Index

Accordion Model, 111, 120, 122 population-jurisdiction model, 122 territory-jurisdiction model, 122 accountability, 65, 104, 155, 183, 228, 236, 239, 241, 269-270, 296 unaccountability, 20 Achiume, T. E., 39, 82, 88, 103, 176 activists, 5, 92-94, 96, 154-155, 157, 261-262, 272, 275. See also Human Rights Watch; NGOs, Pro Asyl; volunteers counter-externalization, 154 feminist groups, 157 Greenpeace, 157 indigenous, 18, 148, 166-167, 170, 248, 259, 261-262 nonviolent protesters, 180 transnational migrant, 248 activities, 5-6, 21, 94, 117, 152, 184, 194-195, 197-198, 201, 206 affinity, 84-86, 88, 227. See also proximity causation, 86 Afghanistan, 3, 37, 213–214, 231. See also Taliban Africa, 3, 117, 151–152, 177, 184-185, 187-188, 194, 196, 199–200. See also Black African migrants; European Union (EU), Trust Fund for Africa; Morocco, June 24, 2022 events (the Melilla massacre); special economic zones (SEZs) racialized imagery of, 185 sub-Saharan, 186 Agamben, Giorgio, 72, 194, 234 Albania, 9 Algeria, 179-180, 183 anarchism, 147 anarchy, 280-281

anti-immigrant parties, 7. See also far-right parties; racism; xenophobia Arendt, Hannah, 19, 67–69, 72, 175-176, 178 on the nation-state, 110 right to have rights, 176 views of refugees, 67 Asia, 196, 211 Central, 211 South, 53 Southeast, 199 asylum, 1, 4-7, 9-11, 13, 15, 17-18, 21, 29-38, 40-41, 43, 45-46, 49, 53, 56, 60-66, 69-74, 78, 81-83, 86, 89-105, 154, 156, 158, 160, 163-171, 176, 188, 208, 211-213, 220, 247-250, 252-256, 258-260, 262-266, 271, 273-274, 282. See also detention; expedited removal; Italy, National Commission for the Right of Asylum; NGOs, Pro Asyl; persecution; protection; refoulement; safe third country; United States (USA), Asylum Eligibility and Procedural Modifications (2019); United States (USA), Circumvention of Legal Pathways "asylum shopping", 60 admissibility interviews, 60, 71 airports, 9 Common European Asylum System, 63 credible fear of persecution, 34 EU Asylum Procedures Directive, 9 first country of, 64 for hearing, 34 responsibilities, 93 Trump asylum policy, 34

asylum seekers, 7, 34, 60, 62-63, 66, 70-72, 95-98 agency of, 92 carceral circle, 220 vs. migrants, 12 as "migrants in disguise", 91 offshoring asylum, 4 state's obligations, 253 atmospheric pollution, 169 Australia, 8. See also excision zone; Manus Islands; Nauru; Pacific islands; Papua New Guinea Austria, 50. See also Vienna authoritarian rule, 209 authorization law, 4 Balibar, Étienne, 69. See also égaliberté; excision zone; Manus Islands; Nauru; Pacific islands; Papua New Guinea on refugees, 69 views on European migration, 209 Balkans, 40 Bangladesh, 3, 169 Belgium, 62, 80-81, 88, 103, 180 belonging, 39, 46, 259, 274, 286 Benhabib, Seyla, 1, 4, 10, 33, 40, 43, 50, 55-56, 69, 110, 124, 126, 158, 175-176, 192-193, 210, 254, 264, 266-268, 292, 294 on refugee rights, 4 views on deterritorialization, 4 bible. See Old Testament biometrics. See migration control, biometric data birthright citizenship, 8 Black African migrants, 185 body, 67, 105, 111, 123, 129, 142, 165, 223, 229-230, 243 irregularized bodies, 211 Boe, Carolina Sanchez, 220 border, 2-7, 11-12, 15-17, 19, 21-24, 29-30, 32-35, 37, 45, 47, 49, 55, 60, 65, 69, 75-76, 78, 81, 83-84, 86-92, 95-97, 100, 102, 104-105, 109-113, 116-124, 143, 151-152, 154-155, 162, 175-177, 181-186, 188-189, 191, 198, 208–209, 213–214,

217, 221-222, 225, 228-231, 235, 247-248, 250-255, 257, 259-267, 269-270, 273-280, 283–284, 287–293, 295. See also Accordion Model; critical border theory; sea; United Nations (UN), Integrated Border Management; United States, Border Patrol; US-Mexico border; wall, the; Watershed Model as authority, 229 as authority vs. control, 229 binational, 5 brick and mortar (media image), 3 closed, 110 constitutive, 16 control, 19 coshared, 5 death and disappearance zone, 175 digital, 230 disciplining effect, 92 externalization, 151 extraterritorialization, 175 frontier, 176 ideology, 93 international, 158 linear, 109 moveable, 156 moving, 163 national, 30 open, 110 operational, 183 policing, 247 policing beyond, 82 politics, 264 porous (neither completely open nor completely closed), 288 private, 20 reconsidered, 16 regime, 24 regressive regimes, 267 security, 119 shifting border, 8–9, 19, 22, 47, 56, 176, 247, 267, 283, 296. See also Shachar, Ayelet sovereign, 30 temporal, 50 territorial limits, 209 Westphalian, 110 zonal, 116

