

The ‘Others’ amongst ‘Them’ – Selection Categories in European Resettlement and Humanitarian Admission Programmes

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List of abbreviations

AMIF - Asylum, Migration and Integration Fund

EMN – European Migration Network

EU – European Union

LGBTQI – Lesbian, gay, bisexual, trans, queer, intersex

UNHCR – United National High Commissioner for Refugees

Abstract 150 words

The chapter looks at categorisations as a form of ‘othering’ in the context of European refugee resettlement. Selection categories in resettlement provide insights into states’ preferences, when given the possibility to effectively select refugees before they present themselves at the border. As such, categorisations in such programmes are ways of othering *within* the group of ‘others’, excluding but also including according to three logics: humanitarian, security and assimilability. The chapter provides a panoramic view of official selection categories of the United Nations High Commissioner for Refugees (UNHCR), European Member States, and the European Union (EU). The analysis shows that, while resettlement is framed as a humanitarian policy for the ‘most vulnerable’, some European states’ programmes and recent EU propositions indicate that besides a humanitarian logic, security and assimilability logics of ‘othering’ also draw the boundaries of access to this privileged form of refugee protection. (143 words)

Introduction: Setting the Scene

This chapter looks at categorisations as a form of ‘othering’ in the context of European refugee resettlement.¹ Official selection categories determine who can safely and legally get protection in Europe. Thereby, selection categories create privileged access for a selected few, who - permanently or temporarily – can become part of ‘us’ in the resettlement countries’ societies. As such, selection categories in resettlement provide insights into states’ preferences, especially when given the possibility to effectively select refugees before they present themselves at the border. The present chapter provides a panoramic view of official selection categories of the United Nations High Commissioner for Refugees (UNHCR), European Member States², and the European Union (EU). Categorisations in resettlement programmes are ways of ‘othering’ *within* the group of refugee ‘others’, excluding but also including according to three logics: humanitarian, security and assimilability. Our analysis shows that, while resettlement claims to be a humanitarian policy for the ‘most vulnerable’, European states’ also deploy security and assimilability logics for their selection. Recent EU propositions to harmonise resettlement suggest that the EU seeks to promote a combination of all three logics for Member States’ refugee selection.

In response to the so-called refugee crisis, European states have either set up new resettlement and humanitarian admission programmes or expanded existing ones.³ In 2018, European states have committed to resettling 50,000 refugees until the year 2020.⁴ Yet, in selecting refugees, European states and the UNHCR are confronted with a dilemma: the number of refugees ‘in need of resettlement’ far exceeds the available resettlement quotas.⁵ Given that resettlement is an option for less than one percent of the global refugee population, how do resettlement states set the boundaries to include and exclude among these individuals?⁶

According to UNHCR, resettlement represents a ‘durable solution for the most vulnerable refugees’.⁷ However, there is no right to resettlement; states are free to decide whether to engage in resettlement

¹ The data presented in this chapter covers both resettlement and humanitarian admission programmes. For ease of reading and given the limited word count, we use resettlement as an umbrella term for both resettlement and humanitarian admission programmes.

² Although not part of the EU, Norway also took part in the EMN study. For ease of reading we do not mention Norway separately, when speaking of ‘Member States’.

³ H. Beirens and S. Fratzke, *Taking stock of refugee resettlement. Policy objectives, practical tradeoffs, and the evidence base* (Brussels: Migration Policy Institute, 2017), p. 6.

⁴ European Commission, ‘European Agenda on Migration: Continuous efforts needed to sustain progress’, press release, 14 March 2018, available at http://europa.eu/rapid/press-release_IP-18-1763_en.htm, (last checked 18 July 2019).

⁵ UNHCR, *Projected Global Resettlement Needs 2020* (Geneva: UNHCR, 2019).

⁶ UNHCR, ‘Less than 5 per cent of global refugee resettlement needs met last year’, 19 February 2019, available at <https://www.unhcr.org/news/briefing/2019/2/5c6bc9704/5-cent-global-refugee-resettlement-needs-met-year.html>, (last checked 16 July 2019).

⁷ UNHCR Turkey ‘Resettlement’, available at <https://help.unhcr.org/turkey/resettlement/>, (last checked 16 July 2019).

or not.⁸ As resettlement is a voluntary commitment for states, resettlement countries are relatively free to define their own priorities for their selection.⁹ States decide not only who most urgently requires access to protection but also who is granted access to the nation state, its community and resources. Especially in today's political climate, where migration is discussed as a security issue and integration concerns are being brought to the forefront of political debate, European states' refugee selection process is being put under significant pressure.^{10,11,12}

Scholarly work has shown that, in addition to purely humanitarian concerns, resettlement states also take into account their own strategic interests.^{13,14} Hashimoto, for instance, has classified official selection criteria in refugee admission programmes as either vulnerability or integration-oriented to better understand which policy objectives underlie states' engagement in this policy field.¹⁵ Bringing these scholarly advancements into dialogue with the concept of 'othering' allows for an understanding of selection categories as boundaries between 'us' and 'them'. On paper and enacted in practices, categories police the imagined, legal and material boundaries between the out-group of refugees and the in-group of a nation-state. Categories do not only set the boundaries of inclusion and exclusion within the group of 'others', but also express the in-groups' self-understanding. We propose that categorisations in resettlement and humanitarian admission 'other' along three different logics: humanitarian, security and assimilability.

