

When Migration Policy Isn't about Migration: Considerations for Implementation of the Global Compact for Migration

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The framing of global policy documents and processes often seems to assume a shared understanding of the meaning of the word “migration.” However, there is ambiguity in how migration is understood in practice. This carries risks for vulnerable populations. For example, it means that policies that are about the reconstitution of an existing national society could appear to be legitimized through the label of “migration policy.” It also impairs constructive policy debates, since premises that use migration terminology in one way can lead to conclusions that use the same terminology in another. There is a risk of this ambiguity in the implementation of the UN’s Global Compact for Safe, Orderly and Regular Migration (GCM), which does not provide a definition of “migration” or of “migrant.”¹ The GCM was adopted by an overwhelming majority of UN member states in December 2018. This made it the first negotiated United Nations document to address migration governance comprehensively and to receive wide support.

Since 2006, there have been regular meetings of UN member states to discuss migration in the context of “migration and development.” In 2015, the UN member states adopted the Sustainable Development Agenda (SDA),² which set targets for development over the next fifteen years. Target 10.7 of the SDA affirms the intention of states to “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and

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well-managed migration policies.”³ In the mid-2010s, several states were experiencing changing patterns of migration. These included increasing numbers of people fleeing civil war in Syria into European space. European countries tried to block the movement. Institutions that were intended to enable a joined-up response to immigration into the region struggled to respond. This exacerbated humanitarian crises in European border areas, not least in countries that had special agreements with the European Union regarding migration in the Mediterranean. In 2012, the UN reported that the Mediterranean Sea had more fatalities than any other stretch of water. It was also the most surveilled.⁴ Since 2014, there have consistently been more migrant deaths recorded in the Mediterranean region than in all other global regions combined (apart from in 2017, when the region accounted for half of all deaths).⁵

In this context, the decision was taken to have an extraordinary meeting at the United Nations in September 2016 to discuss large movements of migrants and refugees, a meeting that led to the eventual negotiation and production of the GCM at the end of 2018. The compact directly drew upon language from target 10.7 of the Sustainable Development Agenda and used frameworks that had been in development in the decades before. The GCM and the Global Compact on Refugees,⁶ which were negotiated concurrently, are the first compacts of their kind. They are both non-binding political documents. The GCM reiterates commitments found in other treaties and provides joined-up guidelines for approaching the diverse aspects of migration governance. The final version includes twenty-three objectives, which can be understood as addressing five main themes: information; rights and protections; enforcement; contribution to development; and cooperation.

The document “reaffirms the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction, in conformity with international law.” This includes the provision that “States may distinguish between regular and irregular migration status.”⁷ However, it does not offer an explicit definition of migrant or migration and does not engage with the lack of a definition. In practice, this leaves open the possibility that states can decide who is a migrant. In this article, I argue that this risks legitimizing policies that effectively displace individuals from their home societies, even leading to forced migration. Engaging with this ambiguity does not necessarily require instating rigid and universal definitions of migrant or of migration, but it does require developing mechanisms to stop people being displaced from their home societies.

This article begins by describing some of the reasons for the ambiguity in migration terminology before examining a variety of cases in which these ambiguities make it possible for individuals to be subjected to migration control irrespective of whether they have crossed any international borders. First, it highlights two cases: Rohingya forced to flee Myanmar/Burma and those citizens of the Dominican Republic who, identified by their government as Haitian, have been stripped of their citizenship. In these cases, states are using migration discourse in a circular way. First, it is used in order to justify excluding large numbers of people, identified as migrants, from their citizenries. Then, these individuals' lack of citizenship is used to justify labeling them as migrants. In these examples, the policies identified as being part of migration governance are in fact focused on reconfiguring settled national communities. Next, the article explores cases from Australia, the United Kingdom, and the United States in which the language of migration control is used to justify policies in which citizenship is not actually removed but assumed to be absent until proven, thereby subjecting citizens to migration controls. In these cases, implicit imaginaries of nationhood held by state officials, including assumptions about race, language, and class, lead to the targeting of vulnerable citizen populations, using ill-defined migration policies as justification.