348

bordering, 3, 17-18, 20, 51, 55, 78, 89, 111, 226 activities, 3 re-bordering, 268 Borges, Jorge Luis, 1 Bosnia, 47 boundaries, 1, 44, 50, 54-55, 109, 112-115, 121, 124, 137-138, 192, 198, 205, 210, 216, 257, 267, 284, 286–288, 292 dynamic view of, 287 membership, 283 Bourdieu, Pierre, 226 Brazil, 176 Brexit, 3, 8 Britain. See United Kingdom Buchanan, Allen, 112, 121 buffer zones, 222 Bulgaria, 64 Burma. See Myanmar Calais, 95 Cameroon, 37 Canada, 14, 34, 48, 61, 63, 119-120 The Canadian Council for Refugees et al v Minister for Immigration and Mi nister for Public Safety, 63. See also United States (USA), Safe Third Country Agreement (with Canada) (2002) Canary Islands, 183. See also Spain capitalism, global, 207 cease fires, 54 Central America, 14, 65, 162, 255, 260 Chad, 181 children, 31, 34, 39-40, 47, 81, 91, 165-166, 218, 266 Convention on the Rights of the Child, 165 China, 20, 194, 196, 199, 202, 204. See also special economic zones (SEZs) Baishizhou, 203 Chinese territorial rule within African countries, 200 Deng Xiaoping, 202 Shenzhen, 202

citizens, 22–24, 30, 45, 47, 50, 59, 69, 75, 77, 112, 134, 145, 179, 193, 195, 197, 205–206, 209, 216,

227, 234-235, 241-242, 251-255, 262-264, 267, 270, 273, 275, 277, 279, 281, 284-293. See also permanent residents noncitizens, 287 as potential migrants, 24, 287-289, 291 citizenship, 3, 13, 29, 31, 41, 43-47, 52, 56-57, 68, 83, 210, 213, 235, 238, 249, 257, 259, 270, 274, 283, 285-286, 294. See also European Union (EU), citizenship disaggregated, 184 civil rights, 285. See also human rights civil society, 75 civil wars, 260 climate changes, 2. See also rising sea levels crises, 10 displacement, 18 mobilities, 12 Nansen Initiative (2015), 171 natural disaster, 53 refugees, 18 weather-related displacements, 53 Cold War, 118 collective expulsion, 81, 186-187, 190 collective punishment, 180, 189 collective selves, 127 Colombia, 3 colonialism, 19, 103, 146, 176–179, 183-184, 190 colonies, 17, 117, 147, 149, 178, 180, 183 communal cultural rights, 171 communism, 260 community, 14, 16, 18, 23, 29, 37, 67-71, 74, 84-85, 88, 101, 125-126, 128, 133, 155, 165, 169-171, 203, 219, 252, 265, 272-274, 286. See also affinity political, 77, 85-86, 287-289, 291 Congo, Belgian (Zaire during the colonialism), 180 Consensus, 196 contiguous zone, 14, 149 control. See migration control cosmopolitanism, 22, 110, 251, 253-256, 261, 263 democratic, 22, 162, 259

Council of Europe, 9, 185 Cover, Robert, 191 COVID-19, 222 crime survivors, 40 criminals (disguised as refugees), 33, 91, 182 gang violence, 35, 160 racialized determinations of culpability, 176 critical border theory, 265-266, 277, 279 Cuba, 184 decision-making, 5, 14, 66, 101, 238, 254, 264, 272, 275, 287-288, 290-293, 295 democratic, 207 demoi-cratic, 290, 292 national, 289 defense, 16, 19, 92, 113-114, 187, 261, 264, 285. See also security democracy, 20, 67-69, 95, 185, 206-207, 234, 253, 269, 285, 288-289, 296 constitutional, 178 nonsovereign, 207 democratic backsliding, 205 democratic governance, 11, 24, 263 democratic iterations, 69, 267-268 democratic legitimacy, 192, 194, 196, 199, 258 democratic regulation, 192, 206 democratic responsibility, 13, 59 democratic theory, 22, 238, 269, 279 demography, 3 demoi-cracy, 292, 294 Denmark, 47, 61, 146. See also Germany, Danish Company Tax Liability Case (1971) Parliament passed legislation allowing, 61 deportation, 10, 44, 47-48, 52, 57, 93, 98, 223-225, 274. See also detention; refoulement removal centers, 214, 222-226 detention, 33, 180, 195, 220, 223-224, 266. See also deportation, removal centers; Guantanamo Bay (American military detention site in Cuba) diaspora, 101

digital identity, 232-233, 238, 241-242. See also migration control digital platform, 231 discrimination, 3, 40, 75, 79, 99, 103, 282, 284 racist, 14 displaced people, 3, 13-14, 20-21, 30, 39, 41, 43-45, 47-48, 50, 54-55, 57-58, 75, 160-161, 200, 208-211, 214-217, 221-224, 226-227, 232-233. See also climate changes, weather-related displacement governing techniques to monitor, 210 State-based programs to admit, 78 domestic law, 29-30, 36, 142 dominium, 16, 125-129, 131, 133-134, 138-142, 144, 146, 148, 155, 157, 195. See also Roman Law Dubai, 198 Dublin Regulation, 61, 63-64 earthquakes, 48, 53. See also environment economic space of exception, 195, 197-198, 200, 206. See also special economic zones (SEZs) égaliberté, 69 El Salvador, 32, 48, 65, 262 emancipatory potentiality, 265 enclaves, 20, 115-116, 177, 181-183, 192-200, 205-207. See also special economic zones (SEZs) private economic zones, 192, 195 England, 147. See also United Kingdom environment, 36, 88, 145, 150, 161, 163, 197–198, 236, 238, 257, 260-261. See also atmospheric pollution; climate change; earthquakes; hurricane; rising sea level; state, land, water, and air inhospitable, 118 regulatory, 196 uninhabitable, 18, 54 environmental movements, 251 environmental sustainability, 262-263 equality, 19, 69, 110, 177-178, 180, 184, 234, 256, 258, 282, 295 before the law, 176-178, 180, 184

