Master's Thesis

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Malta as a Threshold

A Study of Refugees' Secondary Movement and Transferral within the EU

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Abstract

The focus of this thesis is on the refugee situation in the small Mediterranean state of Malta and *why it has become as threshold*. More specifically, it examines *the paradox of why recognised sub-Saharan refugees have the aspiration for leaving Malta, when they have in fact been granted protection,* as well as *how such a position of being in-between is characterised.* Many choose to travel to other places within the European Union, but such secondary movement within Europe has consequences, namely transferral back to the responsible Member State. Thus, this thesis investigates *what happens as a result of the transferral back to Malta.* It may also prove helpful in providing an overview of the Maltese reception and asylum system, however this is not the main research objective.

The work of Henrik Vigh, Victor Turner, Hannah Arendt and Giorgio Agamben serve as the point of departure in understanding the in-between situation I have found refugees in Malta to be in. Their thoughts are applied in the analysis of the causes and effects of being caught in-between. They can be viewed as being in-between social realities, sovereigns or suspended structures.

The present case study is based on empirical data produced in the Fall of 2012, where I conducted qualitative interviews with persons belonging to the following three groups: 1) Beneficiaries of protection who had experienced transfer back to Malta, 2) Non-governmental organisations and one international organisation working with refugees in Malta, and 3) Maltese authorities involved in dealing with decisions related to refugees. The main focus throughout is the social and structural reality of the refugees. Whereas, the two latter groups are applied to vary the picture and understand the positioning and categorisation the refugees encounter.

The links explaining the paradox are found to be complex and involve different aspects ranging from inequality in rights, citizenship and policies to conditions, communities, lack of possibilities for achieving 'a full life' and a firm belief that life chances are better elsewhere. The refugees are granted a set of rights, but on the basis of a provisional subsidiary protection status and without the possibility of making their influence clear and are simultaneously included and excluded. Hence, the refugees find themselves in transit, leading to secondary movement. Upon transferral, which is perceived as a form of forced migration, subordination is reinforced. The consequence is the creation of a group of people who are constantly in-between. This thesis aims to investigate exactly that space.

Abbreviations

AFM: Armed Forces of Malta

AWAS: The Agency for the Welfare of the Asylum Seekers

DRC: Danish Refugee Council

EUREMA: European Union Pilot Project on Intra-EU relocation from Malta

HRW: Human Rights Watch

ICJ: International Commission of Jurists

JRS: Jesuit Refugee Service

NGO: Non-governmental organisation

OHCHR: Office of the High Commissioner for Human Rights

SAR Zone: Search and Rescue Zone

UNHCR: United Nations High Commissioner for Refugees

Contents

1. Introduction

In 2011, the 27 European countries (EU27) received just over 300,000 asylum applications (Eurostat 2012). Behind this figure are people who try to make their way to Europe in search for protection and a better life. The migration routes and countries of origin may vary accordingly, but a common route for asylum seekers from sub-Saharan African countries is the stretch of water between North Africa and mainland Europe (Triandafyllidou & Maroukis 2012: 53). In 2011, 58,000 persons endeavoured to cross the Mediterranean Sea. The United Nations High Commissioner for Refugees (UNHCR) has estimated that in 2011, 1,500 died in doing so, classifying the Mediterranean Sea as the most deadly stretch of water for refugees and migrants (UNHCR 2012). Out of the migrants trying to reach European soil approximately 2,000 arrive every year in the small island state of Malta, where the majority apply for asylum (Triandafyllidou & Maroukis 2012: 44). Almost invisible on the map, when third-country nationals arrive or are intercepted at the high sea by the Armed Forces of Malta (AFM) it has a great impact on Malta. The absolute number of arrivals may not be very striking. Nevertheless, with a population of just 400,000 Malta is the country in European Union with the highest population density equalling 1,320 persons per square kilometre compared to an average of 116 persons per square kilometre across the EU 27 (National Statistics Office, Malta 2012: 22). As such, even relatively small migration flows have a proportionally great impact, making Malta an interesting research object.

The present research is based on fieldwork conducted in the Fall of 2012, where I interviewed refugees primarily living in open refugee centres, as well as representatives from local non-governmental organisations, UNHCR Malta and authorities, including the Refugee Commissioner, representatives from the Ministry for Home Affairs and the Agency for the Welfare of the Asylum Seekers (AWAS).

1.1 Problem Area

During the Spring of 2012, I had the great opportunity to explore the Maltese asylum system and its related obstacles on the fringes of the European Union as part of an internship. And during the five months I spent on the Mediterranean island and through

the projects of the human rights NGO I was working with, I encountered a number of issues relating to the field of migration in general and the field of asylum specifically. One of the issues was related to the idea that Malta is not a place to remain permanently and that other parts of Europe are more compelling to reside in for a refugee. Most parties in the field of asylum; the refugees themselves, the authorities and NGOs put this idea forward. The latter group however only to some extent. This perception of Malta as a temporary place has been supported by different studies. The latest publication was in May 2012, by the advocacy-based organisation International Commission of Jurists' report "Not here to Stay" (2012). On the basis of my sojourn in Malta and from the report mentioned, I started wondering why in fact these refugees would not want to stay in Malta. Since my assumption was that the primary goal of a refugee seeking asylum is to receive protection and safety.

An aspiration to go somewhere else is one thing. Another is if it is at all possible. Given the EU legislation on the area, it is highly probable that a refugee attempting to relocate on one's own initiative will be transferred back to Malta according to his or her legal status. This puzzled me, how would the refugees themselves respond to the fact that they would most likely be returned to Malta? Return migration is commonly associated with decided, voluntary or forced return of third-country nationals to their respective countries of origin. But in this case, the return or transferral occurs within an intra-European context. Not only asylum seekers, but also recognised beneficiaries of protection are transferred back to the responsible EU Member State in charge of one's asylum application or general livelihood and protection. The transferral is sought to the person's point of entry in the European Union accordingly to the rules specified by the Dublin II Regulation or to the country of former residence via the Schengen Agreement.

The transferrals of this category of third-country nationals are part of the larger discussion on the asylum and migration system in EU, which inevitably include burden-sharing (or the more positive connotation 'responsibility-sharing') mechanisms as well. Largely, it has been a discussion on numbers (i.e. how the distribution of asylum seekers should be, including transferrals). However, my concern is, what impact these transferrals have on the persons involved. Malta will serve as the example, since it is an

EU Member State on the fringes of the EU with, according to themselves, limited capacity to manage the migration flows.

1.2 Research Question

On the basis of my puzzles, the research question of this thesis is as follows:

Why does Malta become a threshold for sub-Saharan refugees arriving for the first time as well as for refugees transferred back hereto?

The research question revolves around a fundamental assumption that refugees more than anything are in search of protection from a state. Further, it concerns refugees who have been granted protection – not asylum seekers whose case is pending. In order to answer this main research question in depth and systematically, I have constructed the following three sub-questions, which constitute the necessary steps towards answering the research question:

1. Why do the majority of sub-Saharan refugees in Malta have the aspiration of residing in another European country, when in fact they have been granted protection by the Maltese government?

In order to understand the threshold, I argue that the aspirations for leaving are crucial to examine because I assume that such aspirations induce the threshold. Having aspirations for an alternative future must entail a temporary feature in one's present. In this regard, I am inspired mainly by anthropologist Henrik Vigh and his take on social navigation and social death. Vigh's apprehension can help in illuminating this paradox of refugees having aspirations for a new social scene even though protection is obtained.

2. How is the position of being in-between characterised?

Due to the aspirations and because these refugees decide to travel to other parts of Europe and eventually end up being sent back, it seems as though they never settle, but are always on the threshold of something else. Thus, my aim is to identify and understand the characteristics of always being in-between – whether it is in-between communities, sovereigns and even failed expectations. This aspect is illuminated through the thoughts of Hannah Arendt, Giorgio Agamben and Victor Turner who deal

with the aspect of in-between but approach it differently. I want to grasp, on what grounds the refugees explain their decision to leave Malta in search for final protection and how and what impact the organisations and especially the authorities and their policies have on these decisions.

3. After leaving, what are the consequences of eventually being transferred back to Malta from other European Union Member States?

One of the results of leaving Malta is the transferral back. As the refugee re-enters the assumed threshold, I am concerned with understanding the consequences of such circular migration flow within the EU as a step towards answering the central research question. My objective is also to investigate the more abstract consequences of the transferral, the impact of being transferred as well as how it is perceived as a manifestation of power and sovereignty. Additionally, I was interested if the refugees knew of the risk of being sent back and, if so, I wanted to understand why they would keep trying despite this knowledge – again an aspect of why Malta becomes a threshold.

I have constructed the outline of the analysis on the grounds of the research questions and sub-questions. Part I of the analysis will be concerned with an initial analysis focusing on the Maltese context hereby creating the framework for Part II. Part II will examine the three sub-research questions in greater depth in order to understand the central research question, namely why Malta constitutes a threshold.

1.3 Purpose

The purpose of this thesis is to investigate an area that has yet to be investigated. Especially, the intra-European transferrals which have never before been scrutinised on an individual level. The reception conditions for asylum seekers arriving for the first time in Malta have been scrutinised and gained much negative attention. This is due to Malta's application of a policy of administrative detention while one's asylum case is pending (Human Rights Watch 2012; International Commission of Jurists 2012).

As such, the purpose of this research is centred on better understanding: understanding of the present situation that refugees in Malta are experiencing, understanding of the causes that lead to secondary movement and understanding of the

consequences of being transferred back. The main focus will be on the meaning that was produced through the 20 interviews with refugees conducted during my fieldwork. However, in order vary the analysis, the perspectives of the organisations as well as the authorities will be deployed on an on-going basis.

There are multiple reasons for choosing Malta. First, Malta's unique geographical location on the border of the EU has manifested into a vulnerable entry point for migrants wishing to enter Europe. Second, even though Malta differs in size from other EU Member States on the external borders, the situation in Malta may provide important knowledge pertaining to the European asylum system as such. Third, my previously gained knowledge of the situation in Malta has proven helpful in order to understand the migration area. This may of course imply other reservations such as pre-understandings. My stay in Malta has hereby been rendered visible to the reader.

