

## Migration Solidarity and Acts of Citizenship Along the Balkan Route (MigSol)

<https://cps.ceu.edu/research/migsol>

by

**Dr Céline Cantat**

Marie Skłodowska-Curie Individual Fellow

[Center for Policy Studies, Central European University](#)

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### **Context: Migration studies and policymaking**

The final deliverable of the MigSol project was supposed to be a set of policy recommendations related to solidarity with and by refugees and migrants along the Balkan Route. As I look back at MigSol's field sites and assess both the research process and the policy issues it evidenced, the task of writing a standard policy brief appears arduous.

This is in part because the gap between knowledge produced on migration and policymaking, both at the national and European levels, is so huge that writing a policy brief seems futile. For instance, there have been countless policy recommendations formulated by a range of researchers, NGOs and field actors on how EU border and migration policies should be reformed to prevent systematic rights violations at the borders. Yet they have not had any significant impact on European policymaking in the area of migration, where border reinforcement and the deployment of measures to securitise and control mobilities remain the main objectives of policymakers. Even research funded by the same actors than those designing some of the most important policies in the domain, such as the European Commission, is hardly taken into consideration when it criticises the migration and border policies implemented by the EU.

Moreover, over the years spanning between the proposal submission and the project completion, drastic changes have occurred on the ground. Those are part due to the continuous implementation of punitive policies targeting migrants and those supporting them by EU institutions and member-states. These policies include, among others, migrant detention and deportation, the further externalisation of EU border control and the creation of hotspots to contain migrants at the border of the EU. In other words, the general policy framework of the EU in the area of asylum and immigration is such that the conditions for the forms of solidarity work that MigSol investigated are becoming constantly more strenuous.

Additionally, over the last few years, the criminalisation of solidarity practices towards migrants has drastically intensified, leading to the effective dismantlement of the sites and practices investigated by MigSol. The picture that fieldwork and post-fieldwork observations conducted under MigSol draw is the following:

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## Greece

My first field site was Greece, with a focus on Athens, where I was able to conduct complex, often contradictory, yet fascinating and inspiring fieldwork with the refugee solidarity scene between September 2017 and March 2018, and where I returned for shorter follow-up trips in the summer 2018 and the winter 2018-19. However, since the arrival to power in July 2019 of a new conservative government, elected in the context of popular despair and exhaustion with the austerity measures imposed on the country by the European Commission, the European Central Bank and the International Monetary Fund, the solidarity movement has been the target of brutality and criminalisation.

In particular, almost all the alternative accommodation spaces and squats where I conducted fieldwork, which hosted refugees and often featured social kitchens and clinics, offered language classes and organised political events, have been evicted, often with the use of great force. The displaced people I worked with are by now either back to the situation of homelessness that characterised migrant existence in Athens before the opening of the squats, or have been sent to detention facilities and/or deported. The luckiest ones managed to leave the country.

Meanwhile, in another site I visited for research, the island of the Lesbos, the “hotspot” approach recommended by the European Commission has been deployed since 2016, which in effects means that people reaching the island in search of protection are detained upon arrival. Not only does the hotspot logic severely encroach on existing legal provisions supposed to guaranty the safety and dignity of asylum seekers, it has also proven highly dysfunctional and in fact dangerous in practice. At the time of writing this report, the hotspot on Lesbos, with an official capacity of 2 840, hosts 13 171 people according to official statistics –people live in crowded, subhuman, squalid conditions that have already led to disasters, such as a deadly fire in late September 2019 and the death of a minor supposedly looked after in the hotspot’s so-called ‘safe zone’. The number of people in the hotspot is growing daily.

In the meantime, the solidarity movement that had blossomed on the island in 2015 and provided crucial assistance to people on the move through aid, search and rescue operations and legal support, faces illegalisation and legal threats from the Greek authorities. Among other cases, a high-profile trial targeted three Spanish firefighters working with the NGO Proem-Aid who were accused of complicity in human smuggling. After being arrested in January 2016 and facing several trials, the three men were eventually cleared in May 2018. They escaped a sentence that could have involved up to 15 years in prison. Shortly later, in September 2018, volunteer rescuers Sarah Mardini and Seán Binder were arrested and spent 106 days in pre-trial detention. Released on bail, they are still waiting for their trial and could face 25 years of imprisonment on the charges of belonging to a criminal organisation, people smuggling, money laundering and espionage.

In other words, the solidarity movement that boomed in Greece in 2015 is now under severe attack on the part of the Greek authorities. Those threats are reinforced by the overall EU migration policy framework, focused on halting people’s mobilities and on migrants’ encampment.

