

THE HARSH WORLD OF OFFSHORE BORDERS

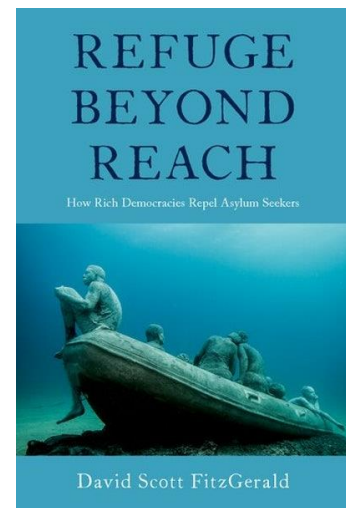
How governments use “remote control” policies to prevent asylum seekers coming anywhere close to refuge.

By Paul A. Kramer | August 8, 2019



There are the borders that register quickly as borders—red, metal spikes jutting from dusty hills, glinting spirals of razor wire—and then there are borders that don’t. There are borders roiling in the Caribbean and Mediterranean, where naval and coast guard vessels intercept thousands of people fleeing danger in makeshift boats. There are the borders of refugee camps and detention centers where blocked migrants are sealed in geographic limbo, far from the destinations they hope to reach. Less dramatically, there is the quiet border at the airport, stretching between you and the airline clerk who needs to see your visa, a document that, if you’re seeking asylum, you probably do not have.

It is these less conventional borders—painfully obvious and consequential to migrants, but often invisible to citizens of the global north—that are the subject of David FitzGerald’s trenchant new book, [*Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers*](#).



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The author, a political scientist and pioneer in the global study of immigration control, provides an indispensable map of what he calls, strikingly, an international “architecture of repulsion”: immigration policies that seek to push state borders out from national territory, and that profoundly compromise asylum-seekers’ pursuit of safety, both practically and as a matter of design. Sometimes these policies come bearing titles like the “Pacific Solution” and the “Haitian Program,” which tellingly echo earlier lethal uses of state power.

The phenomenon itself is not new to scholars. Political scientist Aristide Zolberg identified these policies decades ago—calling them “remote control” systems—while other analysts refer to an “externalization” of borders. One might refer to them as offshore borders. Whatever they are called, such policies represent the tangle of state power that migrants of all kinds, including asylum-seekers, must navigate; while the numbers are by definition difficult to fix, researchers have suggested that far more migration is prevented globally by these offshore mechanisms than by border controls as conventionally understood.

Shining a fierce spotlight on these policies, *Refuge Beyond Reach* reframes current debates on the world’s immigration and refugee “crises.” Talk of an immigration “crisis” mostly telegraphs threats to border control, national sovereignty and social cohesion—often fantastical threats, depicted in vicious, racialized terms—in the countries of the global north. By contrast, FitzGerald directs the reader’s attention to the immigrant’s crisis: a very real, high-stakes one, in which migrants avoiding detection and interception by offshore border authorities are compelled to take riskier paths to safety, whether in the Mediterranean, the Pacific or the Sonoran Desert. In his persuasive telling, suffering and death result directly from offshore bordering policies themselves.

Early examples of offshore borders can be found in the 1930s when hundreds of thousands of Jews sought to escape Nazi terror: British authorities did everything in

their power to prevent their migration to British-mandated Palestine, stopping their boats and deporting those who had landed to offshore sites. The United States similarly barred Jews from landing. In the infamous May 1939 case of the *St. Louis*, hundreds of Jews aboard a German ocean liner fleeing Nazi persecution were turned away by U.S. authorities; it was a Coast Guard vessel that shadowed the *St. Louis* out to sea, to prevent “possible attempts by refugees to jump off and swim ashore.”

The use of remote control techniques has spread and intensified since the 1980s. FitzGerald sees a set of interlocking, mutually reinforcing causes at work. One is the end of the Cold War, which diminished ideological pressure on democratic states to live up to a “free world” standard of benevolent refugee treatment. Another is the inauguration of the “war on terror,” which stoked fears that refugees were actual or hypothetical terrorists, and enabled greater securitization of borders. The resort to offshore policies may also be a response to advocates’ relative success in securing fair hearings for refugees and immigrants who make it to a territorial border; it is easier to dispense with those proceedings mid-ocean or inside other states, where legal aid, information about the laws of destination countries, and critical publicity is difficult or impossible to access.

At the heart of the book is FitzGerald’s compelling typology of offshore border strategies in use today. First developed in the mid-nineteenth century were policies that comprise what FitzGerald calls “the dome”: the granting and checking of visas far from destination countries through consular permissions and policies requiring transport companies to collect documentation prior to boarding. Their objective was both to tighten restriction controls and to spare destination states the costs of deportation by preempting migration near its source.

Both the *St. Louis* and Palestine cases from the 1930s involved what FitzGerald calls “moats”: a reliance on oceans and maritime power to interrupt successful refugee transit. In some cases, oceans prove virtually uncrossable natural barriers to refugee flight. In other cases, where migrants hazard the open sea, naval and coast guard vessels intercept and deport them. The legality of these operations depends on where the seaborne interceptions take place. It also depends on the conditions in refugees’ home countries: the international-legal principle of *non-*

refoulement prohibits the returning of refugees into danger. Finally, and crucially, there is the question of whether captured refugees receive a legitimate asylum hearing aboard ship, rather than a slapdash or fraudulent one, or none at all.