Additionally, it should also be rendered visible that the fieldwork and thesis at hand is the product of a cooperation agreement between the Danish Refugee Council (DRC) and I. The purpose of this thesis is, in part, a fulfilment of this agreement. The agreement was established on the basis of necessity. DRC is in need of documentation on the conditions for the transferrals in Malta and I had access to documenting this. It is important to underline that the content of this thesis solely reflects my views and may therefore not be in accordance with the views of DRC.

As such, the choice of Malta functions as delimitation and at the same time as a case study of how a southern EU Member State approaches these intra-European transfers and what situation the refugees find themselves in.

1.4 Clarification of Terms

A few terms have to be clarified in order to prevent misconceptions.

Refugee: term generally associated with the wording and target group of the 1951 Geneva Convention Related to the Status of Refugees (and the 1967 Protocol). However, in this thesis when applying the term refugee it also includes other forms of protection such as subsidiary protection, which the majority of beneficiaries of protection in Malta have been granted (UNHCR Malta 2012a).

Transferee: term referring to a beneficiary of protection who has experienced being transferred back to the EU port of entry through take back/take charge arrangements. The Schengen Agreement determines an EU resident's permission to travel within the borders of the EU and to settle in another EU Member State for up to three months (90 days). If exceeding 90 days, transferral is executed. According to human rights lawyer Neil Falzon it is unclear on exactly what grounds of the Schengen Agreement the beneficiaries of protection are transferred back.[1] Importantly, the decisive factor in this thesis is that beneficiaries of protection *are* transferred back regardless of having obtained protection status.

Transferral: term referring to the process a transferee encounters when being sent back to the EU port of entry. See also transferee above.

Returnee: term referring to an asylum seeker who has been returned to the first EU country through take back/take charge mechanisms based on the Dublin II Regulation. The Dublin II Regulation, briefly put, is the EU instrument to determine the responsible Member State of a given asylum application.

Return: term referring to the mechanism a returnee experiences according to the Dublin II Regulation. See also returnee above.

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[1]Interview November 7 2012.

2. Methodological Reflections

In the following chapter I will highlight the methodology applied in the field and upon return, thus demonstrating the research strategy and design. This will include the position of the thesis towards the understanding of the produced empirical data and the analysis hereof from a social constructivist and interactionist perspective. Further, I will be presenting the informants and the recruitment hereof. Lastly, the demarcation and reservations of the research at hand will be put forward.

2.1 Taking a Qualitative and Interactionist Stance

Social research may be addressed from a spectrum of approaches according to the nature of the research question – a common distinction between these strategies being qualitative and quantitative research respectively. Linked to these strategies are the important considerations regarding the epistemological and ontological understanding, which will be dealt with in the following section.

The first part of the sub-research question is concerned with the aspirations of a particular group of refugees and I decided early on in the process to carry out qualitative fieldwork in Malta among these persons of interest. This decision was based on the assumption that it would shed light on the paradox of why the beneficiaries of protection residing in Malta decide to leave even though they have been granted protection. The second sub-research question surrounds the aspect of being in-between and in order to specify and characterise this rather broad aspect, a qualitative stance will prove helpful in illuminating how the refugees themselves perceive this space and how other actors in the field (organisations and authorities) position them in this space. Finally, I wanted to investigate what consequences the transferees experience, evident in the third and last sub-research question, making a qualitative approach relevant.

In qualitative research, the investigator is concerned with how the social world is perceived by the participants with a focus on the context (Bryman 2004: 280). Thus, the epistemological view of the thesis, referring to what passes as acceptable knowledge, can be described as interpretivistic. This suggests that emphasis is on the participants' interpretation of the social world and the situation they are in. Due to this emphasis, it

may be found that statements are sometimes conflicting. However, this serves as an underlying assumption. Actually, as Bryman puts it: "There is a double interpretation going on: the researcher is providing an interpretation of other's interpretations." (2004: 15). The double interpretation does not necessarily endanger the validity of the research, but must be noted and addressed. In line with the interactionist perspective, this approach pleads that meaning is produced within the social setting (Järvinen 2005) in this case an interview setting. The interactionist perspective basically refers to the idea that whatever phenomenon, it does not stand by itself and does not have a built-in essence but is an unstable unit and a product of its context (Mik-Meyer & Järvinen 2005: 13). This means that my pre-understanding of the refugee field in Malta will inevitably affect the results of the thesis at hand. Duly noted, I will to every extent possible set aside my own opinion of the situation, but as argued above, this is only manageable and even relevant to a certain extent in an interactionist and qualitative perspective.

The ontological orientation of this thesis is constructivist – in opposition to objectivistic. Simply put, this means that 'truth' (or opinion, position etc.) is socially constructed and the social world must be understood according to the interaction between the participants of the social world. In this view, the subject of analysis is fluid and volatile (Bryman 2004: 266-268). In an interactionist perspective, the focus is the analysis of the empirical data and the social identities that are developed through the interview, not the performance of the interview itself (Järvinen 2005: 27). One could say, that the process is the central key in understanding social identities. I chose this approach because my point of departure was the aspirations of the refugees and my assumption from the beginning has been that the refugees in Malta generally did not want to stay. I was curious where the wish emerged from, but basically taking the stand that the aspirations originate from several factors and actors and through socially constructed circumstances. This is also one of the reasons for constructing three categories for the interviews: refugees, organisations and authorities (more on this further down, cf. 2.2.2). To understand the origin of the aspirations I will specifically apply Vigh's thoughts regarding social death, social navigation and imagined migration. The characteristics of being in-between are elucidated through Vigh as well as Turner, Arendt and Agamben and transit culture, which, as we shall see, prove to have

developed in Malta. Each notion may be understood from a social constructivist perspective.

Flexibility has been an ongoing preoccupation for me during the course of the fieldwork. Conducting qualitative research is generally a reciprocal process, where the problem field, research question, methodology and theory are related to each other on an ongoing basis. In other words, the research strategy is characterised by a reciprocal action (Bryman 2004: 21) and are subject to a change in direction. Which it did. My initial assumption for the fieldwork was to find out whether it was paradoxical for the refugees to be sent back to a country which was not their own. But during the course of stay the focus changed direction into being a matter of the loss of control that the transferees experience and that transferral could not be seen isolated from the reasons behind leaving in the first place. In order to understand the consequences of transferral I will apply the notion of sovereignty inspired mainly by Arendt and Agamben. My findings regarding this will be discussed in the analysis.

In analysing the interviews I will take an interactionist stance as well. One way of doing so is by looking for 'accounts' or 'legitimising explanations' as described by Järvinen (2005: 31). This take has often been used in analyses of marginalised people and is a way of understanding the positions the interviewee (and the interviewer) stage and construct in the interview setting. Järvinen underlines that searching for accounts in empirical data can be utilised in different areas, as "[…] it may be an expression of a general tendency among social actors in legitimising, explaining and justifying their actions and decisions." (2005: 31, my translation). By employing an interactionist attitude, the generated results have a character of being produced and constructed within the interview setting as well as by the context outside of the particular interview. More precisely, it generates findings composed by not only the interviewees' perception, but also by the interaction that takes place.

The present thesis is a case study where Malta serves as the case for understanding the threshold the refugees are in. Due to the case study design, the analysis is divided into two parts. The first concerns an analysis of the Maltese context through which the specific circumstances related to Malta will be dealt with. The second part of the analysis regards an actual analysis of Malta as a threshold.

As such, the opinion of the interviewed cannot be seen as isolated, which also substantiates my choice to interview three different groups – not only the refugees themselves. My reflections on conducting qualitative interviews according to the different groups will be dealt with in the following section.

2.2 Doing Qualitative Interviews

In order to answer the research questions, a number of considerations must be made regarding the most pertinent method. It is important that the method applied to collect the empirical data is in compliance with the chosen theory and general position of the paper. If not, the validity and reliability of the research will be endangered. In continuation of my qualitative stance the method on how I collected the data will be presented, including the recruitment of interviewees, creation of the interview guidelines and reflections on the interview situation itself.

As indicated the data was collected through semi-structured qualitative interviews with three different target groups: 1) refugees who have been transferred back to Malta, 2) organisations working with refugees and asylum seekers in Malta, and 3) authorities involved in dealing with decisions related to the refugees (see appendix 1 for overview of interviewees and a brief record of their background). Importantly, my main focus in the analysis will be the refugees, but statements and positions of the two other groups will be included on an ongoing basis in order to secure a varied analysis where context is emphasised as it surrounds the refugees.

2.2.1 Recruitment and Presentation of Informants

The time I had in Malta was limited to two weeks. Conducting fieldwork in such a short period of time required thorough understanding of the field beforehand and access to so-called gatekeepers who could and would refer me to potential interviewees. Fortunately, I had these two aspects covered through an internship in the Spring of 2012, in a local human rights organisation. Without this experience and the consequent advantages and knowledge of the field, I would not have been able to collect the empirical data within two weeks. What follows is an illustration of how I recruited refugees for the purpose of interviewing them. Thus, not a description of the selection

of interviewees from the organisations and authorities as these were secured through my existing network.

The recruitment of informants was one of the aspects I was most uncertain about because I wondered if anyone would want to spend their time in interviews and would open up to me in such relatively short time. This concern was especially regarding the refugees. However, my uncertainty was unfounded as it turned out that people were happy to share their stories and participate in the research. Some argued that no one was interested in their situation and perceived my research as an example of genuine interest and concern.

From a practical standpoint, I started out by inquiring about access to the open centres run by the Agency for the Welfare of Asylum Seekers (AWAS) explaining the purpose of the research, which, besides collection of data for this thesis, also included the abovementioned collaboration agreement with the Danish Refugee Council (DRC). Access was granted to Ħal Far Tent Village and Ħal Far Hangar Open Centre, as well as Marsa Open Centre and Good Shepherd's Home (see appendix 2 for an overview of open centres in Malta).[2] The director of AWAS, Alexander Tortell, suggested a handout explaining who I was and whom I was envisaging to interview. Besides English, the handout was translated into Somali and distributed to the residents by the staff in the two open centres run by AWAS. In Ħal Far Tent Village, I did a pilot interview under semi-chaotic conditions with three women and in Ħal Far Hangar I had to proactively reach-out to the men. In both cases, the recruitment was based on certain criteria (that the participant had experienced a transferral at least once).[3] Once I managed to explain the situation to a person, that person would acknowledge my errand and refer me to another person – and so on. In Ħal Far Hangar this resulted in a line of curious people. In all centres mere presence and genuine curiosity combined with ethical consideration regarding privacy and vulnerability allowed me to talk to the people I was interested in.