To understand how these logics shape Europe's current boundaries of inclusion and exclusion in refugee protection, we analysed key policy documents of the EU and UNHCR, and the 2016 country reports of the European Migration Network (EMN) on resettlement and humanitarian admission. The structure of this chapter is as follows. Firstly, we provide a brief overview of resettlement as a policy instrument in global refugee governance and explain how selection categories matter in the process of refugee selection. Secondly, we conceptualise categorisations as three logics of othering. Thirdly, we

⁸ UNHCR, 'Frequently asked Questions about Resettlement', April 2012, available at <https://www.unhcr.org/protection/resettlement/4ac0873d6/frequently-asked-questions-resettlement.html> (last checked 16 July 2019).

⁹ See also A. Garnier, K. B. Sandvik and L. L. Jubilit 'Introduction Refugee Resettlement as Humanitarian Governance', in A. Garnier, K. B. Sandvik and L. L. Jubilit (eds.) *Refugee Resettlement. Power, Politics and Humanitarian Governance* (New York/Oxford : Berghahn, 2018), pp. 2 -27.

¹⁰ J. Huysmans, 'The European Union and the Securitization of Migration', *JCMS: Journal of Common Market Studies* 38 (2000), 751–77.

¹¹ R. Andersson, 'Hardwiring the frontier? The politics of security technology in Europe's "fight against illegal migration"', *Security Dialogue* 47 (2016), 22–39.

¹² E. Guild, 'International Terrorism and EU Immigration, Asylum and Borders Policy: The Unexpected Victims of 11 September 2001', *European Foreign Affairs Review* 8 (2003), 331–46.

¹³ M. O'Sullivan, 'The ethics of resettlement: Australia and the Asia-Pacific Region', *The International Journal of Human Rights* 20 (2016), 241–63.

¹⁴ Garnier A., Jubilit L. L. and Sandvik K. B. (eds.), *Refugee resettlement: Power, politics, and humanitarian governance* (New York: Berghahn Books, 2018).

¹⁵ N. Hashimoto, 'Refugee Resettlement as an Alternative to Asylum', *Refugee Survey Quarterly* 37 (2018), 162–86.

apply this lens to UNHCR's, European states' and the EU's selection categories, which in practice mutually shape one-another in their implementation.

Refugee Selection in Resettlement and Humanitarian Admission Programmes

UNHCR defines resettlement as 'the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status.'¹⁶ This is different from humanitarian admission which provides only temporary protection, usually for the duration of an acute regional conflict.

Resettlement is seen to fulfil three 'equally important functions'.¹⁷ First, it is used to express international solidarity with first countries and regions of asylum who host a disproportionate number of refugees. Second, it is a tool which provides international protection to refugees, especially for those with special needs, who cannot be accommodated by the countries where they initially sought refuge. Third, alongside integration and voluntary repatriation, resettlement is a durable solution for larger groups of refugees.

For admission to a European resettlement or humanitarian admission programme, European states' selection categories are only one among many formal boundaries that determine refugees' access. For instance, in the current admission programmes under the EU-Turkey statement,¹⁸ the Turkish migration authority is the first body to examine cases and refers those deemed to have a resettlement need to UNHCR Turkey.¹⁹ UNHCR is cognisant of resettlement states' additional selection criteria and tries to take these criteria into account during the screening and submission of cases. Based on the dossiers UNHCR presents to resettlement states, national migration authorities make the final resettlement decision, sometimes after meeting people for in-person interviews. Thus, in practice, categories of UNHCR, resettlement states, the EU and first countries of refuge interact in the complex admission process. Furthermore, frontline workers of the different actors involved have discretion in interpreting official categories. How categories translate into frontline decision-making for different EU countries lies beyond the scope of this chapter. Our document-based analysis instead offers a starting point for further research on categorisation and selection practices.

¹⁶ UNHCR, *UNHCR Resettlement Handbook* (Geneva: UNHCR, 2011), p. 3.

¹⁷ UNHCR, *UNHCR Resettlement Handbook*, p. 3.

¹⁸ European Council, *EU-Turkey Statement*, 18 March 2016, available at: <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>, (last checked 31 January 2019).

¹⁹ UNHCR, *Resettlement in Turkey*, August 2018, available at <https://www.unhcr.org/tr/wp-content/uploads/sites/14/2018/09/07.-UNHCR-Turkey-Resettlement-Fact-Sheet-August-2018.pdf>, (last checked 26 July 2019).

Categorising as ‘Othering’: Logics of Humanitarianism, Security & Assimilability

Generally speaking, categorising can be defined as ‘the grouping of objects that share a particular characteristic’.²⁰ Applied to humans, categories ‘comprise sets whose members share the features with respect to which they are the same and different’, making a ‘category and its contents [...] internally undifferentiated’.²¹ Categorisations have to follow a certain logic, some kind of organising principle that allows one to label, order and ascribe belonging. In discourses, laws and practices of migration governance categories serve to draw the line between an in-group and an out-group, a ‘we’ and a ‘them’. This form of ‘othering’ has to follow a certain logic of belonging, based on the question of ‘the same and different in relation to what?’, or in relation to whom?²²

In resettlement and humanitarian admission, categorisations draw the boundaries of inclusion and exclusion to protection as well as establishing who may access the country of resettlement, its community and its resources. Thus, categorisations in resettlement do not only determine who is in need of protection but also govern state borders and – in the long run – access to citizenship. Categorisations set the boundaries of inclusion for two questions: (1) who is most in need of protection, and (2) who gets privileged access to the state’s territory, community and resources? The first question addresses a humanitarian logic of othering and focusses on the needs and security of the refugee. The second question is concerned rather with protecting the state’s security and the norms and values supposedly shared by its community. We can thus distinguish between humanitarian, security, and assimilability-based logics of othering that underlie selection categories. Depending on which logic of ‘othering’ applies, constructions of ‘us’ and ‘them’ changes.