As this article will show, migration policies are being used not only to govern cross-border movement but also to reconfigure settled populations (including populations of citizens) along racial, linguistic, and other grounds. Without a clear definition of the terms migration or migrant, there is a risk that the implementation of the GCM could be co-opted either intentionally or unintentionally in support of such policies. If it is to avoid this, and indeed contribute to curbing such uses of migration policies, then throughout the compact's implementation and monitoring, attention must be paid to addressing vague language of migration governance and the competing interpretations to which it gives rise. The implementation of the GCM provides an opportunity to use the momentum of international cooperation to develop clearer shared language around migration and a more explicit shared understanding of the proper aims of migration governance.

VAGUE TERMINOLOGY

As noted above, there is no internationally agreed-upon definition of migrant or migration, and this is not resolved in the GCM.⁸ The International Organization

for Migration (IOM) and the UN Department for Economic and Social Affairs (UNDESA) offer useful technical definitions that refer to someone changing their country of habitual residence.⁹ This echoes a common everyday understanding of the word migrant as having something to do with a person's physical movement, usually across an international border. In practice, people are often identified as migrants if they lack local citizenship or were born elsewhere, or even (as will be demonstrated below) if they do not fit within some official imaginary of what it is to be a member of a state's community.

Attempts to achieve terminological clarity are complicated by the fact that discussion of migration is often ideologically loaded and can have mythic connotations. Migration is part of the foundational stories of one of history's largest empires (Rome),¹⁰ one of today's most powerful countries (the United States),¹¹ and the world's second-largest religion (Islam).¹² There is also a well-established diversity of uses of migration terminology. While in the above definitions, migration refers to physical border crossing, elsewhere it can refer to internal movement within a state, such as from rural to urban areas.¹³ The label of migrant is sometimes understood to stop applying shortly after someone has moved, while in other contexts, the label is believed to be inherited by the children and even the grandchildren of the movers.¹⁴ In some of the literature, for movement to be described as migration, it must include either absence from a country or settlement in a new country for a matter of years, while other literature allows it to be much more short term or transitory. Some ambiguity in this terminology is probably inevitable. What is crucial is ensuring that this ambiguity does not seem to legitimize the idea that a state's right to control its borders or access to its citizenship might entail a right to allocate migrant-ness irrespective of someone's physical movement or preexisting status in the country.

There are a variety of reasons and interests that parties may have for maintaining this ambiguity in migration terminology in policy discussions. These interests can cut in opposite directions. On the one hand, ambiguity might be seen as useful to those who wish to make it easier to *deny* rights to some groups of people. That is, the ambiguity can allow people to be defined as migrants in order to facilitate political, legal, and social exclusions that hang on that label and the outsider-ness that it denotes. On the other hand, the ambiguity may also be seen as useful to those seeking to *protect* rights. For example, given the assumed justifiability of excluding people identified as migrants from rights, adopting a strict legalistic definition might have the consequence of allowing people to be denied sets of rights

to which they might be entitled (for example, as refugees, as women, as workers, or indeed as human beings). Addressing the ambiguity in this terminology requires ensuring that this risk is not realized.

WHEN SOMEONE BECOMES A “MIGRANT” WITHOUT MOVING: EXTREME CASES

The most obviously problematic context in which people can be defined as migrants without moving is when they have never left their country of birth and yet are identified as being from elsewhere. It is sometimes assumed that there is a distinction between labeling such an individual as a migrant when that person is living in the same place as his or her forebears and labeling an individual as such when that person’s forebears came from elsewhere. This can be seen in the different framing given to the two cases presented in this section. As the extreme cases of Rohingya people in Myanmar and those individuals identified as Haitian in the Dominican Republic show, this distinction is unhelpful. Instead, what is important is the society in which a person lives now.

From the rise of the Burmese military junta in 1962, the position of Burmese citizens identifying as Rohingya became increasingly precarious as the government actively sought to undermine their position in society.¹⁵ This “othering” was formalized in the 1982 Citizenship Law, which omitted Rohingya from the list of the country’s 135 “national races” and identified Rohingya people as being the descendants of immigrants from Chittagong, in Bangladesh, during British colonial rule.¹⁶ As a result, they lost their Burmese citizenship and their political and other rights.¹⁷

The end of the military junta in 2010 and the arrival of democracy did not bring citizenship for the Rohingya. The Myanmar government has been reticent even to use the label “Rohingya.” The long-running exclusion and periodic violence has continued.¹⁸ A heavy-handed response to alleged attacks by Rohingya militants on border posts in 2016 and 2017 included brutal attacks on civilian populations.¹⁹ Large numbers of Rohingya fled their homes and many have ended up in makeshift camps in Bangladesh’s border area of Cox’s Bazar. It is now widely accepted that what has taken place can be described as genocide.²⁰