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[2] AWAS is in charge of four centres for single adults and families and two accommodating unaccompanied minors. Access to the centres for unaccompanied minors was denied on the grounds of protecting the residents as they are categorised as a vulnerable group.
[3] All participants, with a few exceptions, lived up to this criteria. The exceptions happened as a result of spontaneous conversations developing into actual interviews.

During my fieldwork I conducted 27 interviews (32 persons) associated with the three aforementioned groups (cf. also subsequent section): a) refugees: 16 interviews (20 persons), b) NGOs and international organisations: 6 interviews and c) authorities: 6 interviews (7 persons).

Of the 32 interviewed refugees, the gender balance was 6 women and 14 men, making the latter predominant. All interviews with refugees were carried out in the open centres.[4] The first interview involving three Somali women[5] was carried out as a pilot interview in order to adjust the interview guide before conducting further research interviews. All names of persons belonging to the first category of interviewees are made anonymous and will be referred to by a first name only. Not all interviews will be applied in the analysis of this thesis, as the reciprocal process explained above (cf. 2.1) meant that some interviews proved to be more relevant than others. Nevertheless, all interviews are listed in appendix 1 as they have influenced my conception of the research area.

Besides the formal interviews, I had a number of informal conversations with refugees both inside and outside the camps, which could be categorised as interlocutions due to their unplanned nature. For instance, when seeking to recruit persons for an interview or spontaneously engaging in conversation on the bus. These conversations will not directly be utilised in the analysis. However, it must be noted that these have made an impact on me. Thus, contributing to my understanding of the field.

2.2.2 Construction of interview groups

The reasons behind my choice and construction of the three groups are multiple, but are all linked to the research question. As my viewpoint is interactionist (cf. 2.1). I pursue a research that illuminates how the refugees' situation on the threshold and upon transferral back to Malta engages with the way the relevant organisations and authorities position the refugees as a group not in Malta to stay. Hence, focus is on the empirical data's multiple meanings, context-dependence and productivity (Mik-Meyer & Järvinen 2005: 15) making interviews with representatives from the context of the

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[4] Except one done by telephone to Switzerland as the informant had been relocated as part of the EUREMA project: Interview with Mahad, November 2 2012
[5] Interview with Farhiya, Afraah and Najma, October 29 2012.

refugees relevant. The following justifications are the most prevalent considerations behind choosing to interview the three different groups:

1) Refugees who have been transferred back to Malta:

In order to investigate the aspirations, the refugees themselves must be brought into play. As such, this group functions primarily as informants through which I seek to understand why they want to leave Malta, when in fact they have been granted protection – the fundamental aim of a refugee (cf. the first sub-research question). Also, as the second sub-question implies, the refugees should be heard as it concerns the characteristics of being in-between and how they navigate in this space (Vigh 2010; Turner 1976). Third, the information generated concerns their experiences of transferral relevant for the last sub-question. Together leading to answering why Malta becomes a threshold.

2) Organisations working with refugees and asylum seekers in Malta:

Because I emphasise context throughout this research, the group of refugees are not an isolated group. The organisations working with refugees and asylum seekers may very well place the refugees in a certain position and social categories (Järvinen 2005) related to why they wish to leave and what will happen to them when exposed to a transferral. The knowledge of the organisations related to the actual event of the transferral is also interesting and relevant. As such, this second group of interviewees function as informants as well as respondents, meaning that these interviews generated both perceptions of the refugee situation as well as a more factual knowledge regarding the area – both important aspects in answering the research questions.

3) Authorities involved in dealing with decisions related to the refugees:

Similar to the organisations, the authorities were interviewed because I found their perception of the area important as well. The authorities represent the state of Malta and have an enormous impact on the situation the refugees are in. Both in relation to the actual conditions the refugees live in, but also on the rights of the refugees. For instance, coming to Malta as a first-time arrival the authorities will process the asylum claim. Upon transfer, the Maltese authorities need to consider (and when relevant

accept) the request of transferral from the given EU Member State. Proportional to the interviews with the organisations the authorities represent both an informant role as well as a respondent role.

Generally, the interviews with the organisations and the authorities had to a higher extent than the interviews with the refugees, the purpose of providing valid, factual knowledge (Kvale & Brinkmann 2009: 171) regarding the conditions, the possible interventions and rules. Rather than the more narrative interviews (Kvale & Brinkmann 2009: 174) conducted with the refugees.

2.2.3 Interview Guides

I have developed three different guidelines (see appendix 3) that served as the basis for the interviews with the three different groups respectively. All interviews were semi-structured, as I wanted to follow the traces of meaning produced within the dynamic setting of the interview (Kvale & Brinkmann 2009: 152). Accordingly, the guides were divided into themes on one side with the actual interview questions on the other. The latter were proposals on how to phrase questions for the themes. Featuring below the themes are suggestions for probing questions (Kvale & Brinkmann 2009: 159-161), which proved to be very helpful in the interview situations. When developing the guides I based the themes (and therefore also the interview questions) on the research questions. The main reason for rephrasing the research questions into lesser academic language is the importance of having a dialogue in a familiar way of speaking (Kvale & Brinkmann 2009). Some of the representatives from the authorities, inquired to see the interview guide before the actual interview, hence these guides were more detailed.

I started every interview by briefing the interviewee of the purpose of the research and interview and insure anonymity when relevant (that is when interviewing a refugee), besides introducing myself as an independent researcher. This was an ethical consideration as well as an attempt to gain the confidence of the interviewee (Kvale & Brinkmann 2009: 89-95).

The guidelines cover the different stages of a transferee: before leaving Malta, after leaving Malta, and the return to Malta. I also included questions about the obstacles that specific organisation, authority or refugee I was interviewing would encounter. In that

sense, the respective interview guides are quite similar in substance, however phrased differently as I targeted the person before me, having the specific context of that person in mind.

2.2.4 Interview Situation

The interview situation itself causes a number of considerations before, during, and after execution. I will mainly reflect on the interviews with the refugees as these caused the highest level of consideration.

In an interview setting the interviewer contributes to the production of knowledge (Järvinen 2005: 28). One aspect of this is my ethnicity and appearance. Being a Nordic looking woman my positionality cannot be ignored. However, this must be critically reflected on, avoiding a 'reflexive self-obsession' (Hopkins 2007: 386-387). I argue that my appearance has not been an obstacle because I took measures and prepared the ground for the interviews by simply being present in the camps before conducting the interviews. In continuation, it cannot be excluded that some of the refugees accepted the interview on the grounds of being curious. To me this is not a disadvantage, as it may have caused more dynamic interviews.

As I do not speak the languages of Somali and Tigrinya, the two most prevalent languages among the refugees I interviewed, I initially wanted to conduct the interviews with the support of a qualified interpreter. However, this turned out to be impossible to arrange as a matter of practicality as the capacity of interpreters in Malta is deficient. On a practical level, this meant that I had to conduct the interviews in English even though the interviewees' English skills were limited. In some cases I made agreements with one particular person whose English was sufficient in order for him or her to translate. This of course generates new considerations such as the relation and trust between "interpreter" and interviewee, the quality of the translation, and risk of the "interpreter" to put forward his or her own opinion due to the lack of professional training. I assessed the situation every time and concluded that it was a necessary compromise that I had to make in order to collect the data.

The interviews were carried out in a different cultural setting than my own and to some extent different to that of the refugees making some considerations regarding cross-cultural interviews relevant (Kvale & Brinkmann 2009: 164). A challenge was to break the cultural code on how to articulate feelings, thoughts, experiences. This resulted in more pure narratives, describing the circumstances rather than the feelings. Besides different cultural positions the challenge may also be related to the fact that many had limited schooling as a result of the conflicts in their countries of origin. The differences can be used productively in the analysis: "Indeed, recognizing this productivity is one means of working with – rather than attempting to overcome – differences." (Pratt 2007 in Hopkins 2007: 388). Another challenge during the interviews was that even though I started every session with a briefing of purpose (Kvale & Brinkmann 2009: 89) and underlining that I did not have any authority, impact on their asylum case or on their registration for the durable solutions through UNHCR, but was working independently, the majority of the participants thought I was able to help them gaining access to other parts of EU (especially Denmark due to my background). This caused some misunderstanding, which I was very conscious of correcting.

The interviews included exchange of information as the participants were asking questions about the conditions in Denmark; for instance what Denmark is like to live in, what rules regarding legal residence, what the labour market is like for foreigners etc. It was clear that it was an important aspect for the participants and I informed them according to the best of my ability. The interest might even be an expression of an attempt to investigate whether other parts of Europe, compared to Malta, would live up to their expectations of final protection (cf. Part II of the analysis). Likewise, I was briefed on the situation in their respective countries of origin. Their interest again caused a more dynamic interview, as interaction between interviewer and informant was present.

All informants and respondents were given the possibility not to be recorded and at the same time I underlined that they could take back their consent at any time. If recorded, reference will be made by a date of interview and time code. If not, only the date will be stated.

2.3 Reservations and Demarcation

What should be noted is my perspective throughout the thesis, which is constructed and shaped by a general belief in a 'right to rights' (Arendt 1976) of the refugees rather than firm conviction in the preservation of the nation-state. Having said that, I include all possible perspectives of authorities and organisations throughout my research. Even though I had sound knowledge of the area one cannot exclude that my findings would have been different had the length of my fieldwork been extended.

My informants were mainly accommodated in open centres rather than living 'in the community'. As such, the results of this thesis largely apply to this group. However, I came across stories of transferees who had managed to make a life of their own outside of the open centres. This group is not included in the scope of the thesis, but as my analysis will show a few exception among those living in the open centre was identified.

At no stage of this research have I questioned the asylum motives of the refugees I engaged in conversation with and interviewed. This is done in accordance with the fact that the group of people I am focusing on have already been granted protection and I saw no relevance in including questions related hereto as that might have caused mistrust between the interviewee and me within the interview setting.

In continuation of the methodological considerations, I will present notions and thoughts found relevant for answering the central research question as well as the sub-research questions.

3. Theoretical Framework

Each notion within the theoretical framework has a function in enlightening the threshold of sub-Saharan refugees in Malta, why they wish to leave Malta for other parts of Europe, how the in-between may be characterised and what happens when they are transferred back. As such, different spatial metaphors are utilised in the thesis.