A humanitarian logic selects based on refugees’ needs and vulnerabilities. The ‘other’ is constructed as a victim and a person who is in need of ‘our’ protection. This allows the in-group to construct itself as a humanitarian saviour for those in need. We can understand humanitarianism as ‘an array of particular embodied, situated practices emanating from the humanitarian desire to alleviate suffering of others’.²³ Categorisations thus define whose suffering needs to be alleviated. Especially given a context of scarcity, this produces ‘implicit hierarchies’.²⁴ As Fine notes: ‘a humanitarian rationality

²⁰ D. Stone, *Policy paradox: The art of political decision making*, 3rd ed. (New York: W.W. Norton & Co, 2012), p. 164.

²¹ D. Yanow, *Constructing “Race” and “Ethnicity” in America* (New York/London: M. E. Sharpe, 2015), p. 11.

²² D. Yanow and M. van der Haar, ‘People out of place: allochthony and autochthony in the Netherlands’ identity discourse — metaphors and categories in action’, *Journal of International Relations and Development* 16 (2013), 227–61.

²³ P. Redfield, ‘Doctors, Borders, and Life in Crisis’, *Cultural Anthropology* 20 (2005), 328–61.

²⁴ D. Fassin, *Humanitarian reason: A moral history of the present times* (Berkeley: University of California Press, 2012).

legitimizes divisions between desirable and undesirable mobility, deserving and undeserving migrants'.²⁵

A security logic selects based on the estimated or real threats that the 'other' poses to the in-group. The in-group's physical and symbolic space is considered to be safe and secure; outsiders are considered to be a potential threat to this inner security. Political narratives which frame irregular migration as a threat to the EU as an 'area of freedom, security and justice' are illustrative for this reasoning.²⁶ Inclusion and exclusion then works through a pre-emptive security logic. Those who are deemed not to be dangerous or 'risky' can then potentially become part of the in-group.

An assimilability logic understands the 'other' as culturally different, and supposedly lacking the 'shared values' of liberal societies; values such as 'fundamental rights, rule of law, openness, respect and tolerance towards other people'.²⁷ The in-group constructs itself as a protector of these shared values, selecting those who are deemed to be 'same enough' to learn and practice these shared norms and values, e.g. by showing willingness to learn a country's official language. This fusion of immigration and integration policies is no longer limited to the post-arrival phase. Whether someone shows 'integration potential' and is therefore 'considered assimilable'²⁸ may become a relevant criterion for access.²⁹ Assimilability requires migrants to 'earn' their membership in the receiving society. As Kostakopoulou states "what people think about nudism, same sex partnerships, religious conversion and so on seems to be crucial in determining who is to be included and excluded".³⁰

Table 1 summarises the three logics of othering and the constructions of 'us' and 'them' they produce.

	Humanitarian	Security	Assimilability
Logic of selection	Needs/vulnerabilities those who are vulnerable because their needs cannot be addressed in the first country of refuge	Absence of threat those deemed to be 'not dangerous' with regard to past and future life	Integration prospects: those deemed to be 'same enough' and willing to integrate into 'our' culture, values etc.

²⁵ S. Fine, *Borders and Mobility in Turkey* (Cham: Springer International Publishing, 2018), p. 3.

²⁶ A. Niemann and N. Zaun, 'EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives', *JCMS: Journal of Common Market Studies* 56 (2018), 3–22.

²⁷ Compare Chapter 1, this volume, p.

²⁸ S. Bonjour and J. W. Duyvendak, 'The "migrant with poor prospects": racialized intersections of class and culture in Dutch civic integration debates', *Ethnic and Racial Studies* 41 (2018), 882–900.

²⁹ C. Joppke, 'Civic integration in Western Europe: three debates', *West European Politics* 40 (2017), 1153–76.

³⁰ D. Kostakopoulou, 'The Anatomy of Civic Integration' in F. Anthias (ed.), *Contesting integration, engendering migration 2014* ([Place of publication not identified]: Palgrave Macmillan, 2014), vol. 50, pp. 37–63.

Construction of ‘them’	Victim / In-Need	Potential threat	Culturally different
Construction of ‘us’	Saviour of those in need	Protector of European security and safety	Protector of ‘European’ identity and values and social cohesion

Table 1: Logics of ‘othering’ in categorisations for resettlement and humanitarian admission

In what follows, we will examine how these different logics permeate official selection categories in European resettlement and humanitarian admission programmes. This is done after discussing UNHCR’s selection categories as an example of humanitarian ‘othering’,

Humanitarian ‘Othering’: UNHCR’s Submission Categories for Resettlement

In the 1990s, a series of UNHCR documents specified the categories for resettlement. These document explicitly targeted “individual refugees with special protection needs, including women at risk, minors, adolescents, elderly refugees, and survivors of torture”.³¹ In 1996, UNHCR published its first Resettlement Handbook, which has been updated twice since then.³² There is strong continuity regarding selection and exclusion categories throughout the three editions. In the handbook’s latest version, the seven resettlement submission categories are:³³