In March 2019, a Rohingya man identified only as “Mr. Mohibullah,” speaking at the Human Rights Council, explained the situation for Rohingya in Myanmar:

They took our citizenship, our land, they destroyed our mosques, houses, shops. No travel, no education, no health care, no jobs. . . . They call us illegal immigrants, Bengali, Muslim terrorists. We are not any of this. We are citizens of Myanmar. We are Rohingya. We are not stateless. Stop calling us that.²¹

Mr. Mohibullah set out how the language of migration has been used to identify Rohingya people in Myanmar as outsiders and as legitimate targets for control and abuse. The Myanmar government defines them as being descended from immigrants in order to justify ejecting them from Myanmar. One strategy to contest this exclusion of Rohingya from citizenship has been to demonstrate that people identified as Rohingya have lived in the region of Rakhine State in Myanmar for many generations, since long before European colonization. This responds to the government's claim that they arrived from Bangladesh either during colonial times or more recently. It shows that by the government's own logic, Rohingya individuals should *not* be understood as immigrants. This is not the strategy used by Mr. Mohibullah. He instead asserts that the Rohingya simply *are* citizens of Myanmar and need to be recognized as such.

Rohingya people *have* demonstrably been living in Myanmar for centuries. Yet, it is strange to suggest that where some people lived centuries ago should be central to determining whether or not people today who have never left the country where they were born (or, had not left until they were forced to flee) should be subjected to migration control. Rohingya individuals, a population born and raised inside Myanmar's borders, in fact make up a significant and stable minority within the country. They are redefined as immigrants in order to legitimize reconstructing Myanmar society according to an ahistorical imaginary. In this case, the logic of migration control is being stretched to justify something that is clearly not about physical border crossing or movement at all—and the consequences have been catastrophic.

The Dominican Republic had a different experience of colonization and decolonization from that of Myanmar/Burma. This has shaped the migration discourse that has led to the denationalization of many thousands of Dominicans. Most scholars agree that the precolonial population of the island of Hispaniola (which the modern Dominican Republic shares with Haiti) did not survive colonization. The Arawak and Taíno people were wiped out by a combination of colonial atrocities and disease. This meant that the population of the island was reconstructed from the time of colonization. The new population included a mix of people who had been brought as slaves, mostly from places in Africa;

others moving more or less voluntarily across colonial spaces (including, for example, laborers from the Indian subcontinent and from Europe); and European colonizers. Following a complex colonial and postcolonial history, today Haiti is French speaking and poorer than its Spanish-speaking neighbor, the Dominican Republic, to the east.

There has long been discrimination in the Dominican Republic against persons with darker skin or French-sounding names. This is explained by those carrying out such discrimination by identifying them as originating from Haiti.²² This has included discrimination in the labor market, in access to services, and in access to civil registration.²³ Against this backdrop, a series of recent legal developments translated this discrimination into citizenship stripping. First, in 2010 the Dominican Republic passed a constitutional amendment to define undocumented residents living in the country as “in transit,” as though they were simply foreign travelers. This meant that if such residents had children, those children could not receive *jus soli* citizenship (that is, citizenship based on birth in the territory). Next, in 2013 the Constitutional Court retroactively applied this amendment to citizens of the Dominican Republic who were descendants of people believed to have obtained citizenship in this way. This provision was openly directed at people believed to be of Haitian descent. As a direct result, as many as two hundred thousand people lost citizenship in the Dominican Republic, their home country and for the most part their only country of citizenship.²⁴ Then, because being a “non-citizen” is often conflated with being a migrant, these people’s loss of citizenship was used to reconfirm their “migrantness.” This gave rise to further exclusions and many individuals were even removed to Haiti. Such individuals are identified as Haitian according to the government of the Dominican Republic, but not by the government of Haiti. This means that many thousands of individuals have been left without any citizenship at all and many have been left stranded in camps in the Haitian border areas.²⁵

The two cases above use different understandings of indigeneity, of the constitution of a nation, and of the terminology of migration. In Myanmar, the argument is about where people may have been living centuries ago, and in the Dominican Republic, the focus is on more recent generations. Yet at the core of both cases are individuals who have not themselves moved but who are nevertheless being subjected to measures justified as being about migration control. In fact, in both cases the very construction of people as migrants has given rise to forced physical movement, whether of Rohingya people fleeing Myanmar into

Bangladesh and other countries or those people being forcibly removed from the Dominican Republic into Haiti. Both cases also have in common that the discourse of “migration control” is being used to justify measures that aim to reconfigure existing social compositions of state communities. They show how, at its extreme, the discourse of “migration control” is being used to strip people of previously held rights in their home countries. Both Myanmar and the Dominican Republic expressed their approval of the GCM in the UN General Assembly in New York in December 2018.²⁶ Its implementation offers an opportunity to interrogate these stretched understandings of the meaning of “migrant” and the intentions of migration governance.