Eritrea, 94 Ethiopia, 37, 184, 275 Eurocentricism, 185. See also racism; xenophobia Europe, 3, 5-6, 14, 24, 30, 33, 44, 51, 60, 64, 71, 75, 95, 99, 113-114, 116-117, 152, 169, 185, 189-190, 210, 212–213, 222–223, 226-227, 231, 275. See also Council of Europe; xenophobia Eurodac database, 231 postwar, 30, 48, 169 European Convention on Human Rights (ECHR or ECtHR), 8, 79, 168 European Court of Human Rights, 8, 62, 79, 82-83, 177 European General Data Protection Regulation (GDPR), 237 European migration law, 6 European supranational courts, 5 European Union (EU), 8, 14, 21, 33, 41, 47, 57, 61, 63-64, 71, 75, 99, 151, 177, 182, 294. See also asylum, EU Asylum Procedures Directive; Dublin Regulation; Ukraine, Temporary Protected Status of Ukrainian refugees citizenship, 294 Frontex (European Union's border enforcement agency), 151–152, 154, 255 Integrated Border Management, 248 investigations, 4 internal migration, 294 Maritime Rescue and Coordination Centre (MRCC), 152 migration and asylum, 9 Parliament, 9 Temporary Protection Directive (TPD), 75 Trust Fund for Africa, 184 exceptionalism, 11, 29, 32 excision zone, 155 exclusion (of human beings), 16, 51, 60, 69, 82, 131, 134, 138, 229, 275, 278, 288 expedited removal, 34 exploitation of workers, 17, 20, 72, 100, 147, 156, 194-195, 197, 200, 204. See also China,

Shenzhen; labor migration; special economic zones (SEZs)

- scandals, 202, 205
- spaces of exploitation, 195
- stratification, 20, 22, 24, 283 suicide, 204
- work conditions, 204
- export processing zones (EPZ), 194–197. See also multinational corporations (MNCs); special economic zones (SEZs)
- exteriority, 113, 143, 146, 157, 207, 259 anarchic elements of, 146
- extraterritorial jurisdiction, 80, 82. See also territorial jurisdiction
- famine, 11, 29. See also food insecurity
- Fanon, Frantz, 181, 189, 222

far-right parties, 208. See also antiimmigrant parties; nationalism; racism; xenophobia

- Fassin, Didier, 73
- Humanitarian Reason: A Moral History of the Present (2011), 73
- Febvre, Lucien, 109–110
- final destination, 96
- first safe country, 102
- floating populations, 207, 211, 220-221
- food insecurity, 53, 160, 162. See also famine
- Foucault, Michel, 220
- France, 51, 80, 95, 113–116, 168, 177, 180, 220, 273. *See also* Calais; Napoleon; Paris
 - Case of Mr. A, 168
 - French regulations on entry, residence and asylum (CESEDA), 169
- freedom, 69–70, 77–78, 98, 110, 130, 136, 138, 143, 146–148, 150, 152, 154, 157, 190, 227, 235, 273–274, 293, 295. *See also* human liberties; transnational movement of people of movement, 2, 158 at sea, 147

gatekeeping, 5, 20, 210

gender, 99, 229, 272. See also activists, feminist groups; LGBTIQ+ rights; sea, Women on Waves gender-based violence, 12 Geneva Convention of the Rights of Refugees (1951) 1967 Additional Protocol, 160 geography, 2, 20, 99, 139, 176, 184, 194, 198-200, 208, 211-214, 236. See also territorial trap economic, 19, 192-193, 198, 200, 230 geographic insulation, 32 geographic proximity, fallacy of, 75-76,86 private, 192 privatized, 198 Germany, 14, 40, 50–51, 95, 142, 212, 273 Danish Company Tax Liability Case (1971), 141Giddens, Anthony, 109, 117 global age, 20, 192, 194, 196. See also transnational movement of people global capital, 203 Global North, 20, 30, 32, 39, 45–46, 51, 57, 60, 210, 219-220, 282 global reform, 289-290 Global South, 18, 20, 33, 57, 161, 221, 232, 242 grassroots movements, 23, 261, 273 Greece, 33, 62, 64, 145, 212, 216, 223 Greek islands, 208 Grotius, Hugo, 17, 143, 145-148, 156. See also sea, mare liberum group-based approach, 41 Guantanamo Bay (American military detention site in Cuba), 195 Guatemala, 32, 65, 260, 262 civil war, 260 Gulf States, 44 Gulliver's Travels, 110–111, 123 Habermas, Jurgen, 267 rational reconstruction, 267 Haiti. 48 Hathaway, James C., 4, 6, 12, 176. See also politics of nonentrée The Rights of Refugees under International Law (2005), 62 health, 11, 35, 53, 165-166, 171, 218, 271

healthcare, 169, 215-216, 218, 220

Hobbes, Thomas, 126, 131–134, 139 - 140Leviathan (1651), 139 Holocaust, 30, 45. See also World War II homelessness, 184 antihomeless legislation, 184 Honduras, 247 Hong Kong, 202 hostility, 2, 32, 232 human dignity, 39, 92, 159 human encounter, 87 human freedom, 192 human liberties, 289. See also freedom human relations, 85, 131-132, 134 human rights, 2, 5-6, 10, 13-14, 18, 30, 39, 41, 43, 45, 51, 59, 62, 64-66, 68-69, 73-74, 76-77, 79, 81-83, 86-89, 154-155, 158, 161, 163-168, 172, 188, 190-191, 227, 231, 234, 239, 242, 248-249, 252, 266-267, 274, 296. See also civil rights; rightless subjects; treaties; United Nations (UN), Human **Rights** Council abuse, 94 collateral dissolution of, 10 critique of, 74 ends of international, 13, 59 integrity of human rights, 13 Inter-American Commission on Human Rights (IACHR), 63 International Bill of Human Rights (1948), 180law, 30, 74, 76-77, 79, 158, 163, 190,231 Human Rights Watch, 93, 222–223, 235 human slavery. See trafficking humanitarian ideas, 59. See also protection, humanitarian; values humanity, 16, 23, 67-69, 74, 87, 97, 126, 137, 178 community of humanity, 85 hurricane, 48, 247 storm surges, 167 Hussain, Nasser, 177-180 immigrants, 1, 7, 40 external, 294 internal, 293-295

