highly dependent on the characteristics of political systems and the extent to which voice can be given to a range of actors and interests. Conversely, it is also possible that localisation can water-down adherence to global norms and standards for refugee protection. Our research suggests that the scope, extent and form of 'localisation' is a driver of significant divergence in protection standards. Such divergence could lead to more difficulties in elaborating a comprehensive global policy response to forced displacement, although there may be opportunities within a more fragmented 'regime complex' of partially overlapping and non-hierarchical regimes for refugee protection at national, regional and international levels (Betts 2010; Betts 2013; Keohane and Victor 2011).



In this report, we provide empirical illustrations of these dynamics together with an explanation of the high levels of variation in these countries. We ask: what are main the sources of variation? We also explore links to ‘containment’ and ‘mobility’, two key concepts for the ASILE project.

4. Key concepts

4.1 Containment

In the framework of the ASILE project, containment is understood as the range of measures and instruments, and the ideas that inform them, that focus on keeping asylum seekers and refugees in locations close to the countries from which they have been displaced. Containment consists of the arrangements that deny access to territory for those seeking onwards movement as well as efforts to return asylum-seekers to their countries of transit or origin. Containment measures usually include restrictive visa requirements, carrier sanctions, physical barriers to entry, interdictions at sea, the use of ‘safe third country’ and ‘safe country of origin’ concepts, readmission agreements and arrangements, border controls, processing centres in third countries, and bi- or multi-lateral agreements that strengthen cooperation (Barnett 2001; Betts 2010; Rodenhäuser 2014; Scholten 2015; Legomsky 2006; Gammeltoft-Hansen and Tan 2017; Domenech 2017). There are some emerging developments such as matching skilled refugees with labour needs in third states (Nichles and Nyce 2018). Containment measures adopt a ‘migration management’ approach which is hardly compatible with the the UN GCR protection-driven approach. As most refugees are concentrated in Global South countries, containment measures can also have negative effects because in those countries, refugees often endure protracted human rights restrictions. However, containment has been seen as a potentially effective response to international displacement by Betts and Collier (2017) although, specifically for the case of Syrian refugees in Jordan, Lenner and Turner (2019) question the impact of special economic zones that are designed to promote refugee self-reliance while also noting that the idea has acquired considerable power at international level.

4.2 Mobility

Mobility refers to measures or instruments that seek to enable refugees and other people looking for international protection to exercise greater agency in terms of where and how they seek protection. The instruments and arrangements that enable this greater agency



are the ones which facilitate entry or admission for protection. Some examples are resettlement schemes, humanitarian admission instruments and tools such as humanitarian admission programmes, facilitated family reunification schemes, recognition of foreign qualifications and education, access to portability of earned benefits, labour permissions, emergency transit mechanisms, emergency passports and private sponsorship schemes (Glick Schiller and Salazar 2013; Spijkerboer 2018; Aleinikoff 2017; Betts 2010). The term mobility has more positive connotations than containment and is more compatible with a protection-driven approach such as the GCR. Mobility is frequently used in political discourses with positive connotations, seeking to emphasise the desirability of cross-border human movement. In contrast, the terms 'migration' and 'asylum seeking' have acquired more negative connotations and can be presented as unwanted, problematic phenomena (Spijkerboer 2018). Access to mobility instruments and measures is unequal and stratified, as some persons or groups have more access to it than others opening up questions of differential treatment and discrimination on the basis of nationality (Moulin 2011).

It is important to note that 'containment' and 'mobility' are not opposites and do not exclude each other. In practice, most asylum and refugee policies include containment and mobility aspects because movement and stasis are part of a constant, mutually constitutive relationship (Glick Schiller and Salazar 2013). Indeed, the ASILE project has proposed using 'contained mobility' as a conceptual tool to describe hybridisation, and the existence of both inclusionary and exclusionary components that the ASILE project examines (Carrera et al. 2021; Carrera and Cortinovis 2019). For example, if one person obtains a regular status in one country, this regular status can increase the chances of exercising greater agency to obtain protection, but it can also mean that the chances of moving to another country can be limited if there is a requirement to stay in a specific country, region, town or city. Other examples are visas and residence permits. Humanitarian visas, for instance, are sometimes viewed as an example of mobility as asylum seekers have new forms of facilitated entry or admission for protection. However, countries that adopt temporary protection visas for certain groups of people instead of granting them protection under the 1951 Convention have also been seen as examples of containment (Piguet 2020). Similarly, temporary labour visas, can be used for increasing opportunities for labour but can also be used as a way of preventing people from permanently staying in a country (Domenech 2017). International arrangements primarily aimed at containing migration may also have some mobility aspects (Tan and Vedsted-Hansen 2021). The EU-Jordan Compact and the EU-Turkey deal, both agreed in 2016, have been widely seen as efforts by the EU to 'contain' people closer to their countries of displacement (Syrian nationals closer to Syria in this case) and to limit onwards movement



towards Europe (Adam 2016; Barbelet, Hagen-Zanker, and Mansour-Ille 2018; Ineli-Ciger and Yigit 2020; Tsourapas and Verduijn 2020; Ineli-Ciger et al. 2021). At the same time, both arrangements provide (or commit to investigate possibilities for) mobility, such as liberalised visa regimes and resettlement- the so-called '1-for-1 resettlement scheme' (Ineli-Ciger and Yigit 2020).

5. Actors and networks

In this analysis, we aim to move beyond the use of the word 'network' as a metaphor and, instead, show how, why and with what effects the constitution of policy networks can play a crucial role in migration and asylum governance. Policy networks are relevant because they are the key venues where governance actors develop and exchange ideas, information and resources on migration and asylum and their causes and their consequences. These ideas can then become the labels and categorizations that are the outputs of migration governance (Geddes and Vera Espinoza 2018).

Government officials can become socialised within these networks that intersect and interact at different levels (national, regional, international) (Roos 2010). All networks have internal power hierarchies and specific structures, which are usually issue-based (Torfing 2012) because policymaking and policy implementation take place in specific thematic subsystems which can operate with relative independence from one another (Kriesi, Adam, and Jochum 2006). This means that, in the policy area of refugee protection and asylum, there are specific network of governance actors in each country.

The structure of governance networks heavily influences policy implementation and the local adaptation of international norms and standards. This is because networks are influenced by, and at the same time, influence, actor behaviour and their norms (Taylor, Geddes, and Lees 2013, 27). Policy implementation and policy outcomes are the 'consequences' of laws and policies (Easton 1965, 351), in other words, the 'delivery' of policies (Püzl and Treib 2007, 100). As such, policy implementation and outcomes are carried out by a wide range of interdependent actors who interact, negotiate and make decisions in different levels of government (Caponio and Jones-Correa 2018, 1996) and who have different ties to each other.

To identify and understand the structure and dynamics within each network of the case countries we used SNA. Network analysis aims to identify patterns of relationships because those patterns have an effect on the actions of individual agents (Hafner-Burton,



Kahler, and Montgomery 2009, 561). Network approaches challenge mainstream, material conceptions of power because power is inherently relational, and highly dependent on the intensity and structure of social relationships that can generate asymmetries. Following this approach, power is dependent on the position of a node/actor in a network because it derives from patterns of association (or ties) that link actors within these networks (Hafner-Burton, Kahler, and Montgomery 2009, 570). The intensity, degree, content and characteristics of those ties as well as an actor's structural position in a network determine her influence over other members of the network, and thus, her power. Network structures can be defined as the 'emergent properties of persistent patterns of relations among agents that can define, enable, and constrain those agents' (ibid, 561) and as 'any set or sets of ties between any set or sets of nodes' (562). 'Nodes' constitute the governance actors operating within the policy network. We have identified them in WP1 (see methodology section). 'Ties' are the relationships between the nodes. SNA basically maps all the relevant ties between all the nodes studied. These nodes and ties can be visually represented by 'webs' which are helpful for understanding the data. SNA studies the ways in which the structure of ties affects relationships between nodes and resulting outcomes (Taylor, Geddes, and Lees 2013, 27).

For the ASILE research, a social network is composed of nodes which are organisations (IOs, government organisations and some non-state actors) that are tied (connected) by the relationships and interactions established for the implementation of refugee and asylum domestic and international legislation and policies. There can be many types of ties between the nodes. We analyse the exchange of resources and information and the development of interorganisational dependencies aimed at the achievement of policy outcomes (implementation). SNA helps to understand which are the key actors that play a crucial role in determining ways of solving problems, managing relationships and the degree to which goals are achieved (Taylor, Geddes, and Lees 2013, 27).