Next among FitzGerald's offshore techniques are "buffers" and "barbicans." Buffer states are regimes cultivated by destination countries to block migrants and prevent their onward mobility, often neighboring countries that are unstable, war-torn and migrant-generating themselves. For their cooperation, they receive financial and military assistance and diplomatic support, arrangements in many cases cemented through memoranda unavailable to citizens or the international public. Take, for example, Australia's 2001 agreement with Nauru, a tiny island nation in Micronesia. The agreement aimed to prevent migrants ever reaching Australian territory: Asylum seekers heading to Australia were to be intercepted at sea and [sent to a detention center on Nauru](#); meanwhile, Australia's overseas development aid budget for Nauru would leap from 3.1 million Australian dollars to 22.2 million.

"Barbicans" are exceptional, sometimes fortified, juridical zones located outside entrances to national territory. Notorious examples are Christmas Island—where the Australian government holds migrants indefinitely in camps—and the naval base at Guantánamo Bay, Cuba, which the United States [used as a refugee detention camp](#), prior to its use as military prison, legal black hole, and torture site.

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Refugees in the Middle East, coursing through centralized databases, are used to identify refugees attempting to access government benefits. These are the instruments of a self-consciously forward-looking, globalizing age.

Offshore borders take different forms in different countries, varying with states' political institutions, cultural histories, geography, and positions in international, geopolitical hierarchies. Australia's proximity to Asia, status as a regional power, history of nativist nationalism, and thin legal protections for noncitizens have shaped its aggressive forms of remote control. By contrast, Canada's insulation by oceans and a restrictionist buffer state to its south—the United States—more robust rights for noncitizens, and investment in a humanitarian international “brand” have together contributed to stronger protections for asylum seekers.

In the European Union, supranational institution-building has both externalized borders and created new layers of international juridical authority within which restrictionist policies can be challenged. What sets the United States apart most, for FitzGerald, is its management of a complex, buffer-state system in Mexico and Central America (exemplified by last week's [“safe third country agreement” with Guatemala](#)), and its willingness to flout international norms and laws when it comes to providing asylum-seekers hearings, and returning people to countries where they are at serious risk of being killed.

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Wealthy countries may also spread anti-immigration propaganda, seeking to discourage prospective migrants; in 2014, the Department of Homeland Security began running thousands of radio and TV advertisements in Central America warning of the risks involved in migrating to the United States. Military intervention has not been off the table. During their presidencies, Ronald Reagan and Bill Clinton invoked the necessity of U.S. military involvement in Central America and the Caribbean in order to stop refugee flight to the United States.

But the rich destination countries' power is not unlimited. They cannot, for example, simply impose themselves on buffer states, where leaders hold competing agendas and need to persuasively promise their constituents that they are defending national sovereignty. Would-be partner states can also prove unable or unwilling to seal off their borders, especially where employers and smuggling operations convince officials to leave them open.

And there are, FitzGerald observes, additional counter-weights that pull states back from the extremities of offshore bordering. Some nations' constitutions constrain executives' discretion when it comes to determining asylum status, including their discretion outside of territorial borders. International reputational politics, too, is a significant force: Nations seeking to project a humanitarian identity, to themselves and others, do not want to be perceived as callous or exclusionary.

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Perhaps chief among these counterweights, for FitzGerald, is the work of legal and humanitarian activists. It is ultimately up to refugee advocates, NGOs, journalists and scholars, he maintains, to defend legality, morality and accountability by tracking the elusive, shifting and often secret interstate arrangements that make offshore borders possible. With its wide-ranging empirical coverage, its lucid, detailed mapping of complicated policies, and its analytically useful typologies, *Refuge Beyond Reach* is itself a major contribution to this effort.

For many decades, governments have pursued remote control because—for all its intricacies—they have seen it as necessary and expedient. Sympathy—and legal rights—they have calculated, fade with distance. Border-making states could only get away with unethical and illegal undertakings the further they occurred from potentially activated, outraged publics. The assumption was that decisive numbers of citizens in the rich democracies of the global north would simply not permit refugees and asylum seekers at their territorial borders to be denied their rights and put needlessly at risk.

The last few years have seen this optimistic presumption placed under siege. The demonization of immigrants and refugees by politicians—and assaults on their rights—have made possible the prolonged detention of migrants, family separation, and harsh, abusive and even deadly conditions in plain view, inside U.S. territory, with the hearty assent of large segments of the citizenry. If part of the point of remote control was and is to hold the violent dimensions of border-making at arm's length—geographically, legally and ethically—it says a great deal about the cruelty and brutality of the current administration and its supporters that, as they seek to fortify United States against the world at all costs, they do not flinch from the pain they inflict.

For over a century, powerful destination states have pushed their borders out into the oceans and into other countries where they have been allowed to, subjecting refugees to new dangers, of the states' own invention. The difference now is that they no longer act as if they have anything to hide.

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