1. Legal and/or physical needs
2. Survivors of torture and/or violence
3. Medical needs
4. Women and girls at risk, who have protection problems particular to their gender
5. Family reunification, when resettlement is the only available solution
6. Children and adolescents at risk
7. Lack of foreseeable alternative solutions

These selection categories serve as a point of departure in the design of most national programmes. The level of UNHCR involvement in the process, the concrete political context or ‘crisis’ the programmes respond to may impact the extent to which a resettling state embraces the UNCHR’s categories or redefines, prioritises and replaces them. UNHCR’s categorisations for resettlement fit

³¹ Executive Committee of the High Commissioner Programme, ‘Conclusion on International Protection No. 85 (XLIX), (1998) contained in United Nations General Assembly Document No. 12A (A/53/12/Add.1).

³² UNHCR, *UNHCR Resettlement Handbook*.

³³ *Ibid.*, p. 45.

into what Glasman calls ‘Ordering through Needs’³⁴. Glasman describes that UNHCR started to embrace this approach in the 1980s and onwards, when ‘[p]eople were classified not only according to their legal status, but also according to their vulnerability’.³⁵ All UNHCR resettlement categories are centred around individual or group-based vulnerabilities, and are independent from the perspective of states. Yet, their focus on refugees’ vulnerabilities does not make UNHCR resettlement categories neutral. Their underlying humanitarian logic clearly stratifies needs along gendered, age-differentiated and bodily lines by considering women, children, families, and people with medical needs as per se more deserving than other groups.

UNHCR’s exclusion criteria are identical to the exclusion clauses of the Geneva Refugee Convention, specified in Article 1D -1F.³⁶ These articles define a set of categories that can lead to the exclusion of people from refugee status if there are ‘serious reasons for considering’ that the person committed war crimes, crimes against humanity, crimes against peace, a ‘serious non-political crime outside the country of refuge’³⁷ or is ‘guilty of acts contrary to the purposes and principles of the United Nations.’³⁸ Thus the UNHCR resettlement categories also include some minimum standards for security-based exclusion from resettlement.

European States’ Selection Categories 2011 – 2016

European states follow UNHCR’s humanitarian categories, give special emphasis to certain categories, and define additional ones. EMN’s 2016 synthesis report, provides insights into European states’ selection categories.³⁹ National reports list the selection and prioritisation criteria the respective Member State applies in its selection process.⁴⁰ Some country reports do not list any additional selection categories besides those of UNHCR (i.e. Italy, France) while other Member States’ reports comprise a variety of additional categories. The EMN questionnaire also asked for national categories to exclude or deprioritise resettlement candidates. While reports often use these terms interchangeably, deprioritising means that a case is not per se excluded from the process but is *less*

³⁴ J. Glasman ‘Seeing Like a Refugee Agency : A Short History of UNHCR Classifications in Central Africa 1961-2015’ *Journal of Refugee Studies*, 30 (2017), 338–362.

³⁵ *Ibid.* p. 349.

³⁶ Convention Relating to the Status of Refugees, Geneva, 28 July 1951, in force 22 April 1954, 189 UNTS 137, Art. 1D – F.

³⁷ *Ibid.* Art 1F (b).

³⁸ *Ibid.* Art. 1F (c).

³⁹ European Migration Network, *Resettlement and Humanitarian Admission Programmes in Europe - What Works?* (2016).

⁴⁰ A detailed analysis of the 14 member states’ selection categories (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, The Netherlands, Norway, Slovakia, Spain, Sweden, United Kingdom) was performed on the basis of the of country reports from EMN National Contact Points, downloaded from the EMN European Commission website: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports_en.

likely to be submitted or selected. However, given the scarcity of resettlement capacities, deprioritisation will often result in the de facto exclusion of a case.

The EMN national reports do not allow us to know how resettlement countries deliberated and decided on selection categories. Further, states may not report all the criteria they use in practice to determine refugees' access, and the interpretations of selection categories may differ from country to country. Despite these limitations, the panoramic view of European states' selection categories allows us to illustrate the three logics of humanitarianism, security and assimilability and examine the differences as well as the common patterns across Europe.

Humanitarian Logics of 'Othering'

The EMN national reports indicate a strong commitment to offer protection to 'the most vulnerable'⁴¹ or 'particularly vulnerable'⁴², which in theory would suggest a large overlap with UNHCR's resettlement categories. Indeed, across all 21 programmes analysed, we observe that states underscore several UNHCR *submission* categories as their own *selection* categories. As UNCHR addresses its own categories in the screening and submission process, European states' mentioning of one or several UNHCR categories' can be understood as an additional emphasis or prioritisation.⁴³

More specifically, this humanitarian logic can be observed in the programmes prioritising women, single mothers, or victims of gender-based violence (n=10), children (n=10), survivors of torture or violence (n=9) and medical cases (n=12).⁴⁴ Where European states emphasise one of these UNHCR categories, programmes usually mention a combination of UNHCR categories. For instance, within the 14 programmes that prioritise either children or medical needs, 8 prioritise both. The programmes focussing on women and/or 'survivors of violence and torture' also prioritise medical cases.