The empirical section, below, presents visualisation and an analysis based on the idea of 'network centrality' that provides a measure of power and, consequently, of the network's structure. Network centrality assesses the extent to which an actor is involved in more relationships with other actors, which gives more potential to coerce other actors, set agendas and manipulate the flow of ideas and resources. We then couple SNA with data derived from the interviews to examine the politics of the interorganisational coordination in asylum and refugee governance. This allows us to question the assumption that an actor's power is associated with a central position in a network and to put these actors into their relational context and in the environment in which the network operates. The environment heavily influences the network's composition,



activities, ideas and, as argued below, the outcomes of 'localisation' processes. This is because networks provide venues for organisations to gather information, learn, manage, resist or reject pressures from outside the network, such as international norms and standards (see Brandes and Erlebach 2005).

We now review the main normative, organizational and institutional dynamics in each country case as well as mapping and visualizing the asylum governance networks in Bangladesh, Brazil and Turkey. Building from the SNA analysis and from the interview material, we analyse the implementation of asylum instruments and arrangements and their relationship with the GCR in the case countries. By doing this, the empirical findings shed light on how the variation in governance networks has an impact on the adaptation of international norms and standards in domestic contexts.

6. Empirical findings

ASILE's six case countries have in common their exposure to significant refugee flows but marked variation in legal and policy frameworks and engagement with the international system in terms of signing up to international agreements or engagement with international/regional organizations (see Table 1). In terms of total numbers, Turkey, Jordan and Bangladesh are three of the top 10 host countries of refugees and asylum-seekers in the world (World Bank Group 2020). Brazil is considered to be a leading country in refugee governance, as it has progressive legislation including being the only South American country to recognise Venezuelans as refugees, which makes it the country with the highest rate of refugee recognition in the region (Jubilut 2006; Acosta and Sartoretto 2020). Canada is a key resettlement destination with most occurring via private sponsorship schemes (UNHCR 2019). South Africa was one of the top-four major destination countries for new asylum seekers in the period 2010-2019 (UNHCR 2019). All the countries are signatories to the GCR. However, while Brazil, Canada and South Africa are signatories to the 1951 Convention and the 1967 Protocol, Bangladesh and Jordan are not. Turkey is a signatory to both the Convention and Protocol but maintains a geographical limitation in application of the Geneva Convention to individuals coming from Europe. Brazil and South Africa are part of specific regional regimes for refugee protection: the Cartagena Declaration of 1984 and the 1967 Organization of African Unity Convention regarding Specific Aspects of Refugees in Africa, respectively. See Appendix 1 for more detail.



7. Mapping of actors

This section provides the mapping and visualizations of the asylum and refugee governance networks in three ASILE case countries: Bangladesh, Brazil and Turkey. For each of these countries, we provide two visualizations. Both of these visualizations assess network centrality. The bigger nodes indicate the actors with higher 'betweenness centrality'. The degree of betweenness centrality measures an actor's brokerage power, that is, the power to link together nodes or even networks that have few ties between them. Nodes with a high degree of betweenness centrality can serve as a bridge between actors that lack other connections, or that have fewer ties to the rest of the network, or they can also give benefits in the flow of resources to actors in one group and not the other (Hafner-Burton, Kahler, and Montgomery 2009). In each subsection we look at each country individually and we complement and amplify this analysis with the interview material which sheds light on the interorganisational dynamics which may lead to enhanced or limited capacities for policy implementation, and which influence the outcomes of localisation processes.

Our SNA shows that ministries of the interior/home affairs tend to be central to governance networks, which has strong effects on policy implementation because the ideas and understandings of such ministries are the ones that permeate and travel across the network of policy implementers. International organisations also have a strong presence in the networks, but this presence is different in each country. For example, UNHCR is more central in Turkey than in Bangladesh and Brazil. This could be because Turkey is a large recipient of international funding for refugee protection and asylum and UNHCR plays a key role in management of the protection system. In Brazil, IOs have a stronger role as information providers. SNA also shows that subnational governments and municipalities play a crucial role in the implementation of refugee protection and asylum policies and in the local adaptation or localisation of such policies. The strong presence of these actors may explain the differences in understandings and meanings of the main concepts in global refugee and asylum governance. Our claim is not that we 'discover' the importance of local actors and local variation, but that we try to be more systematic in our assessment of patterns and effects because the causes and effects of localisation vary between the six case countries.



Our visualisations show some common patterns:

- In the three cases, the core strategic network is dominated by the Ministries of Interior or functionally similar or equivalent ministries, such as the Ministry of Disaster Management and Relief in Bangladesh, the Ministries of Justice and Citizenship in the case of Brazil. Accompanying this strategic core there are other ministries, such as Health, Women, Foreign Affairs, Education and UN agencies, particularly UNHCR, IOM and UNICEF. All these organisations are functionally key for the localisation and implementation of asylum policies.
- In Brazil and Turkey, subnational and municipal governments have a relatively central position in the network. This is not surprising in the case of Brazil because it is a strongly federal country in which subnational governments have high degrees of autonomy. Turkey instead is a unitary country. These findings are particularly relevant because they shed light on informal governance dynamics that can empower subnational governments.
- SNA also shows that the EU delegation in each country have a high frequency of interactions. This means that the EU is in close contact with national actors, particularly with the government. In Bangladesh and especially in Turkey, the EU is a key donor in the area of asylum and refuge. This explains the EU's higher centrality in the network in these two case countries.

The interview material allows us to expand and contextualise these findings. We can show more substantively how, why and with what effects localisation processes are highly dependent on variations in governance systems. We visualised this variation of localisation processes by analysing the implementation, or policy outcomes in three main ways:

1. Analysing the meaning that key concepts in the area of asylum and refuge international legislation and standards acquire in each national setting in practice and their convergence or divergence with international norms and standards. To do this, we analysed the meaning the 'refugee', 'migrant' and 'protection' in each national setting.
2. Assessing the role played by IOs in the national adaptation of these key concepts, legislation and standards.
3. Specifically, on the GCR, we asked key actors about the challenges associated with its diffusion and implementation



7.1 Variation in the meaning of key concepts

Our coding revealed high variation in the meaning of the concepts 'refugee', 'migrant' and 'protection' in practice. We find that this variance is mediated by localising processes, i.e., adaptation, resistance and sometimes rejection of international standards. This has important implications for individuals' access to rights and opportunities for international mobility and to enable their agency.

The main sources of variation in the differentiation between 'migrant' and 'refugee' are nationality (meaning that individuals have access to refugee status depending on their nationality, such as Syrians in Jordan and Turkey), the perceived voluntariness or not of international mobility, and access to rights. The Brazilian case is particularly interesting because there is no difference between 'refugee' and 'migrant' and their access to rights in practice.

Our interviews with elite actors found that 'protection' has a wide array of meanings in each national setting. The prevailing understandings of 'protection' are:

- equal rights between the 'protected' population and nationals of the receiving country
- non-refoulement
- Integration into the local society
- Access to regularisation
- Access to social services
- Addressing the needs of vulnerable groups
- Life and safety and living in a safe environment (physical security)
- access to labour permits
- Protection is a temporary status

The role played by IOs in the national adaptation of key concepts, legislation and standards.

Our interview data shows that IOs play a key role in the localisation of international norms and standards. As shown by the SNA diagrams below, it is UNHCR and IOM that are at the centre of the network and have a high number of interactions with all the levels of the government and with non-governmental and local actors. We would expect IOs to be more active in the globalisation of international norms and standards, however, the GCR makes frequent reference to implementation as a process that is necessarily local (sub-national, national and regional) and as involving a range of actors. This highlights that 'the global' acquires meaning in more specific sub-national, national and regional settings.



7.2 Key challenges associated with GCR diffusion and implementation.

A basic challenge is of awareness. Our interview research showed that a significant number of national actors do not know much about the GCR, its content and its implementation in their country. The actors that are more informed about the GCR are the ministries of foreign affairs (because typically they negotiated it) and, of course, international organisations. When there was awareness, most domestic actors saw the GCR's importance as relative and that it provides 'guidelines' which they adapt to domestic policies.