WHEN CITIZENS ARE SUBJECT TO MIGRATION CONTROL

It is usually implicitly assumed that citizens living in their country of citizenship will not be subject to migration control in that country so long as they are still citizens. The above cases involved people whose citizenship was removed or who were blocked from citizenship in their home countries. This section presents cases in which formal citizens have been made subject to migration control in their home countries while they are still citizens. It shows further problems arising from a state’s discretion to define who can be labeled as a migrant. An examination of these cases can help to identify the sort of migration control mechanisms that end up being directed toward restructuring an existing state society rather than controlling physical entry into it, for example. While these cases might at first seem distinct from those described above, there are, as will be argued, important continuities between them.

Australia and the United States

In 2001, Vivian Alvarez Solon, an Australian citizen living in Australia, was admitted to a hospital after suffering from serious injuries, including to her head. Eventually, she identified herself, though she was still confused and gave her maiden name. She explained that, although born in the Philippines, she was living in Australia on a spousal visa. It later became clear that she was actually an Australian citizen. However, first the hospital staff, then police officers, then Australia’s Department of Immigration and Multicultural and Indigenous Affairs decided that she was an irregular immigrant. They secured an entry visa to the Philippines and once she was determined “fit to travel,” put her on a plane.²⁷ Assumptions made about Alvarez Solon by those involved in the case,

and the lack of a proper background check, meant that she spent four years in the Philippines before being able to return home. Though this is the most notorious case, it is by no means the only case of an Australian citizen being subject to Australian “migration control.”²⁸

Such incidents are not unique to Australia. In 2017, it was revealed that U.S. citizen Sergio Carrillo had been held for three days in American immigration detention while he tried to prove his citizenship, and in 2019 the *New York Times* reported that a nine-year-old girl who was *carrying* her U.S. citizenship documents had been held overnight in immigration detention.²⁹ Indeed, a *Los Angeles Times* article that covered the Carrillo case also reported that U.S. Immigration and Customs Enforcement (ICE) held in detention at least 1,480 U.S. citizens between 2012 and 2018.³⁰ These were individuals who, like Carrillo, were assumed to be migrants and were asked to prove their citizenship.

In her now classic 1987 semiautobiographical novel, *Borderlands/La Frontera*, Gloria Anzaldúa explores assumptions regarding what it is to be a citizen, and to look and sound like a citizen in the United States.³¹ She shows the absurdity of assuming that some people should be ready at any moment to prove their status in society. And she presents the role of *la migra* (the border patrol) as being, even if perhaps without their realizing it, not only to police physical border crossings but also to control an unstated imaginary of the U.S. citizenry, one that looks and speaks in a certain way. Because the detention of people like Alvarez Solon and Carrillo is discretionary, it also renders this implicit larger project discretionary, and its underlying assumptions become harder to isolate. As the case below will show, however, it becomes easier to identify these assumptions when there is a mismatch between imaginaries of the citizen held by people in power and imaginaries of the citizen held by the majority of the general public.

The Empire Windrush Scandal in the U.K.

For at least a decade leading up to 2018, the U.K. government undertook to develop what former home secretary Theresa May would refer to as a “hostile environment” for “illegal immigrants.”³² A 2007 U.K. government document describes an intention to deny “benefits of life in the UK” for those designated as “illegal immigrants” in the hope that they would “elect to leave.”³³ The campaign was explicitly focused on controlling who could participate in the internal community of the state. It was justified using the language of migration and external border control. For example, in 2013, May said: “Most people will say it can’t

be fair for people who have no right to be here in the UK to continue to exist as everybody else does with bank accounts, with driving licences and with access to rented accommodation. We are going to be changing that because we don't think that is fair."³⁴ This affected increasing groups of people who were being administratively identified as "illegal immigrants" and subjected to "migration controls." Employers and a broad range of service providers became involved in checking documents and establishing that status and other criteria were being met. In early 2018, this came to a head.