invasion by, 187 Special Immigrant Juvenile Status (SIJS), 37 immigration, 8, 11, 29, 34-36, 38, 47, 63, 72-73, 110, 119, 163. See also forced migrants; migration illegal, 119 law, 36-38, 42 policy, 38 imperium, 16, 121, 125-128, 131, 133-134, 138-142, 144, 146, 148, 155, 157, 195. See also Roman Law inclusion (of human beings), 16, 23, 29, 55, 67, 69, 71, 127, 233-234, 264-265, 270-272, 275-277, 287 India, 3, 179, 194, 200-201, 241 Hindus, 3 national development projects, 200 indigenous populations, 143, 148 individuals as juridical subjects, 19 integrity, 13, 59, 61, 64, 67, 71, 126, 134, 243, 283. See also human rights, integrity of communal, 294 moral, 102 interjurisdictional policy, 6 international agreements, 56, 59 international conflicts, 11, 29 international cooperation, 43 International Covenant on Civil and Political Rights (ICCPR), 79, 167, 239 international law, 11, 17, 62, 74, 91, 97-99, 141-144, 150, 157, 239, 251, 254 invisible to, 194 of the sea, 5, 143, 149 international legal process, 142 international legal regime, 15, 91, 159 international legal theory, 195 international order, 248, 252 International Organization of Migration (IOM), 6 Missing Migrants Project, 17 international relations, 11 international system, 1, 11, 23, 29, 67, 105, 248Iran, 3, 94, 95, 211, 213-214 Iraq, 103

Israel, 94, 139. See also Eritrea; Somalia Italy, 9, 63-64, 80, 82, 168 Democratic Party, 168 Hirsi Jamaa and Others v. Italy (2012), 187Lamorgese Decree, 168 M5S, 168 Meloni, Giorgia, 168 National Commission for the Right of Asylum, 168 Salvini Decree, 168 Ivory Coast, 186 Jamaica, 241 Jamaican Supreme Court, 241 Julian J. Robinson v. The Attorney General of Jamaica (2019), 241 jurisdiction, 1-2, 4, 6, 8, 11-12, 15-16, 19, 23, 60, 79-82, 89, 112-113, 121-122, 124, 131, 139, 141-143, 147, 149, 157, 162, 175-178, 182-183, 186, 189, 193, 195, 197, 230, 241-242, 249-250, 252, 254, 256-258, 263, 280 jurisdictional regimes, 19. See also extraterritorial jurisdiction; territorial jurisdiction nonsovereign forms of jurisdiction, 194 private jurisdiction, 200 justice and democracy, dialectics of, 280, 284 Kafka, Franz, 220 Kafkaesque legal construction, 7 Kant, Immanuel, 16, 85, 125-126, 128 - 138common possession of the Earth, 130, 136 conclusive acquisition, 130 equal freedom, 130 public right, 130 rightful private property, 130 state of nature, 125, 129-130, 132-133

islands, 4, 9, 54, 161, 167, 196

taking control (*occupatio*), 136 Kenya, 235, 240–241 Kiribati, the republic of, 18, 163–165, 169. See also New Zealand; Teitiota Case (2020) Kurdistan, 95, 213

labor migration, 158, 160. See also exploitation of workers; export processing zones (EPZs); migrants, Migrant Workers Convention (1990); special economic zones (SEZs) informal labor market, 216 workplaces, 193, 207, 224 land monopolization, 192 Latin America, 196–197, 261 law, concept of, 191 as nomos, 191 lawful lawlessness, 19, 177-178, 181, 182 lawful status, 29, 32, 37-38, 41 lawfulness, 62, 65, 177-178 lawless zones, 4-5, 9-10, 21, 182 lawlessness, 177-178, 181, 210, 227 lawmaking, democratic process of, 5 Lebanon, 81 legal cartographies, 283. See also geography legal identity, 233-234, 243. See also biometrics; United Nations (UN), Sustainable Development Goals legal precarity, 210, 215, 227 legal safeguard, 228 legitimacy, 22, 76-77, 84, 129, 190, 192, 207, 236, 247-251, 253-255, 257-259, 262, 277, 279 LGBTIQ+ rights, 219 liberty, 126, 129, 133-134, 149, 266 Libya, 33, 154, 184, 271 Locke, John, 16, 125-126, 128-132, 134–138, 143 Longo, Matthew, 5, 16, 109, 121 Madagascar, 199 Mali, 186 Mann, Itamar, 5, 16-17, 69, 87-88, 110, 136, 141, 150–152, 154–156, 178, 190, 266 Manus Islands, 93 Marx, Karl, 62, 206 Mauritania, 152, 184

Mauritius, 199, 241 medieval times, 113, 115-116, 120-122, 175, 203 Mediterranean Sea, 6, 17, 33, 39, 150, 154, 157, 209, 266 membership boundaries, 283, 286, 292 membership regime, 294. See also boundaries, membership Mexico, 3, 6-7, 32-34, 37, 65, 109, 113, 118-120, 247, 250, 253, 255, 260-262. See also US-Mexico border fear of revolution in Chiapas, 260 Mexican Revolution, 119 migration from Central America, 260 Middle East, 33, 187, 210, 228 migrants, 2, 4–5, 7, 10–12, 15, 17–19, 21-22, 24, 29-30, 32-33, 35-44, 50-51, 55, 60, 76-77, 80-83, 87-92, 95-97, 99-100, 102, 104-105, 118-119, 134, 154-160, 162, 175–176, 181–190, 208, 213-214, 217, 220, 226, 228-229, 247-248, 251-252, 254-255, 256, 258-259, 262, 264-266, 268, 272-273, 276, 278, 281-289, 291–295. See also European Union (EU); immigration; International Organization of Migration; justice and democracy, dialectics of; labor migration; Model International Mobility Convention (MIMC) (2015-2016); reconstructive migration theory Arabs, 209 vs. asylum seekers, 12 boats, 5, 8, 33, 145, 254 of color, 181, 190 economic, 12, 32, 252-253, 257 economically valuable, 283 forced, 13, 32, 38-42, 90, 158, 160 international, 289, 292, 295 international rights, 253 irregular, 11, 29, 214, 266 legal entry, 188 Migrant Workers Convention (1990), 159mobile humans, 90-91, 103 Muslim, 3, 211–212