Within national governance systems, we found that localisation of international norms and standards is powerfully mediated by the contestation of such norms and standards, materialised as different forms of resistance. Contestation 'involves the range of social practices, which discursively express disapproval of [international] norms' (Wiener 2014, 1). To expand this definition, we also find in the case of Brazil that contestation can lead to domestic measures that are more progressive and expansive than provided for by the GCR. Brazilian policymakers regard Brazilian legislation as more advanced than global protection standards. Following our guiding concepts, the Brazilian refugee governance and localisation of international norms is characterised by adaptation and resistance which has expansive, mobility-enhancing effects. An example of a restrictive form of contestation is Bangladesh where policymakers regard protection as an imposition of developed countries that have more resources and less densely populated countries. From an official perspective in Bangladesh, protection should be only temporary. There is a wider issue here that has been reflected, for example, in the debate about 'Asian values' that originated in arguments about Asian cultural particularity that could justify non-democratic or authoritarian forms of government (Thompson 2001). For refugee protection, 'distinctiveness' is linked to global inequalities but, in effect, can also justify practices such as detention or unlawful restrictions on the freedom of movement of Rohingya by national authorities in Bangladesh (Char 2022).

Contestation can thus have variable effects and range from more restrictive and containment-oriented policies and discourses to more expansive and mobility-oriented policies and discourses. Interestingly, these practices of contestation tend to have one thing in common: criticism of the imposition of 'Western' ideas, policies and approaches through international norms and standards. Contestation and resistance clearly also need to be linked to criticism of the structural inequality of resources for asylum and refugee governance between global north and global south countries, which could be exacerbated as countries in the global north retreat from their commitment to international standards.



Structural inequality can be a key factor explaining adherence (or not) to global norms. Many asylum governance actors pointed out that international protection and human rights standards are ideas formulated by developed Western countries. To a large extent, these protection standards are a response to the problems generated by global inequality. So, from the perspective of several global south countries, countries in the global north have double standards when they ask global south countries to implement international norms that are supposed to tackle the effects of structural inequality. Following this reasoning, it is strategically rational that they are willing to make significant investments in the implementation of norms and standards, unless these are followed by resources.

We now move on to assess the constitution of governance systems in each of the ASILE case countries.

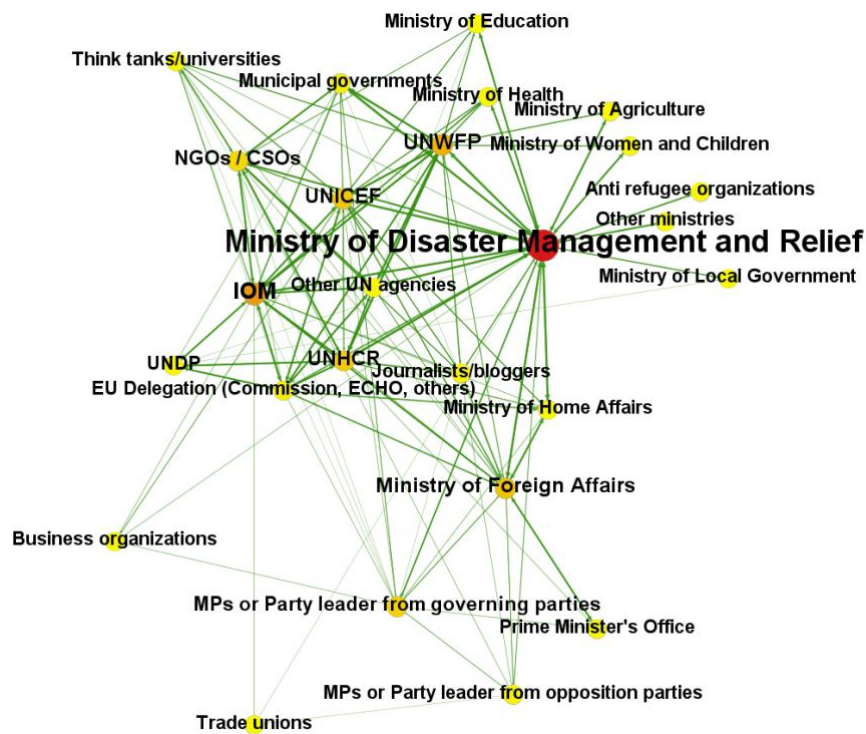
7.3 Bangladesh

Overview

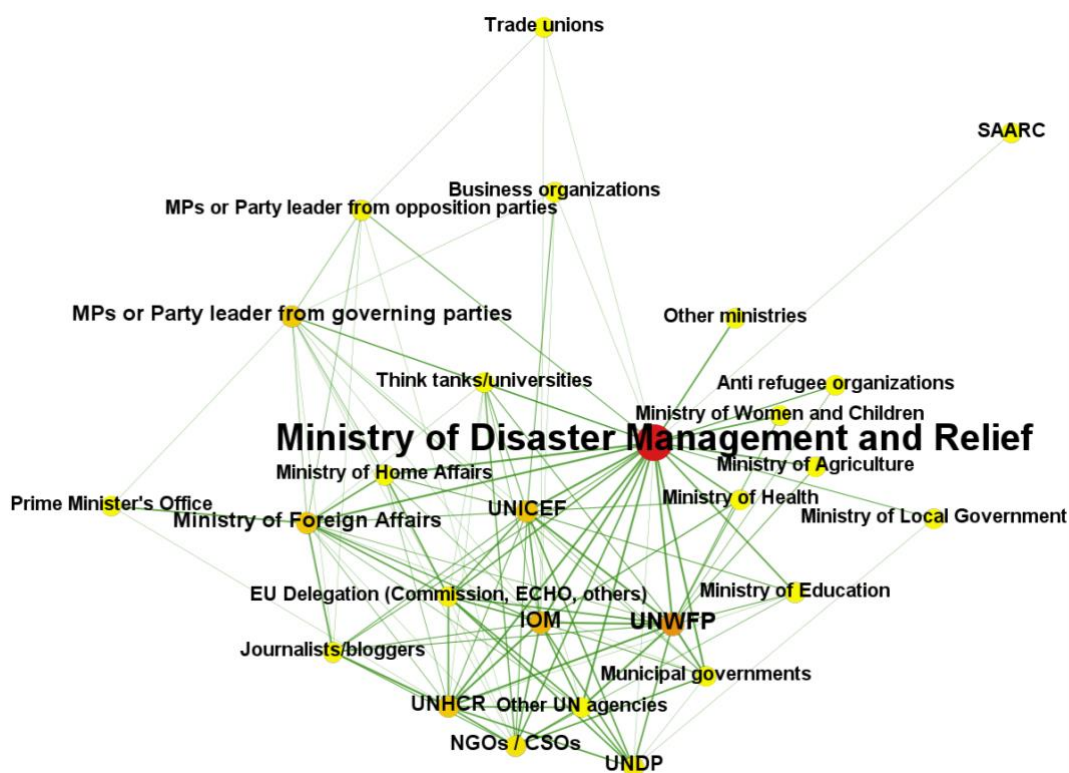
- Bangladesh is not part of the 1951 Refugee Convention and its 1967 Protocol.
- It has no domestic law that recognizes refugees and asylum-seekers as a special class of vulnerable individuals who need protection nor does it have a formal system for granting asylum.
- There are a few laws that do provide some protection to refugees and asylum-seekers; The 1964 Foreigner's Act established fundamental human rights for all foreigners. The 1984 Convention against Torture and Other Cruel, Inhumane or Degrading Treatment of Punishment and the case of Refugee and Migratory Movement Research Unit (RMMRU) vs. Government of Bangladesh (2017) established law protecting refugees and asylum-seekers from non-refoulement.
- Bangladesh is a significant receiving country of refugees. As of May 2022, Bangladesh hosted 925,380 Rohingya people displaced from Myanmar. Bangladesh however has not formally given the majority of them refugee-status.
- The SNA charts below show the power and presence of the Ministry of Disaster Management and Relief that can be explained both the absence of formal commitment to international standards and by the specific characteristics of Bangladesh's exposure to environmental and climate risks.



Visualization 1. Bangladesh undirected network



Visualization 2. Bangladesh directed network





Our interview data highlighted (i) differences in the conceptualisation of migrants/refugees; (ii) differentiation from developed countries based on resources; (iii) limits to state capacity; and (iv) resistance to international standards seen as an unfair imposition:

Usually, people seek asylum in powerful countries. I sought asylum in the USA and some other countries when I was persecuted by the then government. Asylum seekers seek asylum in a process. But refugees and forcibly displaced people do not have that opportunity. Developed countries grant asylum mainly for two reasons: they have the economic ability to grant asylum, and they have a shortage of population. But we have more than 1 million of these refugees living in our country. Our people became refugees during the liberation war of 1971, but we brought them back. We did not express the will to stay there. But the refugees we are accommodating are not here to stay. If the question ever comes then we shall consider. But we do not have that economic, environmental, situational capacity for now (Member of Parliament from governing political party, March 2021).