In November and December 2017, the *Guardian* newspaper broke the respective stories of Paulette Wilson and Anthony Bryan, two persons who had been detained and threatened with removal from their homes in the U.K. to Jamaica.³⁵ They had both lived in the U.K. for around half a century, having arrived at a time when there was no need for them to apply for the right to live there. Before Jamaican independence in 1962, Jamaica and the U.K. were part of the same political space. This meant that people from the island of Jamaica had citizenship of "the U.K. and Colonies" and could move between Jamaica and the U.K. without crossing an international border. When Jamaica gained independence in 1962, it joined the Commonwealth, membership of which allowed certain free movement rights into the U.K. until the early 1970s, and continues to carry some political rights in the U.K. to the present day.³⁶ Those Jamaicans who arrived before the 1971 Immigration Act came into force retained the right to live in the U.K. and, for most, this led automatically to a right to citizenship.

There had been stories emerging throughout the 2010s of individuals with backgrounds in a number of Commonwealth countries being subjected to migration control.³⁷ However, the cases of those with backgrounds both in Jamaica and in the wider Caribbean resonated particularly strongly. News stories reported that significant numbers of people with backgrounds in Jamaica and other Caribbean countries were being denied medical treatment, losing their jobs, losing their homes, and being detained. It was eventually revealed that well over one hundred people who had lived their entire adult lives in the U.K. and were entitled to remain there had been removed from the country—and over eighty of them were citizens.³⁸ The extent to which people from other Commonwealth countries were affected is still unclear, but estimates suggest that hundreds of thousands of people might have been at risk of being targeted.³⁹ The press quickly linked these individuals to the mythology of the *Empire Windrush*—a ship that, as most British

schoolchildren know, brought workers to the U.K. from Jamaica in 1948 to staff transportation and health services. These workers helped the efforts to rebuild after the Second World War and were crucial in the construction of the new National Health Service.

Linking these individuals to the *Windrush* in these news reports explicitly demonstrated that they fit into a public imaginary of a British citizen. They were often described as diligent public sector workers, taxpayers, and family people.⁴⁰ This public narrative was shown to be at odds with the official imaginary that was excluding them; and there was a public outcry that the official stance was racist and classist, resulting in British citizens, including those unable to prove their citizenship, being subjected to migration control by an archaic and elitist establishment. To make matters worse, an advice booklet issued by the British High Commission in Kingston, called “Coming Home to Jamaica,” was brought to the public’s attention. Among other things, the booklet advised deportees, for example, to affect a Jamaican accent to help their integration into the country.⁴¹ Individuals were being advised to pretend to be more “Jamaican” in order to fit in with the U.K. Home Office’s designation of them as such.

When it was revealed that officials had destroyed passenger lists that would prove that individuals had traveled to the U.K. in a period before there were entry requirements, there was further public outrage. This had effectively removed people’s ability to prove the year they had arrived in the U.K. and so their entitlement to citizenship.⁴² This case was scandalous because people were being arbitrarily deprived of rights in their home country, and because it was happening with no recourse. It became a major *public* scandal because the people affected seemed like citizens and did not seem like immigrants to the majority of the public. The public saw that measures labeled as “migration control” in this context were not in fact about migration. They were not about border crossing and did not really seem to be about physical movement at all. The “hostile environment” had made space for an assumption of exclusion against members of society who did not fit a particular ethnic and class profile.

The examples presented in this article show the need for mechanisms that scrutinize how the language of “migration control” is being used, and where it might be supporting policies that are not actually about controlling migration. Carrying out such work in cases where migration policies are clearly being misapplied can help in the interrogation of more difficult and ambiguous cases. In particular, it

can help in cases in which, unlike that of the *Windrush* in the U.K., majority public opinion in fact agrees with officially sanctioned discriminatory policies.

CONSIDERATIONS FOR THE GLOBAL COMPACT FOR MIGRATION

In discourse about the *Windrush* scandal as well as about the cases from Australia and the United States, there has been a tendency to identify what is taking place as anomalous, as a glitch in an otherwise well-functioning system. Discourse about the cases from the Dominican Republic and Myanmar/Burma presents the systems in those countries as anomalous. The humanitarian disasters are seen as particular to the regimes in each country separately. The coverage of each of the cases discussed in this article has often focused on the details of the case rather than on the wider policy context in which it has arisen. This is a mistake. It is useful to see these as test cases against which to establish the factors that can help us more generally to identify migration policies that are not really about migration, a task that will be crucial throughout the implementation and monitoring of the GCM.