physical presence on the territory, 4, 21, 36, 84, 230-231, 251 poor and unskilled, 283 potential, 287 rightlessness of international, 19, 22, 176-177, 242 UN definition of, 159 undocumented, 21, 37, 45, 52, 213, 221-224, 226, 252, 255, 257-258, 273 unprivileged, 91 migration, 2-5, 6, 9-11, 13, 17, 19-21, 23-24, 29, 33, 36-37, 39-41, 43-46, 49-51, 53-58, 61, 67, 69, 77, 80, 82-83, 88-89, 92, 100-101, 118, 150, 152, 155, 158-159, 162, 171, 175-177, 179, 181–182, 184, 187, 209-213, 216-218, 220-222, 224-225, 229, 232, 242, 247, 255-257, 260, 263-271, 274-275, 278-281, 283-284, 287, 289-295 circular, 51 cooperation agreements, 4, 5, 17, 24,65 as decolonization, 88 democratic, 24, 281 demoi-cratic migration governance, 281, 290, 291, 292, 293, 294, 295 Global Compact on Migration (2018), 171governance, 280, 289 impermanent, 51 law, 29 as a matter of justice, 282 mixed, 100 "promised lands" of, 21 regulation, 30, 211 Western states' migration law, 282 migration control, 3, 5-6, 19, 33, 82, 150, 175-177, 179, 183-184, 229, 242, 260, 266, 293 biographic data, 229, 233 biometric data, 22, 228, 230, 232-233, 235-243 and consent, 184 deterritorialization of border controls, 228 digital technologies, 228, 230

, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009512824.023

and doubtful consent, 236 exercise of control vs. exercise of authority, 16 extraterritorial, 5 juridical techniques, 177 losing control, 3 "nonentrée" techniques, 4 "unterritoriality" of data, 230 migration governance, 24, 281. See also border, digital; digital identity; Europe, Eurodac database; United Nations (UN), Population Registration and Identity Management EcoSystem (PRIMES) (2015); United States (USA), US-VISIT database/ Office of Biometric Identity Management violent techniques of, 4 migration, modern regimes, 285 Miller, David, 29, 45, 86-88, 129, 252, 280, 286 mobility, 2-3, 10, 15, 18, 22, 24, 44-45, 52-54, 57, 82, 85, 88-91, 93, 122, 146-147, 158-160, 162, 170, 184, 190, 205, 210, 213, 216–217, 220–221, 223, 225-226, 229-230, 247-248, 258-259, 267, 274-275, 281, 283, 287, 290, 292–293 International Mobility Convention Model, 158–159 of migrants, 185 monopolization, 194, 201, 206 moral obligations, 284 Morocco, 2, 182, 184–186. See also Spain, Ceuta; Spain, Melilla June 24, 2022 events (the Melilla massacre), 181-183 Spanish–Moroccan border, 182, 184, 188 movement, 2, 4, 10, 14, 21, 24, 60, 71, 77, 90, 104, 110, 118, 137, 144-146, 156, 158, 162, 180, 191, 210-211, 213, 215-216, 220, 225, 229, 231-232, 235, 242, 251, 257-258, 262-263, 267, 274, 280, 287, 292 forced, 43-44, 50, 210, 272 legitimate means of moving, 21

multinational corporations (MNCs), 193.261 Muslim minorities, 212 Myanmar, 37, 235. See also Rohingya refugees Napoleon, 117 Näsström, Sofia, 68, 70, 269 national actors, 10 subnational, 10 supranational, 5, 10, 270 natural disasters. See climate changes; earthquake; hurricane; rising sea level national identity, 235, 242, 259 nationalism, 111 ethnonationalism, 3 methodological, 111, 266 nationalization, 200 nation-centered concepts of justice, 29 natural rights, 125-126, 130, 133, 137-139, 195 natural space, 125-127, 129, 131, 134-135, 137-140 ontology of, 125, 134, 138 naturalness, problem of, 109 Nauru, 33, 93-94 necropolitics, 190 neighboring states, 4, 14, 76, 79, 88, 112, 115, 227 neoliberalism, 3, 198 Nepal, 48 Netherlands, 146-147 New Zealand, 14, 18, 48, 163, 165. See also Kiribati, the republic of; Pacific islands; South Tarawa; Teitiota Case (2020); Tuvalu Immigration and Protection Tribunal, 163 Supreme Court, 163 NGOs, 99, 222, 269, 272 Pro Asyl, 99 Nicaragua, 47 Niger, 33, 93 Nigeria, 184 "nonarrival" territorial spaces, 4, 9 North Africa, 185 North America, 57, 116

North Macedonia, 81-82, 189 Memedov v North Macedonia (2021), 189 Old Testament, 144 Pacific islands, 18, 161, 163 Pakistan, 3, 231 Papua New Guinea, 33, 93, 167 Paraguay, 262 Paris, 114, 170 peoplehood, 69. See also public, the permanent residents, 30 persecution, 2-3, 12-13, 15, 30-31, 35, 41, 44, 48, 50, 54, 56, 71-72, 90-94, 96, 98, 100-103, 159-160, 168-169, 217. See also asylum, credible fear of persecution; political opinion; race; religion; social group personhood, 19, 67, 72-73, 131, 134, 176 planetary crisis, 259. See also changes; environment political action, 84, 142-143, 156-157, 207 theory of, 84 political agency, 59, 69, 278, 285, 294political imaginaries, 274 political institutions, 67 political norms, 266 political opinion, 12, 30-31, 159, 163, 169 political oppression, 209, 253, 273 political representation, 264-265, 268–270, 273–279. See also representation theory political society, 144 political subject, 73, 84 politics of nonentrée, 176 population engineering, 210 Portugal, 114, 182 postcolonialism, 1 poverty, 11-12, 22, 29, 41, 90, 162, 202, 248, 259. See also famine; food insecurity; migrants, poor and unskilled slums, 202-203, 205 precarity, normalization of, 13