I am not going to talk about western countries north and south because they have formal refugee mechanisms, to arrive there, protection a refugee is considered a thing that the majority of the western powers do well, when [they] are declared a refugee there are mechanism, there are convention, protection, there are laws. Until you become a refugee, that is where the majority of the governments around the world fails because the process of leaving your country as a refugee and going somewhere to find protection is something that is not a clear path and is a path full of. How you arrive to my door, I don't care but you arrive and are listed a refugee, then they give you everything as it should be under the international conventions. So, these processes of arrival also conflict with economic migrants and then they don't understand why they run away from poverty, they should not be protected strongly by the state that is receiving them as someone running from religious or sexual cultural persecutions or running away from war because it belongs to the opposition. They don't understand this, so I think the conflict is a bit, the differences are a bit on this. (MP from an opposition party, March 2021).

Developed states are retreating from their commitments under their laws and are selectively applying the laws on refugees and asylum seekers. However, countries like Germany, France and Netherlands have set good examples on providing a legal framework but Bangladesh need not necessarily follow them (Official from international organisation, May 2021).



To affirm the role played by international organisations, we found that the absence of domestic provision led to an increased role of UNHCR, as this interviewee noted:

There are no specific laws that address refugee protection, and Bangladesh has not signed the 1951 Refugee Convention. However, since the late 1970s, Rohingyas have entered Bangladesh on several occasions until two years ago. Bangladesh tackled this by allowing UNHCR access to these displaced people. Previously, a significant number of refugees were repatriated but no such repatriation has taken place in recent times. The government does not confer refugee status to the Rohingya population and recognises them as forcibly displaced population. Although the Relief Commissioner (RRRC) works with refugees, there is no framework in law under which refugee protection is provided (MP, opposition party, March 2021).

In Bangladesh, protection should also mean access to basic social services for example:

Protection should include ensuring basic needs such as food, shelter and healthcare, and freedom of movement and the right to return to their country of origin under safe conditions with assurance of protection of their human dignity (MP, opposition party, March 2021).

However, it is IOs that play a key role in the provision of basic social services and protection in the absence of a legal protection framework:

The UNHCR provides all the logistics, the WFP delivers the foods, and the UNICEF provides education. The UNFP and the WHO are also involved. Other NGOs and INGOs work as helping partners with these UN organizations. When the UN organizations need manpower to perform their tasks, they outsource other reliable NGOs and INGOs. Whatever they do, they take permission from the RRRC as this agency is the representative of the government (Senior government official, May 2021).

7.4 Brazil

Overview

- Brazil is part of the 1951 Refugee Convention and its 1967 Protocol.
- Its Refugee Act of 1997 (Law 9474) codified minimum international standards of international refugee law and established an expanded definition of a refugee,

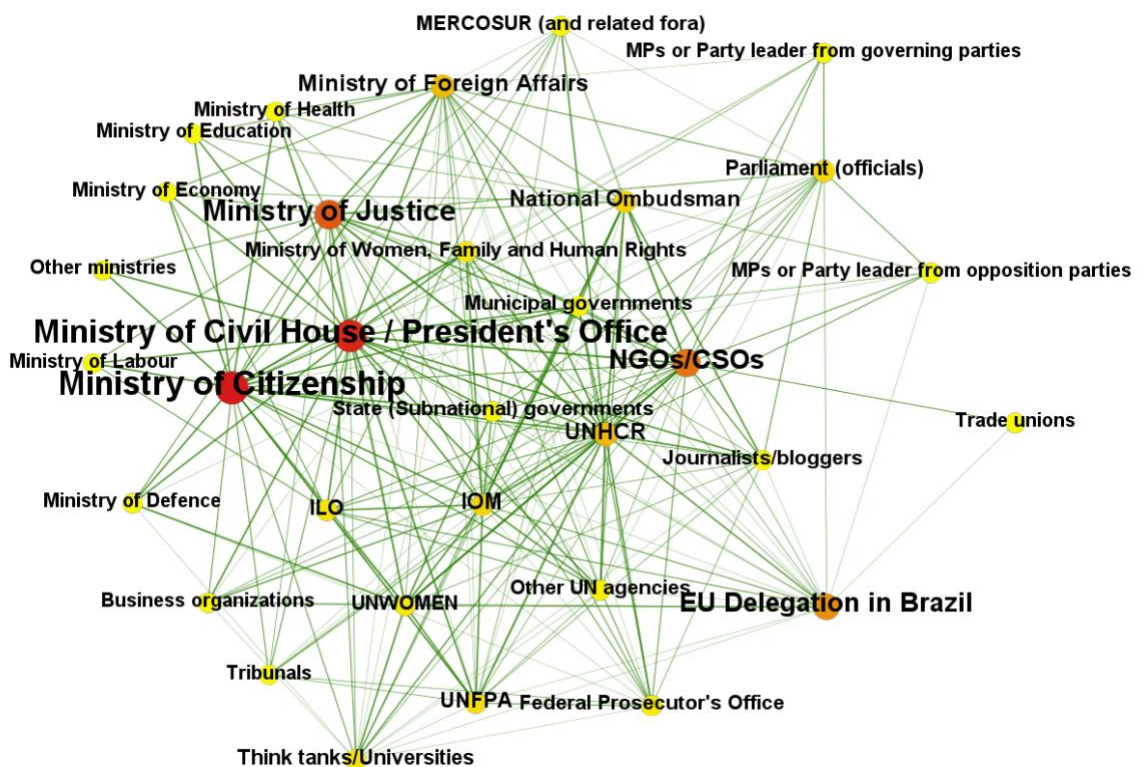


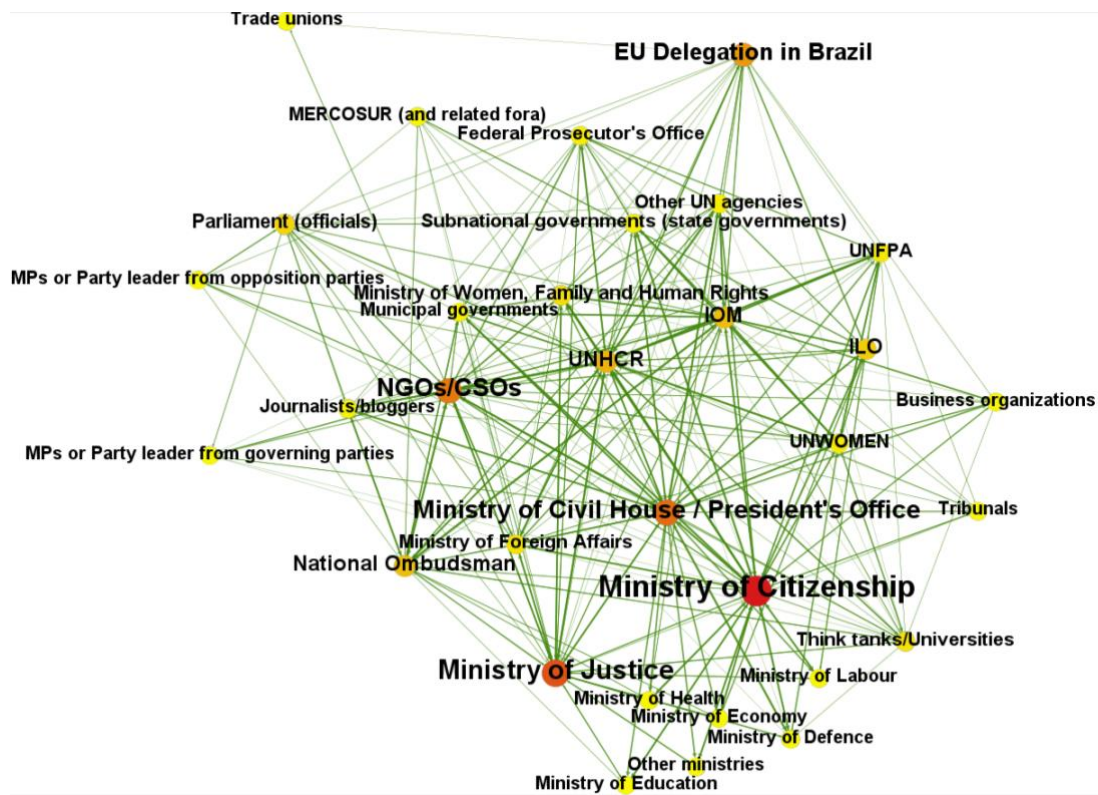
alongside guaranteeing a range of social rights to refugees and asylum-seekers. The 1988 Constitution also provides for a wide range of fundamental rights to refugees and asylum-seekers.