As mentioned above, both Myanmar and the Dominican Republic expressed their approval of the compact at the UN General Assembly in New York in December 2018. Australia, the United States, and the United Kingdom have each taken a different approach to the GCM. Australia and the United States have both had contentious relationships with the compact's negotiation and drafting process. The United States withdrew within the consultation period, before the drafting and negotiation process. Australia withdrew after the text had been negotiated. Both voiced concerns that the GCM would be incompatible with their understandings of sovereignty. The former U.S. Ambassador to the UN, Nikki Haley, for example, stated that "our decisions on immigration policies must always be made by Americans and Americans alone."⁴³ Despite withdrawing, the United States continued to play a role in the process. For example, as delegates converged in Marrakech for the intergovernmental conference to adopt the GCM, the United States Mission to the United Nations released a letter setting out its concerns with the compact and offering reasons for others not to adopt it.⁴⁴ The United States voted to reject the compact at the General Assembly in New York and Australia abstained. The U.K., however, participated throughout the process and voted to adopt and endorse the compact.

One aspect that is apparent in all the cases presented in this article, but which became particularly clear in the U.K. case because of the divergence between

official policy and public opinion, is the danger of allowing so-called “migration policy” to infiltrate domestic social institutions, and thereby construct internal state borders.⁴⁵ Civil society actors celebrated the language of “firewalls” in the early drafting of the GCM as a way to protect the human rights of irregular migrants, for example.⁴⁶ A firewall in this context refers to ensuring that access to basic rights and services, including access to the justice system, is kept separate from immigration control.⁴⁷ The idea of separating basic rights and services from status appears in a weakened form in the final draft of the GCM.⁴⁸ The examples in this article show the much broader importance of maintaining this separation between rights, protections, and societal goods and proof of status. That is, when “migration control” is mixed with accessing the “benefits of life” in a country, this risks affecting people in ways that have nothing to do with physical border crossing. Those people affected by the *Windrush* scandal had lived in the U.K. their entire adult lives and many were elderly citizens unable to prove their citizenship. The discourse used to exclude them, like that used in the extreme cases in the Dominican Republic and Myanmar discussed above, was based on the language of “migration control.” That is, in these cases, the language of “migration control” has been used to justify policies that effectively displace people from their home societies on the basis of racial, ethnic, linguistic, class, or other arbitrary characteristics. The potential for such extreme outcomes for people who are clearly not migrants also raises more fundamental questions about such policies. For example, it problematizes the legitimacy of such exclusions from state society even when people clearly are migrating or have recently migrated. It raises the possibility that, even in seemingly straightforward cases, exclusions of this sort are controlling something other than migration.

CONCLUDING THOUGHTS

The examples presented in this article raise fundamental questions about the nature of global migration governance. Crucially, the article has highlighted that in the absence of a clear definition of “migration,” “migrant,” or the goals of “migration governance,” policies justified as being about “migration” can in fact be directed at excluding existing members of society in a state. The international cooperation that was the focus of the debates during the production of the GCM was directed at ensuring that states can safely manage the movement of people. However, this is only one aspect of how migration governance is in fact used.

International cooperation is also needed to ensure that agreements based on discussions about the movement of people are not being used as cover for reconstructing national societies along racial lines or to legitimize situations of forced migration. It is necessary to engage with these terminological and practical ambiguities to avoid lending weight or legitimacy to such uses of “migration policies.” This includes greater overall scrutiny of measures that are billed as being about “migration governance” at every level. This is particularly important for policies that may seem on first sight to be uncontroversial.

A positive step in this direction would be for the UN Network on Migration (the network of UN agencies working on migration that was created in 2018)⁴⁹ to set up a working group dedicated to monitoring how “migration governance” is being applied. In particular, it could test for situations in which “migration control” is being used to legitimize policies that are not about border crossing or human mobility but rather about reconfiguring an existing state community according to arbitrary attributes. The text of the GCM emphasizes the centrality of state sovereignty to any discussion of migration. Throughout the negotiations, participants stressed that a state has the sovereign right to decide who may enter its territory and who may enter its citizenry. But this is not the same as having a right to decide who to label as an “immigrant,” and so arbitrarily to exclude people from the societies of which they are part. As has been shown in this article, once people are identified as outsiders and as immigrants—irrespective of whether they have moved—it often becomes an administrative matter to displace them from labor markets, public services, or even to detain them and attempt their removal. In the case of Myanmar, this identification has led to much, much worse. The language of “migration” can make exclusions and controls seem objective and neutral. This article has shown that often what looks like “migration governance” is not neutral and is not necessarily about migration at all.