privacy, 239, 241, 243 constitutional right to, 239 private realm, 192-193 privatization, 156, 198, 200-201, 206 property ownership, 126-127, 131 ownness, 134, 137-138 private, 146 protection, 2-3, 6, 8-10, 12-15, 18-22, 29-30, 32-34, 36, 38-41, 44-50, 53, 55, 57, 59-60, 62, 64-65, 67-68, 70-71, 73-89, 91-97, 99-100, 102, 104-105, 154, 159-160, 163, 166, 169, 179, 185, 211, 213–216, 218–220, 226, 228, 236-237, 239-240, 242, 255, 271, 282-283, 285, 292, 294 access to, 7, 76, 82, 85 causation. 89 humanitarian, 168 as immigration policy, 36-37 international, 7, 9-10, 76-77, 88, 211, 213-214, 217 international protection status (IPS), 214, 216-223 refugees' choices, 86 rings of, 6 systems of, 9 temporary, 13 Temporary Protected Status (TPS), 36-38, 41, 44, 46-49, 52-53, 214-218, 220-223, 226 proximity, 14, 75, 77, 79, 81-82, 84. See also affinity; geography, geographic proximity, fallacy of physical, 76, 81-82, 85, 87 rule of, 78, 89 public, the, 4, 7, 38, 59, 75, 164, 176, 192, 195, 199, 225, 242. See also peoplehood public law, 128 public-private cooperation, 194-195 punitive response, 2 pushback, 177, 183, 186–187 race, 12, 30-31, 79, 99, 159, 163, 169, 177-179, 184, 186, 197, 272, 282 racial domination, 176-179, 182 racial violence, 175 racialized status distinctions, 182, 184

racism, 75, 94, 176, 188-189. See also anti-immigrant parties; discrimination, racist; far-right parties; xenophobia institutionalized, 189 Rancière, Jacques, 84. See also democracy, radical; human rights, critique of Rawls, John, 16, 126, 144, 156 Political LIberalism (1993), 126 A Theory of Justice (1971), 144 reconstructive migration theory, 265, 268-270, 279 refoulement, 5, 47, 53, 61-63, 70-71, 73, 76, 78–79, 82, 86, 89, 163, 176, 230chain-refoulement, 78 nonrefoulement, 30, 158, 164, 167, 169, 171 refugee agency, 96, 102-103, 264-265, 278 refugeehood, 92, 103, 274 refugees, 2, 9, 11-15, 17-18, 21-24, 29-30, 36-40, 42-43, 45, 47-50, 52, 56, 59-60, 64-65, 69-70, 72-73, 75-78, 81, 85-99, 102, 104–105, 134, 156–158, 160, 163, 176, 215, 225, 228, 230-240, 242-243, 252, 260, 264-266, 270-279, 281. See also climate changes, refugees; crime survivors; criminals (disguised as refugees); decision-making; displaced people; exceptionalism; final destination; Geneva Convention of the Rights of Refugees (1951); labor migration, workplaces; Model International Mobility Convention (MIMC) (2015–2016); persecution; protection; refoulement; residency; risk management; Rohingya refugees; terrorists (disguised as refugees); transfer; United States (USA), Refugee Act (1980) choices, 14, 77 control over their data, 228 criminal exploitation of, 100 definition, 100 vs. economic migrants, 257

refugees (cont.) families, 4, 47, 187, 213, 219 Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration (2018), 234, 270Global Refugee Forum (2019), 270 Global Summit of Refugees (2018), 265, 272 identification, 281 international law, 11 invited and invented, 272, 276 jurisdiction of, 4 in a legal no-man's land, 228 as migrants, 93-95, 102-104 mixed status, 47 protection of, 96 refugee exceptionalism, 11 Refugee Parliament (Geflüchtetenparlament), 271 resettlement, 45, 47, 52, 55-56, 64, 88, 92-93, 218, 231-234 satellite cities, 216-219 self-organized political forums, 271 short-term status, 55 social benefits, 11-12 spaces of inclusion, 270-271 status of, 15 survivors in flight, 40 Syrians, 64-65, 215-216, 218 regime of dispossession, 200-201 regression, 266 religion, 3, 12, 14, 30-31, 79, 85, 159, 163, 272 removal, forced, 61. See also deportation; refoulement repatriation, 168, 235 representation theory, 265, 268-269, 278-279 residence, 12, 29, 31, 37, 41, 43, 45, 47, 56, 160, 162, 169, 180, 203, 211-212, 214-215, 221, 281, 283-284, 290, 292-293 long-term, 283 temporary, 214 responsibility, 4, 8-9, 13-14, 19, 39, 49, 58-59, 64, 66, 69-70, 73-74, 79, 82, 86-89, 103, 148, 168, 170, 176, 182-183, 233, 235, 239, 242, 258, 262, 280,

289, 293. See also democratic responsibility responsibility-sharing, 76, 82, 88, 171 rethinking, 55-56 shared between states, 68 universalist obligatory proximity, 77 restrictionist movement, 119 "right to have rights", 19, 57, 67-69, 83, 176. See also Arendt, Hannah rightless subjects, 4-5, 9, 21, 227, 283. See also migrants, rightlessness of international Rio Grande, 39 rising sea levels, 18, 53-54, 161, 167 risk management, 100 Rohingya refugees, 235, 240 Roma tribes (Romani people), 121 Roman law, 16, 125, 127–128, 133, 195. See also dominium; imperium Rwanda, 8, 9, 61, 93–95, 98, 101, 103 Kagame, Paul, 94 safe third country, 13-14, 59-84, 94, 99, 208. See also asylum, first country of Sarat, Austin, 177-178 Saward, Michael, 268-269, 276-277 Schmitt, Carl, 194. See also state of exception friend-enemy, 115 sea, 9-10, 16-18, 136, 161-162, 167, 169, 208, 209, 224, 254. See *also* activists; contiguous zone; European Union (EU), Maritime Rescue and Coordination Centre (MRCC); international law of the sea; Mediterranean Sea; migrants, boats; movement, at sea; Grotius, Hugo; territorial waters; territoriality, floating; territory, floating; Turkey, Aegean Sea; United Nations (UN), Convention on the Law of the Sea (UNCLOS); Selden, John; United States, Coast Guard 12 mile rule, 149 defining and negotiating SAR zones, 150 - 151economic opportunities, 149