Transit migration is presented mainly through the studies of migration researcher Aspasia Papadopoulou, representing the concrete perspective of the threshold. To probe the structural element of this space, political thinker Hannah Arendt and her analysis of refugees as human beings deprived of rights, will be introduced. In line with Arendt, I wish to utilise the thoughts of philosopher Giorgio Agamben and his take on the camp as a state of exception and sovereign power. To illustrate the anti-structural element of this space the concept of liminality as developed by anthropologist Victor Turner, will be presented. Also to understand why Malta becomes a threshold and why the sub-Saharan refugees in Malta wish to leave Malta anthropologist Henrik Vigh and his concepts of imagined migration and social death are demonstrated. In continuation hereof, the human reaction to the threshold is illuminated through Vigh's concept of social navigation.

3.1 Being in Transit

Transit migration is a phenomenon that can help me in understanding the position the refugees in Malta are in, as they have the aspiration of leaving despite having been granted protection. The analysis of transit will based on recent studies concerned with transit migration in the Mediterranean region as presented by Jean-Pierre Cassarino and Philippe Fargues (2006) as well as the studies of Aspasia Papadopoulou (2005). As I will argue in the analysis, a culture of transit has found to be created in Malta and their studies will prove helpful in illuminating such temporariness.

Cassarino and Fargues (2006) argue that the notion of transit migration is a blurred concept used differently by different scholars and policy makers. In this thesis transit migration will only concern acknowledged asylum seekers, not economic migrants,

irregular and undocumented persons, trafficked human beings and rejected asylum seekers.

Papadopoulou argues that two types of transit migration can be observed in a European context: outside in neighbouring countries and inside in countries on the fringes of EU (Papadopoulou 2005: 2). Throughout, I will be concerned with transit migration within the EU and not with the external aspect.

She bases the reasons behind transit migration on fieldwork conducted among Kurds in Greece.[6] Briefly put, the reasons consist of the following; a) the first country of asylum does not provide effective refugee protection, b) the countries of transit neighbouring EU has a favourable geographic location being close to the desired destination, c) gaps in legislation d) the need for family reunification (Papadopoulou 2005: 4-5). In short she says "[…] transit migration is a consequence of both domestic inefficiencies and a lack of the sharing of responsibility between states." (Papadopoulou 2005: 15).

In the analysis of the thesis, I will probe whether the same pattern is present in Malta. This can assist in not only understanding the reasons, but also the implications that transit migration may cause. In line with Cassarino and Fargues (2006) and Papadopoulou (2005) I utilise transit migration as a term to understand the threshold that these refugees are in, not wishing to settle and only dreaming of leaving, but also to understand how their life circumstances in the Maltese society may cause a transit situation. Transit migration is a two-way process, between the refugee and the host country, and is a concrete feature of being caught between stages of migration and not settling where you are. In the following section, the theoretical framework for understanding the structural circumstances of being in-between will be put forward.

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[6] At the time of Papadopoulou's fieldwork and publication Greece was still considered to be a country with an effective asylum system. Since then it is relatively widely accepted among EU Members States and international as well as non-governmental organisations that the asylum system in Greece is malfunctioning. The outcome of European Court of Human Rights [GC], M.S.S. v Belgium and Greece, Application No. 30696/09, 21 January 2011 caused a suspension of the Dublin II transferrals back to Greece, which is being upheld (OHCHR 2011: 16).

3.2 Subordinated and Deprived of Rights

Hannah Arendt (1906-1976) was concerned with political theory and philosophy as such and the many aspects of the political sphere like totalitarianism, the banality of evil, freedom, power, human rights but to name a few. A refugee herself with Jewish background, Arendt sought to understand 'the Jewish question' by thinking politically and seeing historically (Fry 2009: 4). In the present thesis, her thoughts will be applied in understanding and explaining the structural aspect of in-between and how refugees are simultaneously included and excluded.

Arendt (1976) applies the term *statelessness* by which she refers to people deprived of their state including the protection of that state and adds that protection granted by another state will always be of a temporary nature. Because a refugee status is provisional, citizenship is crucial in securing the 'right to rights' (Arendt 1976: 176) and an essential understanding to Arendt is that we are not equal as a starting point, but can become equal by the virtue of equal rights, "We are not born equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights." (Arendt 1976: 181). Hereby, pointing to a mutual aspect of rights.

In Arendt's perspective, elementary rights are constituted by the state and without a national government to refer to; one is deprived of human rights (Arendt 1976: 152). On that basis minorities are in need of "[…] an additional guarantee of elementary rights from an outside body, and the assumption that this state of affairs was not temporary […]" (Arendt 1976: 155). Arendt argues that because minorities are seen as an "[…] exceptional phenomenon, peculiar to certain territories that deviated from the norm" (Arendt 1976: 156) they are in a vulnerable position. In fact, Arendt explains, minorities are only half stateless because some subsidiary rights have been protected. However, this protection of rights is done so half-heartedly, by an outside body (Arendt 1976: 156). This can be characterised by a double-sided objective; that the human being, the refugee, is simultaneously included and excluded from the surrounding society on the grounds of being granted a certain set of (limited) rights and at the same time being omitted from the most essential right, namely citizenship. The refugee is subordinate within the legislation, on which he or she has no possible impact. As the analysis of the present thesis will specify, the subsidiary protection status granted to the majority of

beneficiaries of protection in Malta will prove as an illustrating example of such subordination.

This leads me to the Italian philosopher Giorgio Agamben who inspired by the thoughts of Arendt among others, talks of the mechanism *inclusive exclusion*; meaning that refugees do not qualify as political subjects, but are subordinate by law (Agamben 1998: 170). Arendt and Agamben have yet another thesis in common namely what Arendt (1976: 180) identifies as 'abstract nakedness' and Agamben (1998) as 'bare life'. The notions refer to a human, deprived of its rights. The persons (refugees) have lost their political status and are therefore treated as humans and humans only. More on Agamben's view on the relation between the refugee and the nation-state further down.

In this thesis I will primarily utilise Arendt's thoughts on minorities, the lack of rights they often experience and the vacuum or limbo she found refugees to be in. Furthermore, my intention is to let Arendt help in explaining the political aspect of sovereignty and the consequence for the refugee of being caught between states. In applying her thoughts on a different subject than the Jewish question it is important to note that she inverted the status of the Jews as victims of totalitarianism, when referring to the aftermath of World War 2, where the Palestinians were deprived of their state (Arendt 1976: 170). This witnesses Arendt's capability to reverse the Jewish question and is a justification for employing her theory elsewhere. This justification is supported by Christian Rostbøll (2010: 66-67), who argues that Arendt's analysis of the relation between the nation-state and human rights is still relevant in understanding why states are reluctant to offer the admittance of refugees and asylum seekers, thus providing a political community where people can act and take responsibility accordingly. Also, Agamben refers to the analysis of Arendt[7] to have "[…] lost none of its relevance." (Agamben 1993: 15-16,7). Having said that, the application should of course be done sensibly.

3.3 Sovereignty

I will be applying the notion of sovereignty in analysing the impact of the assertion that sovereignty has on individuals transferred back to Malta due to EU policies and national

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[7] Specifically the analysis Arendt presents in 'We Refugees' (published in 1943).

Maltese legislation. Thus, analysing the correlation between EU policies and the praxis of the transferees as well as investigating if and how these people are caught between sovereignties. On a more abstract level, the underlying reason for applying sovereignty is because sovereignty is yet another aspect in characterising the in-between position and can be employed in understanding the life on the margins of society.

Traditionally, sovereignty has been associated with territory and states' will and power to rule over the nation (Hansen & Stepputat 2005: 2) and the assertion of sovereignty has throughout history been the cause of many a political crises (e.g. Israel-Palestine conflict). In an international perspective, it has been argued that the reason for the mere existence of refugees is sovereignty, as the refugee is "[…] an inevitable if unintended part of international society. […] It is a characteristic of sovereignty that the attempt to place all individuals within (homogeneous) territorial spaces will inevitably force some *between* the borders, into the gaps and spaces between states and thus outside the normal state-citizen-territory hierarchy." (Haddad 2008: 209, my italic).

Thus, sovereignty is not confined to territory, as argued by Thomas Blom Hansen and Finn Stepputat who seek to expand the definition put forward by Stephen Krasner, who questioned the effectiveness of the sovereign state (Hansen & Stepputat 2005: 2). Hansen and Stepputat address sovereignty from a constructivist perspective meaning that both territorial states and sovereignty are socially constructed concepts – hereby debating the prevalent idea that sovereignty and territory are inseparable notions.

Agamben is also concerned with the notion of sovereignty and how sovereignty is executed. One of his considerations is that; "The expulsion of someone who used to have rights as a citizen […] is the most elementary operation of sovereign power." (Hansen & Stepputat 2005: 17). This brings us back to Agamben's thoughts on *inclusive exclusion*, as the political sovereignty is based on expulsion and exclusion. To Agamben, the existence of camps (refugee camps, concentration camps, but also society as such being a state of exception) is an expression of how the sovereign manages and excludes the human being by inclusion in a camp controlled by the sovereign power. He describes the paradoxical nature of the camp as follows; "What is excluded in the camp is, according to the etymological sense of the term "exception" (*ex-capere*), *taken outside*, included through its own exclusion." (Agamben 1998: 170, italic in original).

Adding that; "The camp is thus the structure in which the state of exception – the possibility of deciding on which founds sovereign power – is realized *normally*." (Agamben 1998: 170, italic in original). Through this inclusive exclusion Agamben sees the creation of a *state* and a *space* of exception. The *state* of exception refers to the fact that a provisional pause of regularity is present and the common juridical order does not count. The *space* of exception is the area where the exception takes place. As Agamben explains it: "*The camp is the space that is opened when the state of exception begins to become the rule.*" (Agamben 1998: 168, italic in original). What used to be a "temporary suspension of the rule of law" (Agamben 1998: 169) starts to become permanent, making the order difficult to change.

As explained in the methodological considerations the interviewees were not asylum seekers per se, as their asylum case had already been dealt with – even with a positive outcome. But as I will show in the analysis, the open asylum centres may very well be similar to the camp Agamben refers to. I wish to investigate whether the inclusive exclusion is evident among the recognised refugees in Malta – if life in Malta as a sub-Saharan refugee is reduced to being a matter of 'bare life'.