- Regionally, Brazil is also treaty to every Latin American instrument relating to migration, refugees, and asylum including the Cartagena Declaration of 1984, the San José Declaration of 1994, the Mexico Declaration of 2004 and the Brasilia Declaration of 2014.
- Brazil does not receive a significant number of refugees and asylum-seekers, however, regionally has been one of the largest recipients of displaced Venezuelans. As of 2020, Brazil hosted 56,000 refugees, 187,398 asylum-seekers and 148,782 Venezuelans with temporary or permanent residence permits.

The network diagrams below present a very different picture to that evident in Bangladesh. There is a much more central role for the executive branch of government, focussed on the president as well as the presence of both regional (MERCOSUR, EU) and international organisation (such as UNHCR). As a federal system, there is also a significant presence within the networks of sub-national authorities.

Visualization 3. Brazil undirected network



**Visualization 4. Brazil directed network**

The interview data allows us to explore the character of these network relations in more detail. A key finding is that in Brazil there is no difference between ‘migrants’ and ‘refugees’ in practice (Thompson 2001). As both categories have access to a very similar and wide set of rights, the government uses both as possible venues for granting access to a regular status (Brumat 2022). Similar to other case countries, there is criticism of the legalistic character of the definition of ‘refugee’ and its limited practical use in implementation. For example, as this interviewee put it:

When I think about ‘refugees’ in broad way, I usually think that they should be persons who apply to the classic idea of fear of persecution, of being unable to go back [to their place of origin]. Today I feel that we don’t work, in practice, with that concept because that is a very legalistic perspective that doesn’t consider de facto subjectivities. On the other side, people who are in a situation of refuge may not have their requests analysed or are not recognized as such because they come from countries where those situations are not necessarily taking place (Senior official, sub-national level, January 2021).



In Brazil a significant point is that Brazil there is a widespread understanding of protection as 'equal rights', for example:

To me, [protection] refers to non-discrimination, which is included in our Constitution, in the immigration Law, and I think that it is a great principle, a great beginning for guaranteeing access to those persons [migrants] to all the policies that we have. I wouldn't leave out the power and force that [this principle of non-discrimination] has because it is consolidated in Brazilian legislation. So, that is the point of departure of all our discourses, all of our practical action in terms of protection. The mere fact that a person has the right to the same protection of a Brazilian national is very powerful (Senior official, Ministry of Human Rights, February 2021).

Strikingly, this progressive understanding of 'protection' is combined with a vision of protection as social integration and access to social services, for example

[protection] is sheltering people, are public policies that allow them to start their lives over in Brazil. That is, policies of documentation, of identification, so that they have somewhere to go, somewhere to stay, so that they can have their own house, policies of employment and health, of education, so that they can integrate into society. All of that is 'protection' (Senior official, Ministry of Justice, February 2021).

In Brazil, we found that IOs play a key role in providing information which is crucial for making decisions on whether to grant or not refugee status:

We do a lot of research with the Country of Origin Information (COI), which helps us to be sure of the well-founded fear of persecution. Because in Brazil, the methodology of the CONARE (National Council of Refugees), we make a link between internal credibility (what the migrant says, to know if it a coherent discourse or if there are any contradictions), and external credibility (which is having a discourse, a narrative and see if it corresponds to the situation in the country of origin). For this external credibility work we rely a lot of reports by International Organizations. (Senior government official, January 2021)

A distinct aspect of the Brazilian case is adherence to the standards of the Cartagena convention that have allowed recognition of those displaced from Venezuela as refugees. Strikingly, this occurred when the far-right government of Bolsonaro was in power, which would ostensibly seem to make generous provisions for protection an unlikely outcome



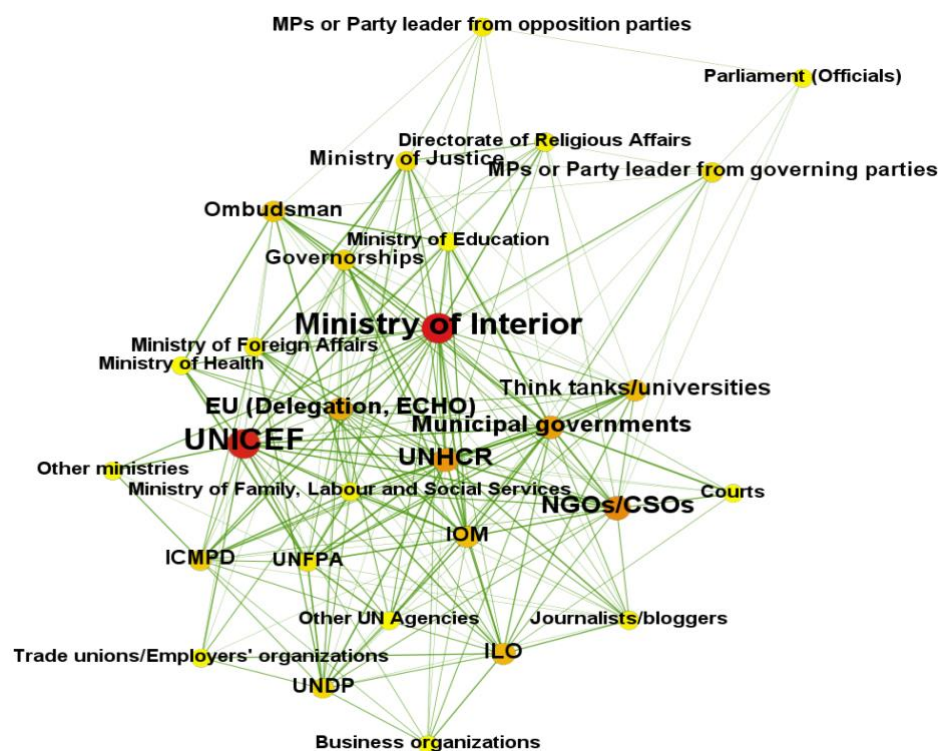
{Citation}. However, Bolsonaro's anti-communism and alignment with the United States, particularly during the Trump presidency meant that a key actor (as shown by the network diagrams) was prepared to agree to refugee status for Venezuelans. In addition, this decision reflected the relatively high level of institutionalisation of refugee policy in Brazil and the role of CONARE, which is the government committee responsible for reviewing and deciding all asylum claims in Brazil and, importantly, for defining the Brazilian policy of refuge. CONARE is linked to the Ministry of Justice and is made up of representatives of the ministries of Justice, Foreign Affairs, Health, Education, plus the Federal Police and civil society organizations dedicated to assistance, local integration and refugee protection in Brazil. UNHCR and the Office of the Public Defender of the Union have a seat in CONARE with a voice but not a right to vote. CONARE was central to Brazil's extension of refugee status to displaced Venezuelans and is an example of how variation in governance systems and regional-level agreements (Cartagena) can lead to contention of international norms and standards that generates protection outcomes that go beyond existing international norms and standards.