Yet, some states specify limitations. For instance, depending on the programme, Germany admits only three to five percent of severe medical cases.⁴⁵ Ireland asked UNHCR to prioritise medical cases that do not require life-time care and to suspend the submission of 'serious child-related medical cases', like childhood cancer, for the next three years. Any medical need for which there are long waiting

⁴¹ Italy EMN Contact Point, *Resettlement and Humanitarian Admission Programmes in Europe – what works? Country Report Italy* (Luxembourg, Esch/Belval : University of Luxembourg, 2016), p. 35.

⁴² J. Grote, M. Bitterwolf and T. Baraulina, *Resettlement and Humanitarian Admission Programmes in Germany: Focus-Study by the German National Contact Point for the European Migration Network (EMN)*, (Nürnberg: Bundesamt für Migration und Flüchtlinge Working Paper, 2016), p. 6.

⁴³ See Table 2.

⁴⁴ N indicates the number of programmes.

⁴⁵ Grote, Bitterwolf and Baraulina, *Resettlement and Humanitarian Admission Programmes in Germany*.

lists will not be accepted.⁴⁶ Luxembourg excludes refugees with untreatable diseases or disabilities, and those requiring organ transplantation.⁴⁷ For many countries that did not make sub-quotas or specific limitations explicit in their reports, they often exist in practice as informal agreements between the resettlement country and UNHCR.⁴⁸ Rather than being a limitation to humanitarian-based selection, these examples point to the material limitations of refugee reception that resettlement states have in their programmes such as specialised clinics or adequate housing.

Children are explicitly prioritised in a number of programmes. However, there are some important limitations, especially regarding family size and unaccompanied minors. For instance, families with more than three children are less likely to be resettled to Luxembourg.⁴⁹ While Sweden accepts to resettle unaccompanied children⁵⁰, other Member States prefer not to focus on this group for reasons of often complex child custody issues and challenging reception in the resettlement country.

Table 2: Summary of programmes and reported categories with humanitarian logics of ‘othering’⁵¹

Programmes	Humanitarian logics					
	Women, mothers, victims of gender violence	Elderly	Children	Survivors of violence and torture, or at risk	medical needs	Protracted cases
AT	yes	yes		yes	yes	
BE						yes
CZ					yes	
DE_RST	yes		yes	yes	yes	
DE_HAP	yes	yes	yes		yes	
ES						
FI	yes	yes	yes	yes	yes	
FR_1						
FR_2						
FR_3_EU_TUR						
IE	yes			yes	yes	

⁴⁶ S. Arnold and E. Quinn, *Resettlement of Refugees and Private Sponsorship in Ireland*, ESRI Research Series (2016).

⁴⁷ Luxembourg EMN Contact Point, *Resettlement and Humanitarian Admission Programmes in Europe – what works?* (Luxembourg, Esch/Belval : University of Luxembourg, 2016), pp. 15, 27.

⁴⁸ This information draws on one of the author’s fieldwork in Lebanon and Turkey between March 2018 and November 2018, including observations at UNHCR Turkey, and interviews with UNHCR high-level and front-line officers.

⁴⁹ Luxembourg EMN Contact Point, *Resettlement and Humanitarian Admission Programmes in Europe*, p. 8.

⁵⁰ Sweden EMN Contact Point, *Resettlement and Humanitarian Admission Programmes in Europe – what works? Country report Sweden*, (Norrköping: Migrationsverket, 2016), p. 27.

⁵¹ Information was gathered from the National Contact Points reports available at https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports_en, (last checked 30 July 2019).

IT						
LU_1	yes	yes	yes		yes	
LU_2	yes	yes	yes		yes	
NL				yes	yes	
NO	yes		yes	yes	yes	
SE			yes			
SK				yes		
UK_syr	yes		yes	yes	yes	
UK_gpp	yes		yes	yes	yes	
UK_mrs		yes	yes			

Security Logics of ‘Othering’

Security logics are concerned with the question of national security and aim at keeping the supposedly ‘dangerous other’ out. The baseline for refugees’ exclusion on security grounds is article 1F of the Geneva Refugee Convention.⁵² This article, either rephrased or in its exact wording, is part of all European programmes. Moreover, Member States are at liberty to apply additional security criteria should they deem them necessary.

In the reports analysed, the Austrian programme for Syrian refugees residing in Jordan had the most additional exclusion categories. Specifically, refugees would be excluded for: using false identification, having a criminal record, a history of irregular entry to Austria, and those who returned to Syria after getting refugee status in Jordan. Germany, the UK and Norway also consider a criminal record as a reason for exclusion.⁵³ While only Austria and Norway explicitly state that holding false identification is grounds for exclusion, in practice *all* resettlement countries require some proof of identity.

Although EU Member States rarely make it explicit, the prioritisation of women (n=10), children (n=10), and families (n=7) discussed above, results in a de-facto deprioritisation of single, heterosexual, able-bodied men. While women and children are considered to be ‘authentic’ refugees, refugee men without family are seen as potential security threats. Depending on the country and programme, the only exceptions are cases of LGBTQI, severe medical needs or victims of violence and torture.⁵⁴ In its EMN report Ireland, for instance, justifies the deprioritisation of single male applicants by claiming that it would be ‘harder to integrate them in the community’.⁵⁵ Yet, statistically

⁵² Convention Relating to the Status of Refugees, Geneva, Art. 1 F.

⁵³ Compare Table 3.

⁵⁴ L. Turner, ‘Who will resettle single Syrian men?’, *Forced Migration Review* 54 (2017), 29–31.