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## Serbia

The second stage of my fieldwork took place between March and July 2018 in Belgrade, Serbia. By the time I arrived in the field, migrant and solidarity presence had already been somewhat erased from the city. This of course proved an important disturbance for the fieldwork: I was eventually able to focus on the politics and the political economy of migrant and solidarity invisibilisation in Belgrade. As explained in the articles produced as part of MigSol based on my research in the country, a process of disqualification and marginalisation of both refugees and those in solidarity with them had been deployed by Serbian authorities with the support of European funding. Indeed, as of the Spring 2016, the official approach to asylum seekers in the country became that of encampment. As a result, all those people who refused to move to the camps, mostly opened with and funded through EU money, located throughout the country became legitimate targets of harassment and intimidation. Similarly, people who remained mobilised to provide support to people on the move outside the camp have been facing policing practices and even threats.

In this case, a criminalisation of both refugees and solidarity actors happened without having recourse to legal processes. Unlike in other countries, where support itself has been illegalised or where anti-smuggling laws are instrumentalised to persecute solidarity activists, the Serbian case is one where a mix of disqualification, co-optation and intimidation has been used in order to make sure autonomous migrant and solidarity presence.

## Hungary

Hungary was supposed to be the final stage of my fieldwork along the Balkan Route. I returned to Budapest in September 2018. A few days earlier, a law adopted in the summer 2018 was implemented. Under this new legislation, a wide range of support activities for people seeking asylum in the country became criminalised, including advising people on their rights and supporting them through the asylum process. Such activities could be punished by up to a year in prison. Additionally, a fiscal reform was introduced that levied a tax of 25% on a range of activities defined as ‘pro-migrant’: those included providing education to asylum seekers as well as engaging in ‘positive portrayals’ of migration. These new laws came to complement a system of control and deterrence targeting asylum seekers centred on a heavily fortified and militarised fence at the border between Hungary and Serbia, where ‘transit zones’ have been installed. These transit zones are heavily guarded fenced areas where people are detained in containers while their legal asylum process is under way. As a result of the extremely low number of people able to access asylum in the country, the illegalisation of the type of activities my project aimed to examine, and the new taxation that could arguably be imposed on research activities such as mine, I was thus unable to conduct fieldwork in Hungary as initially planned.

## Criminalisation of solidarity in Europe

The criminalisation and targeting of migrants and their supporters are not solely happening in Central and Southeast Europe. Recent studies and reports by a range of organisations, such as a position paper by Caritas Europe and a survey conducted by European research platform ReSOMA, both published in 2019, highlight an intensification of this process all across Europe. ReSOMA identified 49 ongoing cases of investigation and criminal prosecution against a total of 158 people in 11 Member States.

All these reports have already proposed important policy recommendations, including:

- 1) revising the so-called Facilitators Package in order to make sure smuggling is defined as an activity aimed at ‘financial or other material benefit’, and to thus avoid the misuse of anti-smuggling legislation to target solidarity actors. Humanitarian actors should be excluded from the application of the Facilitators Package.
- 2) for member states to stop interfering in search and rescue missions and to stop requiring that service providers (health, social services, education), law enforcement and labour inspectors collect information on behalf of immigration authorities.
- 3) providing an environment conducive to humanitarian assistance and to solidarity towards people on the move; including by preventing the intimidation and violations of the rights of human rights defenders and facilitating access to funds for civil society organisations. This also implies to stop detaining migrants.
- 4) allowing safe and regular travel pathways to Europe for people seeking international protection and for people seeking work.

Those considerations seem to constitute a very minimum to suspend the dangerous process of migrant and solidarity criminalisation across Europe and its sometimes lethal consequences. These measures would allow migrants to access their basic rights and they would permit both migrants and supportive citizens to engage in the kind of socialities and productive practices that MigSol was able to study before the full criminalisation of solidarity dismantled them.

## **ABOUT THE PROJECT**

This paper was prepared in the framework of the project “Migration Solidarity and Acts of Citizenship Along the Balkan Route” (MigSol, <https://cps.ceu.edu/research/migsol>). MigSol is a Marie Skłodowska-Curie Individual Fellowship funded by the European Union under the Horizon 2020 Program (Grant Agreement n° 751866), running from August 2017 through September 2019. The research investigated how refugees and refugee solidarity groups along the “Balkan route” relate to and enact European citizenship. While the project of European citizenship is an unprecedented political development, it has institutionally been modelled upon and reproduces national conceptualizations of citizenship, rights and identity. The research undertook a comparative analysis of discourses and practices of refugees and pro-refugee volunteers in both EU and non-EU sites (Greece, Hungary, and Serbia), and of the way in which they challenge concepts and institutions of European citizenship derived from national models of membership. It paid particular attention to the relationship between “movement” and the constitution of new European political subjectivities.

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## ABOUT THE AUTHOR

Céline Cantat is a Marie Skłodowska-Curie Individual Fellow at the Center for Policy Studies, Central European University in Budapest, Hungary. She holds a PhD in Refugee Studies from the University of East London, United Kingdom. Céline's research primarily focuses on migrant activism and pro-migrant solidarities in European contexts.



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