7.5 Turkey

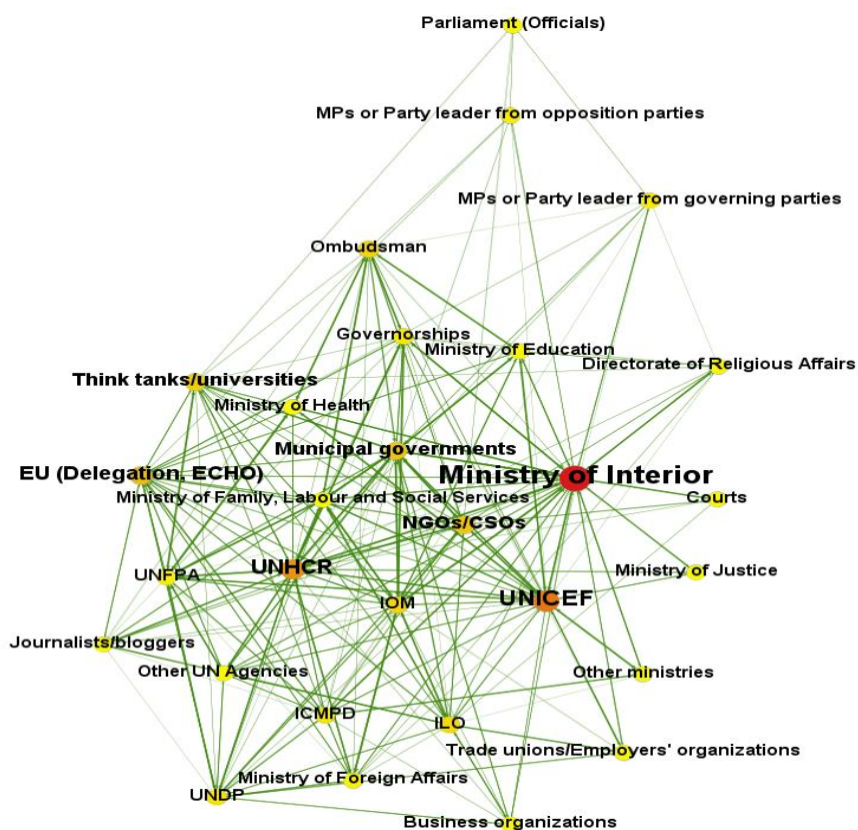
Overview:

- Turkey has ratified the 1951 Refugee Convention and its 1967 Protocol, but, crucially, has geographical limitations that mean it is not obliged to grant refugee status to asylum seekers coming from outside Europe. Turkey is also party to the core UN human rights treaties.
- Its 2013 Law on Foreigners and International Protection (LFIP) created safeguards against refoulement, rights for asylum-seekers and refugees, and created a department to implement and coordinate the asylum system.
- The EU-Turkey Joint Action Plan in 2015 and the EU-Turkey Statement of March 2016 made Turkey a key actor in preventing irregular migration to other parts of Europe. Like Jordan, Turkey is also part of a Regional Refugee and Resilience Plan (3RP), through which they receive support to respond to the needs of Syrian refugees.
- Turkey is a significant receiving country of refugees and asylum-seekers. As of 2020, Turkey hosted close to 4 million displaced people of which around 3.6 million are displaced Syrians.

Visualization 5. Turkey undirected network



Visualization 6. Turkey directed network





The network diagrams reinforce the point that we have already made about the importance of specifying the composition of the network in order to highlight variation in governance systems and the scope for this variation to then affect protection outcomes. In Turkey, we can see the central role of the Interior Ministry, but also a prominent role for the EU delegation and the UNHCR as a key implementer of protection standards. The situation in Turkey is, of course, mediated by the relationship with the EU that dates back more than 50 years and found its most recent expression in the EU-Turkey Statement of March 2016.

A key finding from our interview data is that officials in Turkey, as in other cases, pointed to the differences in legal terms and in practice that exist between migrants and refugees in developed and developing countries and that the international definition of refugee is very legalistic and not always easy to implement:

After all, you have to treat people in a legal way. You have to define the person in some way, when any action is taken or when any crime is involved. There are many factors like age, gender etc. and one of which is naturally one's citizenship. If the person is not a Turkish citizen, there are many statuses such as a tourist, a refugee, an international refugee, or an immigrant. These statuses do not matter much in institutions such as the Ministry of National Education, such as the Ministry of Religious Affairs. We call it either immigrant or foreigner. These statuses are no different in terms of our behaviour. However, when these people commit a crime, whether the police will send that person to the removal centre or not depends on their legal status. For this reason, I think statutes are a legal obligation. These are concepts that protect immigrants anyway. Furthermore, I think it will be more useful if you set goal to refugees, for instance if you reside regularly, learn a language, go to school, etc. These institutions are better regulated in developed countries. (Senior government official, March 2021).

In Turkey there is also a widespread understanding of 'protection' as access to work and social services, which is regarded as one of the main successes of Turkey's refugee governance:

Access to the work permit has been successful because that's very much important to the refugee community. I think the social service centres in Turkey, that are currently around 350 in number in total, are also help refugees to access to protection services, social services. Under these centres, the ministry of family is providing psychosocial support, socioeconomic aid. What is the aid is that



refugees are also access the cash support provided to Turkish citizens under certain criteria, for example depending on the property if there are children, if their children needs to continue their education, if there is a single mother. So it is depending on the social criteria this support is provided and it can continue for certain time frame. That social assistance given to the vulnerable individuals and the refugee population can also access to this support via social service centres. (International organisation official, May 2021)

This understanding of the meaning of protection combines with an understanding of protection as something strictly temporary:

The temporary protection regulation in addition to its shortcomings has been quite important as a good practice, because it has been really exempting the Syrian nationals or refugees coming from Syria or stateless person coming from Syria, from any kind of individual assessment. So they have been put under this kind of blankets, international protection entitled to them to access to several policies and the rights. So this was quite important, because when you look at the Turkish legislation, the rights that are granted to international protections and temporary protection are quite comprehensive. TR67

7.6 Canada

Overview

- Canada has signed and ratified the 1951 Refugee Convention and its 1967 Protocol.
- Its Immigration and Refugee Protection Act (IRPA) and Immigration and Refugee Protection Regulations (IRPR) codify the convention and protocol into domestic law and govern resettlement, with its three well-known resettlement programs, and asylum.
- The 2004 Safe Third Country Agreement (STCA) bars most asylum-seekers from seeking protection at official border crossings on the Canada-US border. A 2019 provision to STCA further restricts asylum-seekers from filing for asylum in Canada if they have done so in United States, United Kingdom, Australia or New Zealand.
- Canada is not a significant receiving country, however it is one of the largest third-country resettlement destinations. As of 2019, Canada hosted 97,043



asylum-seekers and between January 2015 and April 2020, Canada had resettled 154,510 refugees.

Canadian officials expressed a localised understanding of 'protection', based on human dignity consistent with Canadian values and that was not necessarily strongly driven by international standards although Canada has been a supporter of the GCR. This becomes evident in this response by an interviewee of what was understood by the term 'protection' in the Canadian context:

[Protection] I think it means, safety and security obviously. Safety from persecution, I think there is also a mental element to it. Honestly to feel both physically and mentally safe. I think it is also about human dignity. Just this week we have had a flight yesterday into Calgary of human rights defenders and a few of the refugees were interviewed at the airport as they got off the plane and they themselves talked about the respect that they had felt all throughout the process of coming to Canada and now being in Canada. The treatment upon landing at the airport. They were not treated like you know animals, being herded through immigration, processing and public health, health COVID tests and then put on a bus to go to their quarantine hotel. They honestly and sincerely spoke about their very respectful way they had been received and treated right from the beginning of the process with the Canadian government and with our resettlement agencies, so I think that's part of it as well. (Senior government official, January 2022)

Canada is renowned for its private sponsorship programme. As noted by many of our interviewees, the logic behind this type of programme is to create new pathways for protection as this interviewee noted:

the global refugee sponsorship initiative. This is really working. I'd say would be the work through the Global Compact for Refugees and there are many component pieces to that. And I think it's a really important piece in being able to extend Canada's leadership in certain spaces to encourage other states. We will create new pathways. If there is reticence, unwillingness, reluctance to create, dedicated refugee resettlement pathways. Then looking at how to leverage other nontraditional pathways, complementary pathways. If that's a way to create more spaces. And that is absolutely the most meaningful thing. I think that we could do, and we are continuing to do more work in that space as well, so we have our private sponsorship stream. We are now getting more engaged in education. And looking at labour mobility and economic labour



streams, so we have also created a pilot for I guess it is an economic pilot so that we are looking at workers. You know if there are 26 million refugees in the world. Surely there is some that have marketable skills that could contribute to the economies of many different states. And if that is a way to provide more protection then that is something that we want to advocate (Senior government official, October 2021).