⁵⁵ Arnold and Quinn, *Resettlement of Refugees and Private Sponsorship in Ireland*, p. 44.

speaking refugee men have higher employment rates than female refugees.⁵⁶ This suggests that the supposed integration obstacle relates rather to security and assimilability concerns. In line with mainstream representations of refugee men^{57,58}, there seems to be concern that single refugee men will remain the ‘unassimilable other’, refusing liberal democratic values, and potentially radicalising.

Table 3: Summary of programmes and categories with security logics of ‘othering’⁵⁹

Programmes	Clear Security logic				Other	Explicit deprioritisation of single men (except LGBTQI)
	drug or other substance abuse	false ID	criminal record	irregular entry	Prioritisation of family	
AT		yes	yes	yes		
BE						
CZ						
DE_resettl			yes		yes	
DE_syr			yes			
ES					yes	
FI					yes	
FR_1						
FR_2						
FR_3_EU_TUR						
IE					yes	yes
IT						
LU_1					yes	
LU_2					yes	
NO	yes	yes	yes		yes	yes
NL						
SE						
SK						
UK_syr			yes			
UK_gpp						
UK_mrs						

⁵⁶ J. Perschner, *Labour market performance of refugees in the EU* (Brussels: European Commission, 2017), pp. 15-16.

⁵⁷ E. Olivius, ‘Refugee men as perpetrators, allies or troublemakers? Emerging discourses on men and masculinities in humanitarian aid’, *Women’s Studies International Forum* 56 (2016), 56-65.

⁵⁸ J. W. Rettberg and R. Gajjala ‘Terrorists or cowards: Negative portrayals of male Syrian refugees in social media’, *Feminist Media Studies* 16 (2016), 178–181.

⁵⁹ Information was gathered from the National Contact Points reports available at https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports_en, (last checked 30 July 2019).

Assimilability Logics of ‘Othering’

An assimilability logic of ‘othering’ prioritises those who presumably share the receiving society’s ‘common values’ and know the language. In total, 11 programmes have inclusion categories that reflect this kind of rationale.⁶⁰ Some policies explicitly state ‘integration potential’ or a ‘willingness to integrate’.⁶¹ Others do this indirectly by making ‘knowledge of the language’ or ‘ties to the country’ an inclusion category.⁶² Resettlement countries sometimes use interviews as part of the admission procedures (e.g. Luxembourg and the Netherlands) to evaluate the ‘integration potential’ of candidates. Luxembourg’s report describes the procedure as follows:

‘During the face-to-face interviews, the pre-selected candidates are informed on their future life in Luxembourg, the school system, (non-) religious practices, “common values”, the Luxembourgish language regime, the labour market, and a cultural orientation workshop or introduction is provided to them. It may occur that following these interviews one of the parties considers that a resettlement would not be in either party’s interest.’⁶³

States’ selection interviews remain one of the most opaque parts of the selection process, and the practices of evaluation refugees’ ‘integration potential’ vary. Yet, some examples that state representatives refer to are: the question whether a father would let his children participate in mixed swimming classes at school or an interviewees’ reaction to two men kissing on the street. As these examples show, assimilability-based selection mobilises gender and sexuality norms to draw boundaries of inclusion and exclusion. Refugee selection then operates similar to civic integration policies that see immigrant groups as potential threats to liberal societies and values.^{64,65,66}

The explicit prioritisation of skills or high education level in five European programmes suggests that refugees are selected based on their labour market prospects.⁶⁷ Such criteria are a way to choose those who are likely to contribute to the welfare state over those who are assumed to become a ‘burden’. The Netherlands asks UNHCR to propose refugee profiles with academic education but also journalists, human rights activists, or other people who played an active role in civil society.⁶⁸ Yet,

⁶⁰ Compare Table 4.

⁶¹ M. Besters and D. Diepenhorst, Hervestiging en humanitaire toelating in Nederland, *Beleid en praktijk* (2016), p. 26.

⁶² Grote, Bitterwolf and Baraulina, *Resettlement and Humanitarian Admission Programmes in Germany*, p. 25.

⁶³ Luxembourg EMN Contact Point, *Resettlement and Humanitarian Admission Programmes in Europe – what works?*, p. 29.

⁶⁴ S. Thapar-Björkert and K. Borevi, ‘Gender and the ‘integrationist turn’ - Comparative perspectives on marriage migration in the UK and Sweden’, *Tijdschrift voor Genderstudies* 17 (2014), 149–65.

⁶⁵ A. Korteweg and G. Yurdakul, ‘Islam, gender, and immigrant integration: boundary drawing in discourses on honour killing in the Netherlands and Germany’, *Ethnic and Racial Studies* 32 (2009), 218–38.

⁶⁶ S. Bonjour, ‘Between Integration Provision and Selection Mechanism. Party Politics, Judicial Constraints, and the Making of French and Dutch Policies of Civic Integration Abroad’, *European Journal of Migration and Law* 12 (2010), 299–318.

⁶⁷ Compare Table 4.

⁶⁸ Besters and Diepenhorst, Hervestiging en humanitaire toelating in Nederland:, p. 18.

especially in humanitarian admission programmes, such prioritising of specific skills addresses both an assimilability as well as a humanitarian logic. People with certain professions are considered to integrate well in the receiving society *and* to be key in the post-war reconstruction of the country of origin. Germany, in its humanitarian admission programmes for Syrian refugees from Lebanon (2013-2015) for instance, specified that refugees with ‘skills for reconstructing Syria after the end of the conflict’⁶⁹ would be prioritised. Official selection categories such as ‘knowledge of the language’ or ‘family ties in the host country’ are considered as indicators for faster integration into society *and* the labour market. At the same time, family links and factors that facilitate refugees’ self-reliance in the resettlement country are also considered to be in the refugees’ interest and hence reconcilable with a humanitarian logic.