European shores, 61 fishing zones, 149 free, 146 global maritime, 147 international waters, 140, 151 mare clausum, 17, 136, 143, 147, 149, 152, 154-155, 157 mare liberum, 17, 136, 143, 145-152, 154-156 maritime commons, 17, 142, 146 - 147maritime spaces, 142-144, 146, 149-150, 152, 154-155, 157 territoriality, 141-157 Women on Waves, 157 Second World War. See World War II security, 14, 24, 33, 41, 68, 110, 119-120, 122, 149-150, 159-160, 162, 183, 185, 222, 232, 238, 266, 282-283. See also borders, security; defense; safety, public Selden, John, 147 Senegal, 152, 184 Shachar, Ayelet, 3-6, 8, 13, 15, 20, 33, 43, 47, 55, 56, 60, 82, 89, 90, 105, 110, 124, 154, 158, 175–176, 193, 209-210, 228-229, 231, 247, 251, 254, 257, 264, 266-268, 283, 295. See also birthright citizenship; shifting border The Birthright Lottery: Citizenship and Global Inequality (2009), 8 The Shifting Border: Legal Cartographies of Migration and Mobility (2020), 4, 43, 55, 110, 283 shelter, 41, 48, 57, 68 shifting border, 8–9, 19, 22, 47, 56, 176, 247, 267, 283, 296 asylum, 74 The Shifting Border: Legal Cartographies of Migration and Mobility (2020), 4, 43, 55, 110, 283. See also citizenship; cosmopolitanism; democratic governance; equality, before law; grassroots movements; international order; jurisdiction; membership boundaries; migration; mobility; moral

obligations; planetary crisis; private realm; public law; restrictionist movement; Shachar, Ayelet; sovereignty; Temporary Protection Status; territory; third country, safe; transnational movement of peoples Singapore, 198, 203 slave trade, 146 social contract, 143-145, 152, 155, 192-193 social group, 12, 30-31, 159, 163, 169, 271, 286-287 Somalia, 94-95 Song, Sarah, 110, 280, 286 South Sudan, 37, 181 South Tarawa, 164 sovereign grace, 32 sovereign power, 124, 126-134, 139-140, 178, 230 sovereign state, 121, 132, 144, 192, 206-207, 209, 248, 253 sovereigntism, 22, 247, 251-253, 256, 261, 263, 267 sovereignty, 1-2, 10, 19, 21, 109-110, 112, 115-117, 121, 141-142, 146-147, 149-150, 155, 179, 183, 193, 207, 229, 251, 253, 261-262, 284 territorial, 16, 124–129, 131, 133-134, 138-140, 162, 251, 256 Soviet Union, 30. See also communism Spain, 114, 116, 146, 181, 185-188. See also Africa, sub-Saharan; Canary Islands; collective expulsion; immigrants, invasion by; operational border Aliens Act (2015), 185 Ceuta, 177, 182-185 Melilla, 177, 181-183, 185-186 N.D. and N.T. v. Spain, 177, 186 - 191pushback operations, 177, 187 Spanish security forces, 183 Spanish–Moroccan border, 182, 184, 186, 188 special regime, 185 spatiality, 210, 214

special economic zones (SEZs),19-20, 192-207, 230. See also exploitation of workers; export processing zones (EPZs); jurisdictional regimes, nonsovereign forms of jurisdiction; multinational corporations (MNCs) state, 19, 60, 66, 69, 71, 76, 78, 80, 86, 93, 95, 97, 103, 109, 112, 145, 175, 191, 207, 230, 255, 267, 287. See also Accordion Model; necropolitics; protection, systems of; precarity, normalization of; safe first country absolute power, 226 acts, legality of, 83 anti-riot gear and tactics, 185 and capital, 192 domination, 178 exercising power, 189 failures, 39, 103, 191 international state system, 248 land, water, and air, 125-127, 134, 139-141 legal barrier, 7 maneuvers by, 10 member, 9, 41, 61, 63-64, 75, 183–184, 292–295 monopoly, 21, 231 Montevideo Convention on the **Rights and Duties of States** (1933), 141obligations, 4, 14, 19, 23, 36, 39, 53, 55, 62–63, 72, 76–77, 78, 81-82, 84-89, 91, 93, 95, 99, 102-104, 163, 165-168, 170, 175-176, 230, 240-241, 243, 252-253, 258, 260-262, 281, 284, 292, 294-296 practices, 64, 282 relationship with territories and borders, 109 as "victim", 187 state of exception, 176, 182, 186, 194. See also Schmitt, Carl statehood, 114, 140, 280 stereotypes of immigrants, 96 Sudan, 37

surveillance, 17, 117, 143, 150, 152-154, 243, 293. See also migration control; safety, public; security; state digital, 143 sustainability, 18, 23, 32, 260, 262-263 Switzerland, 271 Syria, 8, 37, 40, 81, 209, 215, 222 Taliban, 94, 103 Teitiota Case (2020), 18, 158, 165 temporality, 210-211, 216 temporary protection, 13, 41, 44, 46-52, 55, 57-58, 75, 168, 214-215, 226 Temporary Protected Status, 13, 214, 226 terra firma, 4, 10, 142 terra nullius, 142 territorial jurisdiction, 80-82, 115, 139, 162, 175–176, 183, 189, 254, 256–258, 263, 280 territorial legitimacy, 22, 248, 251 territorial trap, 111 territorial waters, 9, 141-142, 149 territoriality, 1-2, 5, 10-11, 15-16, 112-114, 127, 131, 139, 141-157, 193, 205–206, 261, 281. See also exteriority deterritorialization, 51, 124, 155, 228, 256, 267 floating, 17 hidden territories, 192 nonterritoriality, 142, 156-157 reterritorialization, 4, 25, 124 universal, 142–145, 148–149, 155,230 territory, 1, 4, 6-10, 12, 14, 16, 18-19, 21-22, 24, 36, 43, 77-78, 81-83, 89-91, 95, 98, 110-117, 120-128, 131, 139-140, 142, 156, 162–163, 175–176, 179, 183, 186–187, 189, 195, 197– 198, 201, 206, 228–231, 233, 243, 248-263, 280-281, 284, 292 floating, 141, 147-148 materiality of, 124 private, 144, 193-194, 206 as a process, 143