As a federal country, Canada illustrates the key role of subnational and local governments in applying and sometimes extending protection beyond national policies. The role of these many actors is crucial for understanding this extended understanding and implementation of 'protection':

We have had actually a large number of individuals crossing the border into Canada from the US during the Trump administration, because President Trump would, end the temporary status. Then all [the refugees] would have to leave on X date and so many of them were crossing the border into Canada illegally. And being arrested and then claiming asylum immediately on the spot and then they would go through this refugee determination process. The federal government does not provide a lot of financial assistance or supports. They are not eligible for settlement services, for example, until they get a positive refugee determination. But our provincial governments and territorial governments do allow them to put their children into school, allow them to get a work permit to work, and do provide some settlement supports to them. Depending on the province that they are in. I think that covers the waterfront in terms of the various types of the categories that we have in Canada at present. (Senior government official, January 2022)

Interviewees from other case countries (especially Brazil) cited Canada as an example in terms of refugee protection. When asked about that, some Canadian officials were critical about some aspects related to Canada's 'exemplary' role in refugee and asylum worldwide, and also linked this international admiration to the fact that Canada is one of the largest funding sources for many IOs:

The other element is that I know a lot of groups will not say negative things about Canada. For a number of reasons, some of them may be dependent on government funding. I will not name the groups, but there are some very obvious groups they will never say negative things about Canada no matter what, because they are absolutely dependent on the government funding. The other thing too is this, you know in the face of such bleak challenges and the global



crisis that are out there, and in the face of so many other countries who are overtly hostile towards refugees. I think that there is some element where people want to say that is not all like that, some countries welcome them and they want to hold up a light, and I think Canada fits that bill even though in practise we fall short in many aspects. And still people want to shine a light in the areas through we fall short, I mean if I pulled by international agencies, say they will not sort of pry too much into how Canada operationalizes the programmes because that light is so important in a global context and so I think there's some of that going on as well. (MP opposition party, February 2022)

Some limitations to refugee sponsorship have been identified, as the interviewee below notes. These limitations are related to quotas and limits for applications. In Canada, the role of IOs, similar to Brazil, is to provide key information that is used for the decision to grant refugee status and sometimes this can lead to policy responses that have some containment dimensions:

The Government also brought forward a programme, that is called a Group of Five if you will, so there will be individuals citizens who will come together a Group of Five people would come together and privately sponsor a refugee. Well, the Group of Five sponsorship is actually a lot more difficult to do in this sense. They must actually have UNHCR refugee determination destination before they can actually be qualified under the Group of five sponsorship. And their limitations for all of these sponsorships, including the government refugee programme, their limitations in terms of the quota in terms of how many spots are available right for the government sponsored refugees for the privately sponsored refugees, and so on. So as a result of that, there are often problems where people trying to get a spot they are just simply not enough to go around, and so it becomes challenging in that way, many, many of the church groups, for example, would likely use their sponsorship agreement holder spot. To someone whom they already know or somehow attached to their congregation. So they do not really expand to the broader community in that sense, so it is much harder to actually get our spot. The Group of Five sponsorship opportunity is a larger one, but again the requirements under that stream is more stringent and so therefore it becomes narrower as well, and in terms of the number of spot that are available is also limited. And once you reach the quarter that's allowed. Then there are no more spots made available. Under the group of five, the government requires a different set of criteria. In terms of the refugee status determination versus that of the other programmes that why would you have a different sort of set of



structures. So I have challenges with respect to that there are situations where individuals are being persecuted in their country, however, their country is not recognised to be a country in conflict, and so those individuals. That would often get cut out. I will use one example would be members from the LGBTQ2+ community, often it is the case that for people with different identity or such orientation and they are not recognised as refugees per your standard refugee definition because that country is not deemed to be in constant conflict. So even though they are internally persecuted within their own country. (MP opposition party, February 2022).

7.7 Jordan¹

Overview

- Jordan is not party to the 1951 Refugee Convention and its 1967 Protocol.
- Its only law related to asylum and refugees, is the Law of Residence and Foreign Affairs No. 24 / 1973 however it does not define who may constitute a refugee. Subsequently, Jordan's refugee-response is largely guided by a number of regional and international agreements.
- The 1998 Memorandum of Understanding (MoU) signed with UNHCR gives UNHCR full responsibility for determining refugee status with Jordan committing to uphold non-refoulment. National refugee policy implementation is guided the three-year Jordan Response Plans (JRP), which is part of a regional strategy coordinated by a number of states and international institutions called the Regional Refugee and Resilience Plan (3RP).
- The 2016 EU-Jordan Partnership Priorities and Compact coordinated for humanitarian and development aid from the EU to Jordan and for Jordan to grant formal labour market access to Syrian refugees.

¹ A key issue in Jordan is, of course, the population of displaced Palestinians that numbers around 2.2 million people. The ASILE focus was on the GCR and global norms/standards associated with it. The effect of this was that our data collection and interviewing was not focused on the protection of displaced Palestinians or the protection systems that have developed at international level, particularly the United Nations Relief and Works Agency for Palestine Refugees in the Near East. On this, see, for example, Albanese and Takkenberg (2020)



- Jordan is a significant receiving country of refugees and asylum-seekers, though official numbers are debated. As of 2020, Jordan hosted 2.9 million registered refugees. Of these, 657,000 are registered refugees from Syria; however Jordan cites hosting 1.3 million Syrian refugees.

As was evident in other cases, Jordanian officials contested the 'Western' definition of refugee while highlighting that Jordan does not have the same reception capacities as developed countries:

- especially now, they are moving to what they call the nexus, we start attending their
- meetings and it is another world, included all what you have. They talk about peace, and we
- told me that their third pillar is peace, so you should be working to bring these people back
- and we don't see you doing that, if Zaatari has sanitation, this can be connected to other camp. But this is not the core of the problem, these people need to go back to their country, and you should prepare them for them by building the security infrastructure so that people can go back. Telling us, integrate them, no we have already enough, and it is sufficient. And if you love them to that level, take them with you as you are the one who selected them. I was really outraged, Canada used to come, and asked them what you have and so and selected the ones it wants. The US, UK what did they take from the Syrian, only German really took Syrian and what did they take: professionals and left the others to us. We couldn't tell them go back as you don't bring with you any skills. We took them all, and we had to deal with them, they selected who they wanted. Where is the logic, and they have the water and they have the capacity to employ them? We have no water, no jobs and food for them. (MP, June 2021).

In Jordan as in other global south cases, access to social services and to work is the prevailing understanding of protection:

- in my area of when we talk about protection, it is social protection. We approach
- that mainly through social insurance and social security and approaching this concept, social
- security is a human right and it is a guarantee of basic income and health services for everyone so work in Jordan have a very inclusive social insurance program there



is no distinction of nationalities so it is accessible to refugees, migrant workers and Jordanians, all the same, of course there is barriers in terms of income, and informality that prevents some of these groups from accessing social security but in the legislation there is no distinction so when I think of protection in my line of work specifically, acknowledge that there are a lot of protection issues for refugees. The specific focus I take is social protection. Official of international organisation, October 2022).

7.8 South Africa

Overview

- South Africa is part of the 1951 Refugee Convention and its 1967 Protocol. It is also part of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
- South Africa's Refugees Act 130 of 1998 codifies these conventions into domestic law. The Act outlines the rights of a refugee, which includes giving refugees and asylum-seekers freedom of movement and rights to work, education, and health care.
- Some recent amendments to the Refugees Act have created more restrictive asylum procedures. However, all law is required to be consistent with South Africa's Bill of Rights, which includes socio-economic rights. The South African judiciary has confirmed on several occasions that constitutional rights apply to refugees.
- South Africa is not a significant receiving country of refugees and asylum-seekers. As of 2019, South Africa officially hosted 186,210 asylum-seekers and 88,694 refugees. However, scholars assume that many asylum-seekers are not registered and that number is higher.

In South Africa there is also a widespread understanding of protection as access to social services and documentation, for example:

I think... To the state, 'protection' means the issuance of a permit or some kind of documentation to regularise an individual's stay in the country, and this is, of course, directed primarily at refugees and asylum seekers. So, that is what 'protection' means to the government and I'm not sure that they see 'protection' in a broader way than simply issuing a piece of paper; whereas refugee protection



should actually be much broader than that, and it should take into account the situation of refugee population. So, that protection, which is offered, is real and takes into consideration access to healthcare, education and very basic needs (Representative of a civil society organisation, June 2021).