3.4 Liminality

One approach to understanding the in-between position of refugees in Malta is by deploying the thoughts of cultural anthropologist Victor Turner (1920-1983) and what he refers to as *liminality* and *anti-structure*. Turner has developed this system of terminology to illuminate social reality and focus on social action, processes and passages.

An essential concept for Turner is that social reality is always processual and can never be deduced to be a matter of programming and foreseeable reaction (Turner 1974: 23-24). Liminality[8] is a 'sphere of action' (Turner 1974: 52), thus pointing to the fact that it should *not* be perceived as a certain modality. Originally, Turner developed the definition of liminality as an attempt to explain the social process that indicates a change in social status among members of the Ndembu tribe (Turner 1974: 273) for example, the transition from childhood to manhood. Turner explains that; "The

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[8] According to Turner himself, he borrowed the term liminality from Arnold Van Gennep' Les Rites de passage (Turner, 1974: 47).

intervening liminal period or phase is thus betwixt and between the categories of ordinary social life." (Turner 1974: 53). As such, it concerns being on the threshold of something new and unknown. Turner characterises this space as an anti-structure and highlights the positive connotation of such (Turner 1974: 272). By this he refers to the fact that anti-structure is not a non-existing structure, but rather acknowledges the structures outside of the common structures or outside the "categories of ordinary life". For instance, outside of the Webian way of understanding and seeing structures within society as a social class structure. As we shall see the situation of refugees in Malta resembles such anti-structure.

Different scholars have employed liminality to explain the precarious situation of refugees (e.g. Harrell-Bond & Voutira 1992; Turner 1999; Papadopoulou 2005). The term can shed light on the liminal sphere of action that refugees are in due to their flight and transition to another category of life, where one's social status may very well be changing. It is important to note that there is a difference between the ritual liminality that Turner originally investigated and the liminality refugees experience. The difference being that the spiritual ritual is common and known to the participant and therefore, the outcome is also to some extent familiar; the person going from childhood to manhood have seen others going through a similar ritual. In the context of the refugees, they generally have no possibility of knowing when the liminal sphere terminates – or if it ever will.

Even though the application of Turner's concepts in other fields outside of spiritual rituals have been subject to critique (see for instance Alexander 1991), I argue that it will be valuable in understanding the phase that the sub-Saharan refugees in Malta are in – both before they intend to leave and after when they are transferred back to Malta. As such, the liminal space occurs multiple times in the different stages that these refugees circulate between.

3.5 Imagined Migration

According to Henrik Vigh (2009), *imagined migration* is an attempt to survive under the present circumstances in which one does not thrive. In this context, the concept will be utilised in illuminating how migration becomes a technology of imagination, but also

what impact the realisation of the imagined has on the people I have encountered in my fieldwork. This means that Vigh's terminology will be applied on the strategies the refugees exercise but also on the positions that the organisations and authorities in the refugee field in Malta place this group of refugees in.

Imagined migration is much more concrete than it may initially sound, as it is a capability that is generated in the process of social being and social becoming. At the same time, it is a construction of meaning (Vigh 2009: 99), as it does not only involve the immediate approach to handle certain practical issues but also refer to our social existence (Vigh 2009: 100). The imagined migration may occur when being in difficult life circumstances thus triggering an aspiration of something different and better. As Vigh puts it; "It is the imagined unfolding of social life which orients our movement and positions in the present." (Vigh 2009: 100).

The large difference from Vigh's fieldwork and analysis of youth in West Africa is that in the present case, the migration is *not only* imagined – it has already been endeavoured – since the interviewees were selected on the basis of having been transferred back. Even though there is an element of experienced migration, the imagined element is nevertheless still evident in the context of transferred refugees. On that basis, I argue that the concept of imagined migration will prove valuable in a discussion of refugees travelling further and eventually being returned to Malta.

3.6 Social Navigation

In order to illuminate the aspirations for other parts of Europe among the refugees, I will in continuation of imagined migration employ Vigh's notion of *social navigation* and *social death*.

Vigh applies the term social navigation[9] to demonstrate how youth in the West African country of Guinea-Bissau act in "order to survive and gain a better future." (Vigh 2010: 8). As such, the term social navigation is defined by both a present and subsequent element in the person's life due to a conviction that how you navigate now will have a positive impact on your future – or at least one hopes. Vigh defines

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[9] Vigh also applies the Creole term dubriagem or dubria, which equals social navigation (Vigh 2010: 8). In this thesis I will be using the latter throughout.

navigation as, 'motion within motion' (Vigh 2010: 17) and being a process that brings together 'the immediate and the imagined' (Vigh 2010: 17) in order to achieve your remote goals. Social navigation is an expression of an attempt to become an active player in your own life. Thus, a process of "[…] governance and adjustment between self and other […] in which persons vie and strategise in order to avoid nullification as well as to achieve some sense of governing their own fate." (Jackson 1998: 18 in Vigh 2010: 10). It is an action to avoid the social dangers at hand, thus seeking control leading to a better future.

Vigh also speaks of the phenomenon social death, which in the context of this thesis, will be employed to understand the threshold the refugees in Malta are in prior to secondary movement as well as upon transferral. As the term may imply, social death is linked to a state of being socially non-existent – meaning that your social life does not entail the desired content, be it friends, social status, job identity. In order to escape the impasse, Vigh argues that one way is simply to migrate, thus creating a new scene (Vigh 2009: 98). Social death is characterised by being in a state of regress rather than an expected progress linked to social, economic and political areas (Vigh 2009: 96-97). When we experience social death, we start imagining what life might be like elsewhere. Hence, says Vigh, "[…] making migration a necessity in the pursuit of a worthy existence." (Vigh 2009: 103). Experiencing social death does not indicate a state of affair where social problems do not occur.

Even though Vigh developed the concepts in a West African context, social navigation and social death will prove useful in understanding why so many beneficiaries of protection have the aspiration to leave Malta. It can help to clarify why they do not only have the aspiration, but also why they make the decision to leave the island. Thereby, taking an initiative to achieve the goal, whatever this may be.

To conclude, all of the above notions, terms and thoughts will help in understanding the situation of Malta as a threshold for refugees – both before moving to other European countries and upon transferral. In unison, the theoretical framework serves as the basis of analysing the empirical data in order to answer the research questions, which will be the pivotal point of the following chapters.

Analysis

The present analysis is divided into two parts in order to answer the research questions adequately. More specifically, the first part is centred on an analysis of the Maltese immigration context, which is necessary to grasp before going in to depth with the actual analysis of the threshold apparent in Malta. The former part of the analysis is contingent on the latter and in unison the two will form the basis for answering the central research question related to why Malta becomes a threshold first time arriving refugees as well as transferees.

4. Part I: Analysis of The Maltese Context

In the present part of the analysis, the context of Malta and the initial analysis hereof, will be put forward leading up to the actual analysis in Part II. As argued in the methodological considerations, the context is essential to deal with comprehensively, as it serves as the basis of a holistic understanding of the situation and therefore in answering the main research question.

4.1 Immigration in Malta

The immigration history of Malta is not long. Actually, Malta has historically been a country of emigration (Cauchi 2012: 11), with many Maltese leaving the island after World War II (Emigrants' Commission 2012). Malta received some hundred asylum seekers in the beginning of the 1990s from former Yugoslavia and Iraq but it was not until around the year 2000 that immigrants started arriving more steadily. From 2002 onwards, Malta has experienced an increase of migrants arriving in an irregular manner, especially by boat (Jesuit Refugee Service Malta 2012). In 2012, out of the 1,890 migrants arriving by boat, 1,838 applied for protection (see figure 1) signifying that the majority of the boat arrivals are asylum seekers.

Figure 1: Protection in Malta 2012
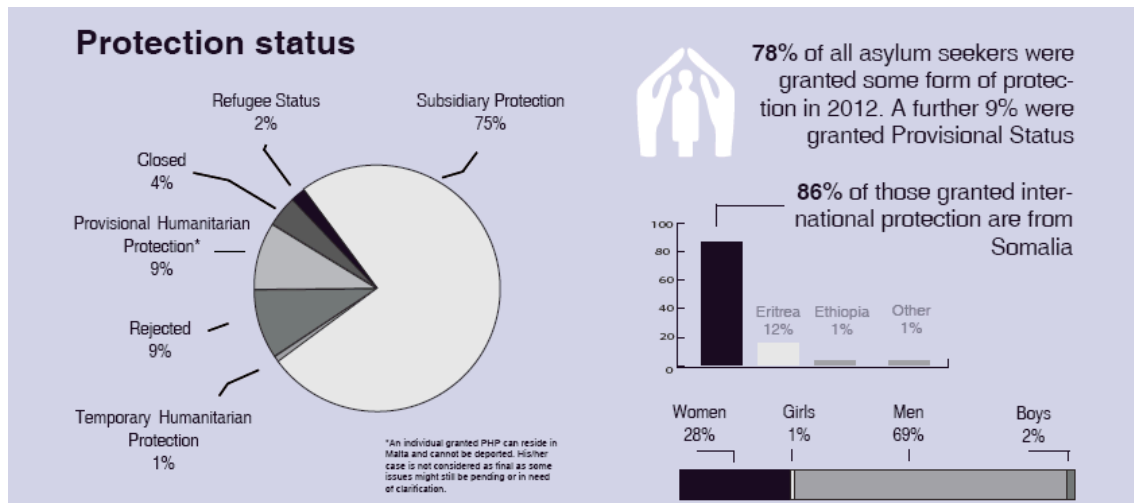
As evident from figure 1, Malta exercises a high recognition rate with 78 % of the applicants in 2012 being granted some form of protection.[10] As such, only 9 % are rejected. The majority of all beneficiaries of international protection in Malta are from Somalia (86 %) followed by Eritrea (12 %). UNHCR Malta estimates that approximately 30 % of the 16,341 arriving between 2002 and 2012 remain on the island (UNHCR 2012a). This implies that 5,400 of this category of migrants abide in Malta.

The fact that the vast majority arrive by boat can be explained by geography; Malta is situated in the middle of the Mediterranean Sea north of Libya and Tunisia and just 100 kilometres south of the Italian island Sicily. Malta and Malta's Search and Rescue Zone (SAR zone), also shown on figure 2, covers an area of 250,000 square kilometres. The entity responsible for coordination of search and rescue operations in this region is the Armed Forces of Malta (AFM), thus also intercepting boats in distress on the high sea (see Asylum Procedure, 4.3). And since the area of Malta is small, news travels fast. Whenever a boat arrives at shore or is intercepted at sea, the whole island knows within a short period of time through the media present at disembarkation.[11] UNHCR Malta attempts to publish the most recent numbers of arrivals on their website, making it publicly available.