In some countries, the prioritisation of religious or ethnic minorities (n=5) has been criticised as an implicit assimilability logic. For instance, a representative of the Red Cross commented on Austria’s announcement to primarily admit ‘children, women, Christians from Syria’ with the provocative question ‘Do Christians suffer more from poison gas?’.⁷⁰ Germany, too, initially declared to focus on Christian minorities in its humanitarian admission programme for Syrian refugees in Lebanon. In light of the criticism of this statement, both within Germany and in Lebanon, the official policy reformulated the criterion as ‘members of religious minorities, if they are religiously-persecuted’.⁷¹ For the actual selection of refugees from Lebanon, Germany together with UNHCR and Lebanese authorities tried to maintain a balance of accepting different religious sects.⁷² Germany’s example shows that the sheer presence of religion or ethnicity-based selection criteria is not necessarily indicative of an assimilability logic, and practice, of ‘othering’.

Table 4: Summary of programmes mentioning assimilability logics⁷³

	Assimilability logic		Ambivalent assimilability logic
Programmes	professional	cultural	Religious or ethnic minority
AT		yes	yes

⁶⁹ Bundesministerium des Innern, Anordnung des Bundesministeriums des Innern gemäß § 23 Absatz 2, Absatz 3 i. V. m. § 24 Aufenthaltsgesetz zur vorübergehenden Aufnahme von Schutzbedürftigten aus Syrien und Anrainerstaaten Syriens vom 30. Mai 2013, (2013).

⁷⁰ M. Santner, ‘Leiden Christen mehr unter Giftgas?’, Rotes Kreuz, 02.09.2013, available at <https://www.rotekreuz.at/news/datum/2013/09/02/leiden-christen-mehr-unter-giftgas/>, (last checked 26.07.2019).

⁷¹ Bundesministerium des Innern, Anordnung des Bundesministeriums des Innern gemäß § 23 Absatz 2, Absatz 3 i. V. m. § 24 Aufenthaltsgesetz zur vorübergehenden Aufnahme von Schutzbedürftigten aus Syrien und Anrainerstaaten Syriens vom 30. Mai 2013, (2013).

⁷² This information is based on one of the author’s research on the German programmes, including semi-structured interviews with UNCHR and German state representatives.

⁷³ Information was gathered from the National Contact Points reports available at https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports_en, (last checked 30 July 2019).

BE			
CZ	yes	yes	
DE_RST	yes	yes	
DE_HAP	yes	yes	yes
ES		yes	
FI		yes	
FR_1			
FR_2			
FR_3_EU_TUR			
IE			
IT			
LU_1		yes	yes
LU_2		yes	yes
NL	yes	yes	
NO	yes	yes	
SE			
SK			yes
UK_syr			
UK_gpp			
UK_mrs		yes	

Harmonising Selection Categories in the EU: Combining Humanitarian, Security and Assimilability Logics

The renewed interest of many European Member States in resettlement and humanitarian admission programmes has been coupled with EU efforts to harmonise selection priorities and incentivise Member States to increase their quotas. Two ad hoc programmes in 2015 and 2017 consolidated individual Member States' admission efforts and presented resettlement as a *European* instrument. While emphasising the voluntary and additional nature of such programmes, the ad hoc programmes were a first attempt to steer Member States' selection through the EU's priority categories under the Asylum, Migration and Integration Fund (AMIF).⁷⁴ In 2015 and in response to the so-called 'European migration crisis', the EU expressed its interest in incorporating resettlement and humanitarian admission programmes more systematically into its migration management approach

⁷⁴ Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (2014), OJ L 150, 20.5.2014, p. 168–194.

One example of this is the 2015 Agenda on Migration.⁷⁵ An important step in this regard was the EU-Turkey Statement (also commonly referred to as the EU-Turkey deal) offering inter alia refugee admissions from Turkey and financial assistance in exchange of stricter border controls and cooperation on return.⁷⁶ Although still under negotiation, there is a proposal for a common European framework which would constitute the most extensive EU effort to harmonise selection categories.⁷⁷

In examining the EU's efforts to harmonise Member States' selection priorities, we see that propositions for selection categories go beyond UNHCR resettlement categories and combine humanitarian, security and assimilability logics. In the 2016 proposal for a Union Resettlement Framework, the coexistence of these logics becomes most visible. Proposed eligibility criteria largely paraphrase UNHCR's resettlement submission categories and, in addition, define which family members are eligible for resettlement.⁷⁸ The focus on 'vulnerable persons' and families clearly displays a humanitarian logic of inclusion. However, the definitions of which family members are eligible follow European norms of what constitutes a family. This has been heavily criticised for its potential overlap with family reunification policies.⁷⁹

Article 6 on 'Grounds for Exclusion' of the proposal for Union Resettlement Framework has a strong emphasis on, and more detailed definition of, security logics. Besides the exclusion grounds of Article 1F of the Geneva Convention⁸⁰ and a generic security clause, there are a number of additional exclusion grounds. For instance, persons who have entered or tried to enter the EU irregularly, and those whom Member States have refused resettlement five years prior, should be excluded.