An IO official in South Africa provides a representative example of the localisation of the principles of the Global Compacts (for Refugees and for Migration) and the fact that they are mostly seen as guiding documents:

The spirit of the Global Compact for Migration. Remember, we say that... you know, it is... it is... aspirational –remember? – when the whole conversation around the Global Compact was going on, we said it is enshrined in international law, which the countries are all signatory to, so there was no need to invent anything new. It has some principles around it, which come back to determine how countries will decide what to do. We say that it is... it's nonbinding, first and foremost, and then it needs a common understanding. The common understanding is about shared responsibility. So, that means that a country will determine what it prioritises. There is a huge focus in South Africa on data, data is very important. The conversation in South Africa has also been on the fact that... What do you do with people in your borders who are not registered? You cannot account for them. (International organisation official, February 221)

Another example of how South Africa localises the principles of international law and the global refugee regime is given by this official:

I sometimes think there's a disconnect in when... you can see this with the treaties as well, in a way, that they are seen as global policies; and so, the contextualisation within a particular country, I think, is the problem where, maybe, your constitution, or whatever is your various national laws, don't quite align... Of course, this is the whole point of having the Human Rights Office, we try to align these global policies with national laws and things. But that, in itself, is an issue. As a fact, we are changing national laws to, you know, to tick a box, because this global policy says something – I am not sure how well that is taken by a variety of countries (International organisation official, April 2021)



8. Conclusion

This report has provided evidence for the ways in which governance systems at various levels play a key role in mediating the effects and impacts of international norms and standards such as the GCR. We have used data derived from structured questionnaires and semi-structured interviews to analyse governance systems as causes of variation. We developed the idea of localisation to show how international norms and standards are strongly dependent on the local contexts and associated forms of knowledge within which they are potentially implemented. We also distinguished between various ways in which global norms and standards could have an effect at national level in our six case countries: adoption, adaptation, resistance and rejection. By doing so, we emphasised the role that contention can play in the relationship between international norms and standards and their adoption at national level. A contribution of our research has been to show that this contestation can lead to rejection of or resistance to international norms and standards that are seen as an unwelcome and/or costly imposition by richer countries that are seeking to offload responsibility onto poorer countries. In contrast, in Brazil we saw another effect of contestation which was to actively embrace progressive regional standards that go beyond international commitments, as was seen by the Brazilian government decision to grant refugee status to displaced Venezuelans.

Our research has also shown that at a conceptual level, some of the most basic terms and ideas associated with global refugee governance, such as 'refugee' and 'protection' are contested in global south countries. This contestation at a conceptual level has material foundations because it can be linked to criticism of the structural inequality of resources for asylum and refugee governance between global north and global south countries. Many asylum governance actors pointed out that international protection and human rights standards are ideas formulated by Western developed countries. To a large extent, these protection standards are a response to the problems generated by global inequality. So, from the perspective of several global south countries, it is double standards by countries in the global north when they ask global south countries to implement international norms that are supposed to tackle the effects of structural inequality. Following this reasoning, it is strategically rational that they are unwilling to make significant investments in the implementation of norms and standards, unless these are followed by resources.

Also, at a conceptual level albeit with important practical implications, our research has shown that 'protection' is mostly understood as access to welfare, work, social services



(education, health care). In Bangladesh, Jordan and Turkey, there is a generalized understanding of protection as a strictly temporary status, i.e., a containment-oriented understanding of protection.

Our findings also highlight the stratification of and inequality in access to mobility policies. The different understandings and the meaning in practice, in the implementation of refugee and protection policies lead to differentiated access to rights and protection. In our case countries, the most expansive country in terms of mobility policies is Brazil, which makes almost no difference in the rights awarded to migrants and refugees and in access to both statuses. In that sense, the most restrictive and containment-oriented countries are, first, Bangladesh, which rejects the international definition of refugee altogether. Bangladesh is followed by Jordan and Turkey, which provide differential access to protection and rights depending on nationality, and this interpretation is very restrictive because it is limited to few nationalities, first and foremost, Syria. The mobility aspects of the refugee policies of Turkey and Jordan are strongly linked to access to labour permits. All of this shows that global concepts tend to be localised and can acquire different legal, political and socio-economic meanings in each local case country. These various meanings and understandings are not necessarily more expansive. There is wide variance in the legislation, in the set of rights that is given to forcibly displaced persons and, especially, in the real, on the ground, access to protection. These understandings and meanings range from expansive, mobility-enhancing like in the case of Brazil, to more restrictive and containment-oriented, as in the case of Bangladesh and Jordan.

Our findings contribute to the literature on 'containment' migration and refugee policies because they show that containment-oriented policies are linked to rejection and contestation of international norms and standards and that this rejection does not necessarily adopt a 'migration management' approach. This rejection is more closely related to international politics and to structural inequalities at the global level.



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[compacts#:~:text=The%20Jordan%20Compact%3A%20lessons%20learnt%20and%20implications%20for%20future%20refugee%20compacts,-Briefing%20papers&text=In%20return%20for%20billions%20of,employment%20for%20its%20Syrian%20refugees.](https://www.odi.org/publications/11045-jordan-compact-lessons-learnt-and-implications-future-refugee-compacts#:~:text=The%20Jordan%20Compact%3A%20lessons%20learnt%20and%20implications%20for%20future%20refugee%20compacts,-Briefing%20papers&text=In%20return%20for%20billions%20of,employment%20for%20its%20Syrian%20refugees.)



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Appendix 1

Country	1951 Convention and 1967 Protocol	Key Domestic Asylum Governance Instrument	Other Governance Instruments of Note	Number of refugees and asylum-seekers**	Notes
Bangladesh	No	No domestic law	1964 Foreigner’s Act, 1984 Convention against Torture, and <i>Refugee and Migratory Movement Research Unit (RMMRU) vs. Government of Bangladesh</i> (2017) provide protection against refoulement	860K refugees	Most of refugees have not been given official designation by Bangladesh
Brazil	Yes	Refugee Act of 1997	<ul style="list-style-type: none">1988 Constitution provides for a wide range of fundamental rightsTreaty to key all regional Latin American migration agreements	<ul style="list-style-type: none">56K refugees187K asylum-seekers149K Venezuelans with t residence permits	
Canada	Yes	Immigration and Refugee Protection Act (IRPA)	Safe Third Country Agreement (STCA) prevents asylum claims at US-Canada border crossings and if already filed a claim in US, UK, Australia or New Zealand.	<ul style="list-style-type: none">154K refugees(between 2015-2020)97K asylum-seekers(as of 2019)	

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Jordan	No	1998 MoU with UNHCR	<ul style="list-style-type: none"> Regional Refugee and Resilience Plan (3RP) provides implementation support for Syrians. 2016 EU-Jordan Partnership Priorities and Compact provides humanitarian aid dollars and right to work for Syrians 	2.9M registered refugees.	Number of Syrian refugees is debated with 657K registered but 1.3M cited by Jordan
South Africa	Yes	Refugees Act 130	<ul style="list-style-type: none"> Treaty to 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The South African judiciary has confirmed on several occasions that constitutional rights apply to refugees. 	<ul style="list-style-type: none"> 186K asylum-seekers (believed to be underreported) 88,694 refugees 	# of asylum-seekers believed to be under-reported
Turkey	Yes* With geographical limitations	2013 Law on Foreigners and International Protection (LFIP)	<ul style="list-style-type: none"> EU-Turkey Joint Action Plan in 2015 and EU-Turkey Statement of March 2016 made Turkey a key in preventing irregular migration to Europe. Regional Refugee and Resilience Plan (3RP) provides implementation support for Syrians. 	3.9M refugees	



Appendix 2 Questionnaire for semi-structured interviews

Date:

Place:

(Please remember to register date and place)

Questions:

1. Could you mention a specific policy or (event/Legal instrument) for (migration/refugee/forced displaced population) protection that was successful in your country? Which ministry/agency implemented it? Why did it have a positive impact?
 - a. Does (your organization) have any partnership with an organization in the private sector? How does this partnership work?
 - b. Any projects in cooperation with the EU?
2. Do you know any specific policy or (event/Legal instrument) for (migrant/refugee/forced displaced population) protection that has been successful in another country? What do you consider that was done correctly in that case? Would you adopt that type of policy?
3. In your opinion, which is the greatest challenge that your country faces for the implementation of the GCR/GCM?
4. What does *protection* mean for (your organization/institution)? What do you think that it means for (another, opposite organization)?
5. What is the difference between a migrant and a refugee, in practice, in your country? Why do we need these categories?
6. Who do you call/consult when you want to have information about (refugee/forced displaced population) flows/policies/the situation of refugees in your country? Why do you trust this source?
7. Anything else that you would like to add?

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