NOTES

¹ United Nations, Global Compact for Safe, Orderly and Regular Migration, July 11, 2018, [refugeesmigrants.un.org/sites/default/files/180711_final_draft_o.pdf](https://www.un.org/sites/default/files/180711_final_draft_o.pdf).

² United Nations General Assembly, “Transforming Our World: The 2030 Agenda for Sustainable Development,” A/RES/70/1, September 25, 2015, www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E.

³ Ibid., p. 21/35.

⁴ “Mediterranean the Deadliest Sea for Refugees and Migrants, Says UN Agency,” UN News Centre, January 31, 2012, news.un.org/en/story/2012/01/401822-mediterranean-deadliest-sea-refugees-and-migrants-says-un-agency; and Tara Brian and Frank Laczko, eds., *Fatal Journeys: Tracking Lives Lost during Migration* (Geneva: International Organization for Migration, 2014), pp.18, 20.

⁵ Missing Migrants website, International Organization for Migration, missingmigrants.iom.int/.

- ⁶ United Nations High Commissioner for Refugees, Global Compact on Refugees, June 26, 2018, www.un.org/pga/72/wp-content/uploads/sites/51/2018/07/Global-Compact-on-Refugees.pdf.
- ⁷ United Nations, Global Compact for Safe, Orderly and Regular Migration, p. 4.
- ⁸ For example, see Richard Perruchoud and Jillyanne Redpath-Cross, eds. *Glossary on Migration*, Second Edition (Geneva: International Organization for Migration, 2011), p.61.
- ⁹ United Nations Department of Economic and Social Affairs, *Recommendations on Statistics of International Migration*, revision 1, ST/ESA/STAT/SER.M/58/Rev.1 (New York: United Nations, 1998); reiterated in United Nations, Department of Economic and Social Affairs, Statistics Division, *Handbook on Measuring International Migration through Population Censuses* (New York: United Nations, 2017) (emphasis in the original); see for example the website “Who Is A Migrant?” from the International Organization of Migration: www.iom.int/who-is-a-migrant.
- ¹⁰ Mary Beard, *SPQR: A History of Ancient Rome* (London: Profile Books, 2015).
- ¹¹ John Kennedy, *A Nation of Immigrants* (New York: Popular Library, 1964).
- ¹² Reza Aslan, *No God but God: The Origins, Evolution, and Future of Islam* (London: Arrow Books, 2011).
- ¹³ For example, see the essays in Eugenie L. Birch and Susan M. Wachter, eds., *Global Urbanization* (Philadelphia: University of Pennsylvania Press, 2011). A particularly extraordinary cinematic expression of the importance of internal movement in China, can be seen, for example, in Lixin Fan’s film *Gui tu lie che* (Last Train Home), (New York: Zeitgeist Films, 2011), DVD.
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- ⁴⁶ Firewalls appear in objective 6(j), objective 7(g), and objective 15(c) of the zero draft of the “Global Compact for Safe, Orderly and Regular Migration.”
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Abstract: The fluid use of the terminology associated with “migration governance” can obscure its intention and implications. Different meanings of core terminology risks allowing troubling policies that are not really about migration, understood widely as border crossing, or even more broadly as human movement, to be legitimized. UN-level coordination with regard to “migration governance” needs to be part of addressing this concern. For example, this article advocates explicitly engaging with this risk through the implementation of the Global Compact for Safe, Orderly and Regular Migration. It considers this issue from the perspectives of a handful of countries, each of which has its own complex relationship to the compact. It argues that in each of these apparently very different contexts, policies identified as being directed at “migration control” can be found to be directed not at controlling migration but at reconfiguring existing and stable state societies along ethnic, racial, linguistic, and other lines. The development of implementation plans for the Global Compact for Migration provides the opportunity to interrogate the purposes of “migration governance” and to find mechanisms to address its hidden uses.

Keywords: citizenship, Global Compact for Migration, migration, noncitizenship, postcolonialism