propertarian ontology of, 134-138 "safe", 91 terrorists (disguised as refugees), 91 third country. See safe third country Torres Straits Island Case (2022), 18, 158 torture, 63, 72, 160, 164, 168 Convention against Torture (CAT), 31, 79 psychological, 46 totalitarian regime, 178 trafficking, 37, 72, 99 transfer (of asylum seekers and refugees), 63-64, 225, 242-243 transit countries, 6, 8, 73 transit zones, 9 transnational movement of peoples, 2 transnational power relations, 11 transnational rights, 291, 293-294 treaties, 183 Treaties of Bayonne (1866–1868), 116 Treaty of Guadalupe Hidalgo (1846 - 1848), 118Treaty of the Pyrenees (1659–1660), 116 Treaty of Tordesillas (1494), 114 Treaty of Versailles (1919), 117 Tunisia, 2, 5 Turkey, 3, 5, 20-21, 33, 64-65, 71, 73, 78, 81, 208–214, 216-217, 221-227, 248. See also authoritarian rule; displaced people; floating populations; labor migration, informal labor market; legal precarity; population engineering; migration control, governing technologies; protection, international protection status (IPS); protection, Temporary Protected Status (TPS); refugees, satellite cities Aegean Sea, 208 AKP government, 221 antirefugee discourse, 208 dilution and sweeping policy, 226 EU-Turkey agreement, 5 Greek-Turkish land border, 222 Law on Foreigners and International Protection (LFIP) (2013), 213-214, 216, 221, 224 migration regime, 20

- Presidency of Migration Management of Turkey (PMM), 223 Reconnect project, 209 refugee law, 211 removal centers, 223 Tuvalu, 48–49, 54
- Uganda, 94
- Ukraine, 14, 37, 41, 47–48, 75–76 Temporary Protected Status of Ukrainian refugees, 14
- Ukraine-Russia War, 14
- United Kingdom, 8, 61, 93–95, 98–99, 101, 103. *See also* Brexit; England British Empire, 117, 147
 - colonies, 180
 - Criminal Tribes Act (1871), 180
 - deportation of Rwanda immigrants, 98
 - English Channel, 95
 - government, 8, 93
 - Illegal Migration Bill, 8
 - Post-Brexit, 8 Supreme Court, 8
- United Nations, 2–3, 30–31, 117, 159, 187, 212, 239–240, 242–243, 270
- United Nations (UN) Commission on the Elimination of Racial Discrimination, 2. *See also* migrants, UN definition of; migration control, biometric
 - Convention on the Law of the Sea (UNCLOS), 5, 143
 - High Commissioner for Refugees (UNHCR), 3, 13–14, 21, 30–31, 53, 61–62, 73, 96, 160–161, 208, 215, 217, 219–220, 228–243, 266, 271
 - Human Rights Committee (CCPR), 18, 79, 158, 163–164, 166–168, 172
 - Human Rights Council, 183
 - Human Rights Office of the High Commissioner, 18
 - Memorandum of Understanding (MoU) (2019), 61, 233
 - Population Registration and Identity Management EcoSystem (PRIMES) (2015), 231–233
 - Refugee Agency, 228
 - UN Charter (1945), 117, 187, 242

United Nations (UN) (cont.) UN Summit on Refugees and Migrants (2016), 270 UN Sustainable Development Goals, 243 United States (USA), 7. See also state administration, 278 American Immigration Council, 8 Asylum Eligibility and Procedural Modifications (2019), 65 Attorney General, 46 Biden administration, 7, 31, 35, 65 Border Patrol, 119, 257 Bracero program, 51 Central American Minors program, 37 Circumvention of Legal Pathways, 8 Coast Guard, 4-5, 33, 254 Deferred Action for Childhood Arrivals (DACA), 52 Deferred Enforced Departure (DED), 52 Department of Homeland Security (DHS), 233 Diversity Lottery, 46 government, 8, 37-38, 118, 247 Great Depression, 119 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), 119 Immigration and Nationality Act (INA), 72 Immigration Reform and Control Act of (IRCA) (1986), 119 interim final rule (IFR), 65 International Boundary Commission, 118 Johnson-Reed Immigration Act (1924), 119Refugee Act (1980), 47 Refugee Admissions Program, 30 "Remain in Mexico" program, 34-35, 250 Safe Third Country Agreement (with Canada) (2002), 61 For example, Temporary Protected Status (TPS), 36 Trump administration, 7, 31, 34-35,

37, 53, 65, 72, 250

US-VISIT database/Office of Biometric Identity Management, 231 visas (for asylum seekers), 37, 41, 44-46, 49-52, 55-57, 88, 184 universalism, 77 US-Mexico border, 3, 6-7, 32, 37, 109, 113, 118, 262 utopia, 159, 259 Uyghurs, 211 values, 39, 201, 234, 250, 257, 262. See also humanitarian ideas; humanity; integrity foundational, 39 Venezuela, 37 Vienna, 113, 117 visa, 34, 37, 41, 44-46, 48-52, 55-58, 65, 75–76, 81, 86, 184, 228–229. See also United States, visas (for asylum seekers) humanitarian, 88-89, 92 volunteers, 157, 274. See also activists vulnerability, 22, 40, 71-72, 86-88, 165, 264 Waldron, Jeremy, 54, 84-85, 88, 285. See also proximity presence-model of politics, 84 wall, the (media image), 109 Walzer, Michael, 16, 29, 45, 85-86, 88, 126, 252, 282 wars, fleeing the, 11, 29 Watershed Model, 22, 248, 251, 256-263 Westphalia. See border, Westphalian World Bank, 53, 158, 161, 196–198 World War II, 30, 40, 43, 45, 50-51, 180, 282 xenophobia, 259. See also antiimmigrant parties; far-right

parties; nationalism; racism

Yemen, 94 Yugoslavia, 215

Zambia, 202