Article 10 makes the assimilability logic of the proposal visible. It suggests that in their selection Member States 'may give preference *inter alia* to [...] persons [sic]' with family links in one of the EU Member States, or 'social or cultural links, or other characteristics that can facilitate integration in the participating Member State'. As a 'may'-clause, these assimilability-based selection priorities do not receive the same weight in comparison to security criteria, which 'shall' apply. However, as Bamberg notes, if the proposal's formulation regarding a person's 'integration potential' makes it

⁷⁵ European Commission, A European Agenda on Migration. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, /* COM/2015/0240 final */, (2015).

⁷⁶ European Council 'EU-Turkey Statement', 18 March 2016, available at: <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>, (last checked 3.01.2019).

⁷⁷ Proposal for a regulation of the European Parliament and the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council: COM/2016/0468 final - 2016/0225 (COD).

⁷⁸ Ibid., Art. 5.

⁷⁹ K. Bamberg, *The EU Resettlement Framework: From a humanitarian pathway to a migration management tool?*, EPC Discussion Paper 26 June 2018 (2018). https://www.epc.eu/pub_details.php?cat_id=17&pub_id=8632 (12 July 2019), at p. 7.

⁸⁰ Compare Convention Relating to the Status of Refugees, Geneva, 28 July 1951, in force 22 April 1954, 189 UNTS 137, Art. 1D – F.

through the frameworks' ongoing negotiation process, 'it would be the first time that the EU would be in a position to condition the access to protection (in this case through resettlement) on integration potential'.⁸¹

Conclusion

In this chapter, we investigated how European states select the privileged few who can safely and legally get protection via resettlement and humanitarian admission programmes. This is done against the background where current efforts are being heavily invested into preventing people from arriving on European territory. By theorising resettlement and humanitarian admission as a combination of humanitarian relief and migration control, we have argued that categorisations and 'othering' do not only control access to protection, but also territorial access to the nation state, its community and resources. 'Othering' draws the boundaries between 'us' and 'them' along humanitarian, security and assimilability logics. How these logics intersect determines the combination of selection categories and thereby the boundaries of access.

Besides some minimal security consideration, UNHCR promotes a purely humanitarian set of categories. In contrast, European states and the EU have a number of additional selection priorities, 'othering' along security and assimilability logics. As illustrated in Figure 1, humanitarian, security and assimilability logics of othering often co-exist in European national programmes. Six programmes combine humanitarian and assimilability logics (The Netherlands', Czech Republic's, Finland's, one UK and both of Luxembourg's programmes), and four programmes encompass all three logics in their selection categories (Austria, Norway and both of Germany's programmes).

⁸¹ Bamberg, K., *The EU Resettlement Framework*, p. 8.

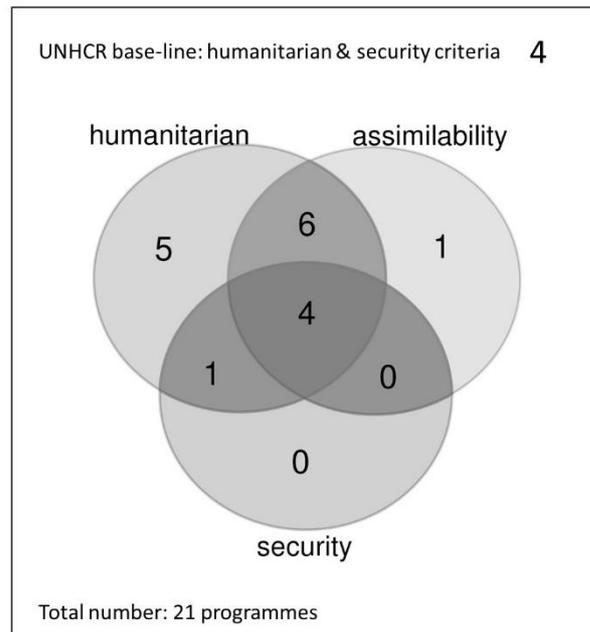


Figure 1: Three logics of ‘othering’ in resettlement and humanitarian admission programmes 2011-2016⁸²

The overlap of these three logics suggests that access does not only depend on refugees’ vulnerabilities and protection needs, but also on their estimated assimilability and security profile. In practice, this combination seems to privilege families, refugee women, children along with those with valid documents, no criminal record and ‘potential’ or ‘willingness’ to integrate as the ‘ideal other’ for resettlement. Yet, our analysis also shows how categories may address multiple selection logics at the same time or have context-specific meanings. Examining the situated meanings of selection categories in policy formulation and selection practice promises to be a fruitful avenue for future research.

The EU harmonisation efforts seek to establish the triple logic of othering for refugee selection we observed in four out of 21 national European programmes for *all* European programmes. The proposal for a Union Resettlement Framework refers to UNHCR’s selection categories but also includes a number of security- and assimilability-related categories, with a stronger emphasis seemingly on the former’. It remains to be seen how the current trends in resettlement categories develop and thereby,

⁸² Numbers denote number of programmes, which explicitly mention additional selection and prioritisation criteria. Humanitarian logic includes: women, children, mothers, victims of violence and torture, medical cases and protracted cases; assimilability logic: linguistic, cultural, skill-based selection; security includes additional emphasis beyond the UNHCR exclusion criteria on: persons with criminal record, drug abuse, false documents, irregular stay.

how the boundaries of privileged access to protection evolve to either include or exclude vulnerable individuals.

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