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[10] Recognition rates are highly disputable because they may vary according to national asylum systems. Nevertheless, they are relevant as indicators of a given county's likelihood to grant protection.
[11] Whether this affects the situation of the refugees in a positive or negative sense is out of the scope of this thesis.

Figure 2: Malta Search and Rescue Region
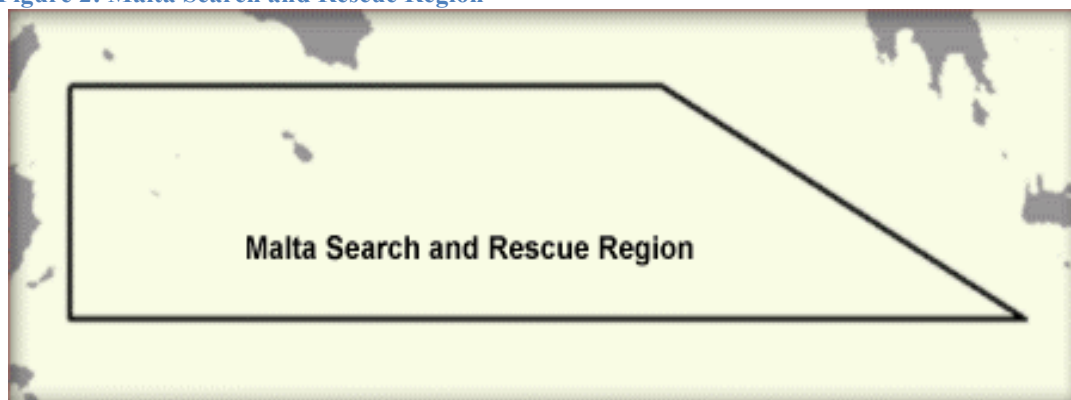
Source: Armed Forces of Malta (2012)

A lot has been said about discrimination of migrants in Malta. Mainly, concluding that discrimination is evident, not solely on the basis of race but due to lack of cultural understanding between the parties. Muhammad, one of the transferees I interviewed, claimed that discrimination was flourishing, "We feel the problem when boats are arriving. The same day and the day after [the Maltese] people shout at you more and sometimes throw stones or spit."[12] Different programmes have been established to combat racial discrimination and raise awareness such as the campaign, 'I'm Not Racist, But…'[13] and UNHCR Malta's campaign called 'I Found Protection in Malta'. The fact that such programmes are being implemented indicates recognition of the existence of discrimination. Other studies show that approximately half (54 %) of the Maltese population do not perceive migration as a threat (UNHCR Malta 2012b). In an interactionist perspective (Järvinen 2005), the production of discrimination is a contributing factor in understanding why the refugees wish to leave the island despite having been granted protection. At the same time, discrimination may in itself induce refugees in leaving the island as they seem to be excluded from equal treatment. This applies to situations such as; finding independent accommodation, job or access to equal rights, which reinforces the notion of temporary, which the refugee per definition is, as Arendt (1976) argues, cf. 5.2.2 in the second part of the analysis.

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[12] Interview November 10 2012.

[13] Implemented by National Commission for the Promotion of Equality.

A consequence of the intensified focus on immigration through the past decade is evident in government entities, international organisations and civil society with an increasing amount of actors working in the refugee field.

The governmental entities of concern to this thesis include: the Ministry for Home Affairs, the Agency of the Welfare of the Asylum Seekers, the Refugee Commission and the immigration police. Two international organisations UNHCR and International Organisation for Migration (IOM) are represented in Malta. Civil society is represented through a number of NGOs working within the field of migration. Their foci differ from human rights advocacy to language training and legal counselling. For this research, NGOs implementing programmes within, as well as outside of, the open centres have been interviewed and their role in understanding the threshold is dealt with ongoing.

4.2 The Asylum System

The national legislative framework for establishing procedures regarding refugees and asylum seekers is the Refugee Act of 2000. Malta has signed the 1951 Refugee Convention and its 1967 protocol and lifted its geographical reservation in 2001, meaning that not only refugees from Europe can be granted protection as was the original remit of the convention.

The rights obtained in Malta are linked to the type of legal status granted. Briefly, there are four different statuses of protection:

a. Refugee Status: in accordance with the 1951 Refugee Convention.
b. Subsidiary Protection Status: protection offered to persons outside of the scope of the 1951 Convention, but who are still in need of international protection due to civil war, generalised violence or other threats of non-individualised character. In accordance with the Qualification Directive.[14]
c. Temporary Humanitarian Status: granted to persons not found eligible for a. or b., but in need of protection due to humanitarian reasons (e.g. special medical cases).

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[14] Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

d. Temporary Humanitarian Status N: has been granted mainly to rejected persons who have been residing in Malta for a range of years without prospect of returning to their country of origin.[15] They have shown keen interest in 'integrating' by learning the language, establishing a family and finding a job (according to Maltese law even rejected asylum seekers are allowed to work with a three months renewable work permit).

From table 1 the main differences between a refugee status and subsidiary protection status are illustrated. As can be seen, the scope of rights according to subsidiary protection are much more narrow than refugee status, meaning that the majority of beneficiaries of protection have less favourable rights than recognised convention refugees as well as the Maltese population. Arendt (1976) applies the notion stateless when referring to refugees. In a legal perspective, a distinction between being 'stateless' and being 'refugee' is important as a set of different rights (or the lack of it) may be linked to one's legal status. However, Arendt argues, even a refugee status is provisional and always a step towards naturalisation or deportation. In a Maltese context, naturalisation is not an option as this right is not included in the subsidiary protection status.

Table 1 Refugee vs. Subsidiary Protection Status

	Refugees	Subsidiary Protection
Residence Permit	3 years (Renewable)	1 Year (renewable)
Family Reunification	Yes	No
Employment	No Restrictions	Subject to labour market considerations
Social Welfare	General	Core
Integration Programmes	Yes (no policy)	Yes (no policy)
State Education and Training	Yes	Yes
Medical Care	General	Core
Medical Care if Vulnerable	Yes	Yes
Citizenship	Yes, application may be submitted after 10 years	No
Right to Vote	No	No

Source: Inspired by Fondazzjoni Suret il‑Bniedem (16)

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[15] Interview with Mario Friggieri, Refugee Commissioner, October 31 2012

In the asylum system, the asylum seeker is subject to a range of rules to determining the asylum claim. From a sovereignty perspective, it becomes clear that Malta exercises its power by doing so. However, it is a balance in which important parameters involve the right to asylum and state control over territory. Even though Hansen and Stepputat (2005) argue that territorial states and sovereignty are constructed phenomena, it can be seen as a manifestation of sovereign power over territory, when Malta receives and assesses asylum claims.

4.3 The Asylum Procedure

The asylum procedure begins soon after arrival (see figure 3 below).

Figure 3: Asylum Procedure in Malta
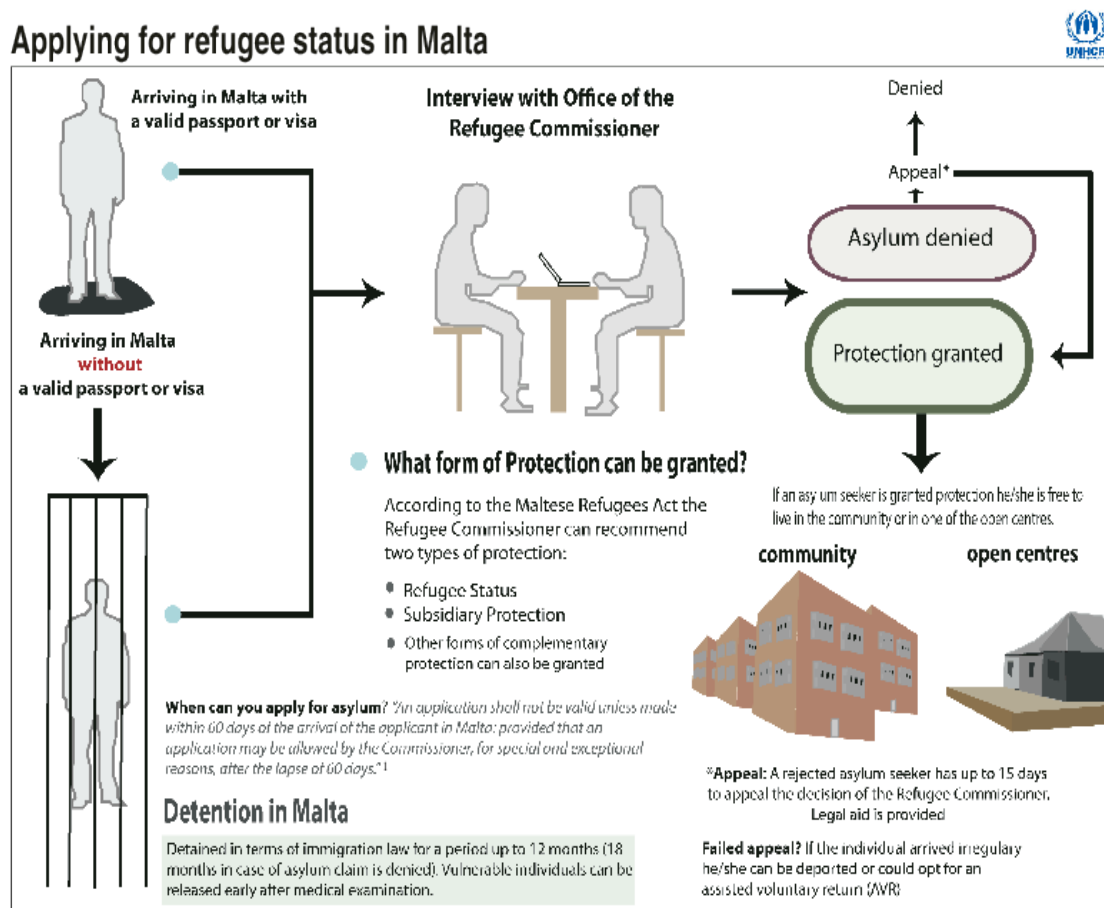
Source: UNHCR Malta

Third-country nationals arriving in Malta in an irregular manner may be detained in closed reception centres in accordance with the Maltese Immigration Act,[16] because the person is classified as a prohibited immigrant, also when potentially having an asylum claim. The asylum seeker, shortly after disembarkation, is taken to one of the closed centres according to obvious markers such as age, sex, family, serious health conditions such as pregnancy or illness.[17] In detention, a Preliminary Questionnaire (PQ) is filled in and submitted to the Office of the Refugee Commissioner and the fingerprints of each person is secured in order to update the Eurodac database.[18] The detention regime has been subject to much critique during the years of its existence. Most notably, the so-called Hammarberg report on Malta (2011), the International Commission of Jurists' report (2012) and Human Rights Watch (2012). The conditions in the closed centres have been described as "arbitrary, indiscriminate and unfair." (Human Rights Watch 2012: 1) and the HRW report (2012: 49) also finds that detention of vulnerable migrants (children, mental or physical disabilities and elderly) takes place. I argue that the detention regime is criminalising the involved refugees and signifying that the safety and security of Malta is the first priority. The asylum seeker is perceived as unwanted and dangerous from day one, as will also be argued in 4.1, and it might induce an aspiration for leaving Malta upon release: you arrive in search for protection, but are detained in closed centres, making the concept of protection harder to grasp.

In July 2012, an asylum seeker died in the custody of Detention Service personnel. This caused NGOs to demand a thorough review of the detention regime (aditus 2012). The staff consists of ex-military personnel with limited or no training in conflict management and communication. No specific law lays down the framework for detention, but a policy document from 2005 recognises that detention is only lawful for 12 to 18 months; 12 months if the third-country national is an asylum seeker who entered without proper documentation and 18 months if the person is residing

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[16] Chapter 217, article 14 § 1 and § 2.

[17] For a complete list of closed reception centres please see Cauchi (2012: 105). All reception facilities are former military compounds and said to be overcrowded especially during peak migration season, March through August (Human Rights Watch 2012).

[18] According to the official website of the EU, "The objective of this regulation is to establish a system for comparing fingerprints of asylum seekers and some categories of illegal immigrants. It will facilitate the application of the Dublin II Regulation, which makes it possible to determine the European Union (EU) country responsible for examining an asylum application." (EU 2012).

illegally.[19] As such, this means that upon release from detention the legal status may differ as some (the majority) have been granted protection, some are rejected and a few are still pending.[20] The conditions in detention, including the lack of trained personnel, is interesting to note as humanity, assumingly, is an expected outcome of fleeing instability and war. However, humanity is replaced by conditions that have been denoted as inhumane and degrading by the European Court of Human Rights (2010). In other words, detention may also play an active part in understanding the paradox of why refugees leave Malta upon release thus blurring the concept of protection.

When given 'freedom' – the most prevalent phrase used among the interviewed refugees to characterise the release from detention, associating the confinement to a regular prison rather than a detention centre – the person is referred to one of Malta's open centres. At the time of writing these reception centres total 9 facilities (see appendix 2) of which the majority are managed by AWAS. AWAS is in charge of the central coordination of the distribution of residents to all centres. The open centres range in quality, but applicable to all is the limited space and privacy. In the Spring of 2012, the UNHCR tents in Ħal Far Tent Village were replaced by mobile homes mainly through EU funds (Times of Malta 2012). These containers may provide better safety, as it is now possible to close one's door. However, the containers are not suitable for Maltese weather conditions as in summer the temperature may peak at 35 Celsius while in winter, when the temperature drops to 10 degrees or less, it is not allowed to use heaters due to safety measurements resulting in corresponding temperature inside and outside. Additionally, the containers give association to temporariness; it seems as though migration is perceived as temporary and exceptional by the responsible entities. Simultaneously, but not necessarily premeditated, the open centres give rise to thoughts of temporary refugee camps in various parts of Africa. In Part II of the analysis the temporariness will be dealt with in detail.

Through my interviews I found a widespread idea among the refugees themselves, the organisations and the authorities that asylum seekers in Malta do not intend to settle.

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[19] Ministry of Justice and Home Affairs and Ministry for the Family and Social Solidarity (2005).
[20] According to Refugee Commissioner Mario Friggieri, his office strives towards a processing time not extending 180 days. At the time of the interview the average processing time equalled 127 days. Interview October 31 2012.

Rather they want to leave the island for the 'real' Europe. It is not possible to locate the number on how many asylum seekers actually leave, as they are not registered. However, it must be assumed that the majority of those leaving have had their asylum case dealt with as the detention regime prevents the possibility of travelling further while one's case is pending unless you escape.[21]

However, upon release from detention the situation changes. Primarily, there are two manners of leaving Malta; with or without documents. The two manners are linked to your legal status. When being granted protection, even subsidiary, you are eligible for a travel document issued by the Maltese authorities giving you permission to travel and stay in another European country for up to 90 days in accordance with the Schengen Agreement. Thus, making the journey itself safe and legal. If rejected or still pending the asylum decision one cannot leave regularly. As such, the actual mobility (moving from one place to another) of beneficiaries of protection can be said to be quite large. Cassarino and Fargues have noted a paradox "[…] namely that the circulation of people is becoming increasingly easy and cheap, whereas immigration is increasingly being restricted by laws and regulations." (Cassarino & Fargues 2006: 102). With easy access to legal travel documents and cheap flights departing from Malta it is quite uncomplicated to actually leave Maltese territory.

4.4 Transferral back to Malta

As stated in the problem area and methodological considerations, the focus of this research is on individuals who have been granted some sort of protection, not those transferred back while a decision on their asylum case is still pending. However, during my fieldwork it became evident that organisations and authorities often merge the two groups, leading to misconceptions of the actual circumstances of the return or transfer back to Malta.

As such, the misconception does not impact the individual but blurs the picture of actual returns and transferrals. This facilitates a better understanding of the threshold that Malta may be identified as. According to the Refugee Commissioner, persons

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[21] According to Neil Falzon, aditus, approximately a handful manage to escape detention each year. Interview 7 October 2012.

without protection would ideally be returned through the Dublin II Regulation whereas, the ones with protection would be transferred via the Schengen Agreement. However, the director of a local NGO specified that this is a disputed area where different Member States seem to approach it differently.[22] The Refugee Commissioner states that he cannot give me "[…] the exact figures but [Malta] receives about 1000 request to take back each year."[23]According to Eurostat, Malta accepted 529 of the requests in 2011 (appendix 4). However, it is important to note that this number includes both Dublin II returnees as well as Schengen transferees and is therefore, not only an expression of the Dublin II returnees even though the statistics refer to this group.

A transferral may be executed on the grounds of different circumstances. The most prevalent causes I encountered during the fieldwork were; the person applies for asylum again in the other Member State, the person is apprehended by the police after 90 days, or the person seeks medical attention (for instance when giving birth). The person does not necessarily register with the authorities when entering the other Member State, thus living irregularly having friends or relatives for support.[24] At some point the economy of affection (Hydén 1983 in Vigh 2010: 4) has a limit and that is when registration (mostly application for asylum) becomes topical, leading to transfer back to the responsible country according to the fingerprints in the Eurodac database. Papadopoulou (2005) investigates the nexus between irregular migration and asylum pointing to the overlap of this. The overlap is also found among the refugees of concern pertinent to this thesis. In order words, they do not travel in an irregular manner to another EU Member State due to valid travel documents, but will however find themselves in an undocumented situation if and when the travel document expires.

When being transferred back to Malta the risk of imprisonment is low.[25] A transferred person is escorted by the means of a flight and foreign police, and dropped off in the Luqa airport, Malta. In most cases the transferee is met by Maltese

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[22] Interview with Neil Falzon, aditus, November 7 2012.
[23] Mario Friggieri, October 31 2012, 24:49.
[24] For instance, Yassin interviewed November 2 2012 02:30.
[25] The following is based on my fieldwork, especially the interviews with the refugees informing me of their transferral and on the interview with representatives from the Ministry for Home Affairs. The low risk of imprisonment was also confirmed by Jon Hoisaeter, UNHCR November 7 2012, 07:15 and Refugee Commissioner October 31 2012, 16:31. For detained people who manage to escape detention and Malta illegally a legal procedure may be mounted against the person. Therefore, the probability of legal actions depends on the status of the person in Malta.

Immigration Police in the airport, but is free to leave.[26] The transferee has to proactively contact the office of AWAS in order to receive accommodation. AWAS places the person in one of the open centres if space is available. If no space is available the transferee has to find proper accommodation singlehandedly, and is not entitled to the food and travel allowance or any other support. I came across transferees that had been denied accommodation in the open centres but stayed there in sheer defiance, as they had no other opportunity. Fuad, who I interviewed in Ħal Far Hangar, narrated that he was afraid of being caught by the officials and constantly worried that he would be expelled from the camp.[27] Besides the human consequences, it also leads to uncontrolled overcrowding of the camps. This is an example of a deviance in the Maltese state's attempt to manage the migration flows, but which has failed. Furthermore, when having no suitable place to stay the aspiration for leaving Malta is strengthened. With Vigh (2009) in mind, this resembles the state of social death in which changing one's social scene may become important in order to govern one's life dealt with in detail in 5.1.1 and 5.1.2.

Most of the centres experience over-crowding resulting in, for instance, 16 single men in each container intended for 12 in the Ħal Far Hangar camp (not including the non-registered).[28] These cramped conditions may affect the physical and mental health of the residents (International Commission of Jurists 2012). No support is provided from the camp personnel or AWAS to build a bridge from living in the centres to settlement in the community. This may result in protracted situations within the camp. During 2012, AWAS implemented a procedure to avoid people staying for indefinite periods by employing a policy allowing a person to reside within the camp for a maximum of 360 days (1 year) by which he or she would be excluded from the camp.[29] However, no measures to secure the transition to accommodation elsewhere was implemented simultaneously, resulting in several cases of crowded flats and downright homelessness (ANDES Project by JRS in Cauchi 2012: 162). As such, being granted protection in Malta does not entail a holistic approach – focus is placed on permission to reside legally. Hereby, the refugees are not fully included as citizens (Arendt 1976).

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[26] Based on my interviews with refugees as well as authorities.
[27] Interview November 2 2012.
[28] Interview with Albert Cauchi, Manager of Ħal Far Hangar November 2 2012.
[29] Interview with Alexander Tortell, AWAS, November 7 2012. See also 5.1.4.

As we shall see in Part II of the analysis, the lack of transition is one of the parameters in the aspiration to leave Malta.

Residents in the open centres are entitled to food and travel allowance – a benefit from the Maltese government. From table 2 the rates are shown according to one's legal status. Of special interest to this thesis is a reduction of the rate corresponding to €2.91 a day, when returning to the system equalling a payment of approximately €87 per month to cover all expenses besides accommodation. The reduced rates will be dealt with in detail explaining the consequence it has for the circular migration pattern when refugees travel further and are sent back multiple times. This will be discussed in 5.3 in relation to transferrals.

Table 2: Allowance Rates

Category	Allowance per day
Asylum seekers	Euro 4.66
Persons enjoying subsidiary or temporary humanitarian protection	Euro 4.66
Persons above whose employment has been terminated	Euro 4.08
Refugees (entitlement only until the social security payments come into force)	Euro 4.08
Rejected Asylum Seekers	Euro 3.49
Children (payable irrespective of the parent's registration and payable only for children in the centre where the parent us residing)	Euro 2.33
People who return to the system (applied irrespectively of the original status of the returnee)	Euro 2.91
Single Parents	Euro 4.66

Source: AWAS (Fondazzjoni Suret il‑Bniedem: 34)

In order to receive the weekly payment, the individual must register three times a week in the open centre to which he or she is assigned. If signing is missed the amount will be reduced further. Registration is implemented in order to verify that the person is actually residing, thus not occupying a bed unnecessarily, and to prevent persons working from receiving the allowance.[30] Combined with the fact that the allowance is only possible to receive when living in the camp, this model causes no incentives for finding independent accommodation elsewhere. Also, finding employment becomes

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[30] Interview with Alexander Tortell, AWAS, November 7 2012.

increasingly difficult, as registration is required three times a week. Registration takes place at the same hour, as an individual generally would be able work.[31] The registration procedure is a control mechanism, in which a dependency relationship with AWAS is established. In other words, the dependency reduces the refugees to bare life (Agamben 1998), making the transition to independent accommodation more complicated. Additionally, the labour market of Malta is small and seasonal and is not able to absorb the migrants. Working conditions have been reported to be of poor standard with low wages, high working hours and discrimination (Eurofound 2012). The women in the camps (or even outside) have no possibility of placing their children in childcare, making a job extremely difficult to pursue. During my fieldwork, I experienced that the residents in the camps were somehow dependent on each other and there was a great sense of taking care of one another, which may have been caused by the lack of a system able to secure the daily needs. However, networks have, as we shall see, limitations (Vigh 2010: 4) and may be one factor in generating the aspirations for leaving Malta.

4.5 Summary

In conclusion, the Maltese context proves to be of great importance when wanting to understand Malta as a threshold. Specifically, this concerns the framework of immigration, the geographical location but also measures including the asylum system, the procedure and detention regime. It shows that the circumstances in Malta for refugees are subordinate to Malta's national security as well as to Maltese population. I indicated that conditions in the open centres symbolises temporariness and that the refugees become independent on government subsidised allowance.

The initial analysis of these aspects provides an overview of answering the sub-research questions regarding the aspirations, the in-between position and the consequences of transferral. The following part of the analysis is contingent on the first part as understanding the context is necessary in order to answer the main research question, namely why Malta becomes a threshold for these refugees. In Part II of the analysis the research questions will be dealt with in greater depth.

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[31] From my interviews and presence in Malta I was informed that male migrants go to a roundabout where especially construction companies drive by. It functions as a sort of informal job database. Several of my informants replied that the work is undeclared and that payment was not automatic.

5. Part II: Analysis of the Threshold

The first part of the analysis served as an overview of how the research question will be answered and in which context and the mere facts were the focal points. In the present, second part of the analysis, the centre of attention is the produced empirical data i.e. the interviews with refugees, organisations and authorities. I will analyse how the Maltese context influences the refugees' decision of travelling further and the consequences of their choice to do so. In other words, the second part brings together the empirical data, the theoretical framework and the Maltese context in order to answer the research questions extensively. The three sub-research questions constitute the structure in analysing the main research question pertaining to Malta as a threshold.

5.1 Aspirations for the Future

Sometimes I go to another country in my mind.[32]

As shown in the above, it is a common perception among the actors in the refugee field in Malta that refugees do not intend to stay, but rather have the wish to leave for other European countries. This perception will be elaborated and confirmed here. In line with the first sub-research question, my aim is to understand where these aspirations stem from and what they may be an expression of.

5.1.1 Permission to Stay – Dreaming of Leaving

From my interviews, various reasons for not settling in Malta came forward. The most prevalent being the lack of the right to family reunification, and lack of education and job possibilities with limited potential for developing. As we shall see, this encourages a desire to escape stagnation and social death by migrating again (Vigh 2009: 103).

It should be noted that many of the refugees I interviewed had left their families behind – many, men as well as women, had several children whom they had not seen for long periods of time. Deqa, with 5 children in Somalia, told me that when her children phoned her she sometimes choose not to answer because she would only be crying.[33] The separation and the aspiration for re-joining one's family explains why the right to family reunification is emphasised by the beneficiaries of subsidiary protection.

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[32] Interview with Ahmed, November 9 2012.
[33] Interview November 9 2012.

Mahad expressed the aspect of family reunification in the following terms; "The most important thing of the human is to stay and live with his family."[34] Hereby pointing to, for him, a fundamental aspect that in order to fulfil one's aspirations for the good life, one must be with his family.

Interestingly, the interviewees found that the lacking possibility of family reunification is very meaningful in the context of Malta. As Tesfay told me; "Malta is a small country and cannot cope with immigrants."[35] This was a common view and was supported by Siyaad[36] and others. Hereby, they implied that Malta would also benefit from them travelling further positioning themselves as burdens.

Ali presents the paradox I am interested in understanding when saying; "When I come in Malta I get asylum, but it's not enough for me."[37] He expresses the expectations he had prior to his flight, claiming that protection is not the only parameter when deciding to flee instability and war. Through the interview he emphasizes education and family reunification as two major reasons for leaving Malta. By adopting this account, referring to dissatisfaction (Järvinen 2005) with the way things are, he legitimises his actions of travelling to, in his case, the Netherlands. The decision to leave for the Netherlands, from where he was eventually transferred back, is very much in line with the concept social navigation (Vigh 2010). This could also be described as the development of strategies in the present in relation to an imagined future. Ali attempts to become an active player in governing his own life by migrating (again) in the hopes of achieving better conditions. The social danger to him, is the fact that by staying in Malta he will not be able to progress. To avoid stagnation or nullification, Ali decided to migrate, thus creating a new social scene away from what can be denoted a social death (Vigh 2009: 106). By migrating, Ali sought to gain control over his unfulfilled life potential. Remarkably, the navigation and control are only temporary features as Ali was eventually transferred back to the social death in Malta he had experienced before.[38] In social death, you are physically alive but socially non-existing.

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[34] Interview November 3 2012, 34:56.
[35] Interview November 9 2012.
[36] Interview November 6 2012, 05:03.
[37] Interview November 2 2012, 09:06.
[38] See also 5.3 Forced Migration within Europe.

Social death is categorised as being in a state of regress rather than an expected progress. The person does not control the state of regress and the full individual potential is not realised (Vigh 2009: 96-97). This clearly affects Tesfay as well; "I want to develop. Now I sleep on the floor, but I want to sleep on the mattress. You know? Because I am a human being."[39] By using the metaphor of the setting of the interview (a 16 person dormitory for single refugee men in an open centre) Tesfay underlines that by being in Malta he is deprived of developing in areas such as language and employment in order to become self-supporting. To Tesfay, coming to Malta was not solely in search of protection but also personal development. The metaphor is Tesfay's way of saying that bare life (Agamben 1998), as he knows it in Malta, is not enough. What he experiences can be identified as being a form of social death which is "[…] a socio-generational position of expected progress towards fully fledged social being but set in an environment of social, economic and political regress." (Vigh 2009: 96). Tesfay has not given up the idea of leaving Malta again even though he had been transferred back from Switzerland once, saying, "Maybe one day I'll be lucky."[40] This proves as yet another illustration of a solid will and aspiration to escape social death in Malta despite having failed before. Issa on the other hand, seemed to have no more energy and hope left, saying, "If the world crashes tomorrow, it's okay with me because I don't have anything left."[41] As such, it was difficult – if not impossible – for him to socially navigate in the Maltese asylum system even though he did value the fact that Malta had rescued him at sea and provided him protection. Regardless of the appreciation of protection, Issa aspired to relocate on his own.

Issa was not the only one showing great appreciation towards Malta. Bashir, living in Ħal Far Hangar, said that he was very grateful for this as well.[42] However, as the interview continued it became obvious to me that he thought I was in a position to help him. Having clarified my independent role it seemed that he shifted his appreciative perspective on Malta. In an interactionist perspective it became evident that meaning was produced within the interview setting, because as soon as my position was clarified, his self-representation changed (Järvinen 2005: 31), thus differentiating according to

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[39] Interview November 9 2012.
[40] Interview November 9 2012.
[41] Interview November 6 2012.
[42] Interview November 2 2012.

whom he thought he was talking to. Through a legitimising explanation Bashir sought to manage the impression (Järvinen 2005: 28), which entailed the most suitable manner to position himself according to what he perceived as being the purpose of the interview. Besides the above being a methodological reflection regarding the production of empirical data and the analysis hereof, it helps to illuminate the paradox of dreaming of eventually leaving again despite basic safety.

In other words, the refugees dream of leaving yet again regardless of the permission to stay in Malta. Contributing factors include family reunification and a state of social death in which they develop strategies in order to navigate.

5.1.2 Imagining Your Future

Arriving in Malta seems to include failed expectations of reaching Europe. The failed expectation of a desirable progress (Vigh 2010: 9) is yet another reason to seek other parts of Europe. In Malta, the refugee is in great risk of being deprived of agency causing social death (Vigh 2009). Deprived of possibilities to develop and govern one's life, the imagined migration begins. Ahmed's statement, also presented above in the beginning of 5.1, is a very clear illustration of such imagined migration and social death as he says: "Sometimes I go to another country in my mind." Adding that, "Food – no problem. Thinking is the problem."[43] The imagined migration is triggered through a certain set of life circumstances, but in the case of Ahmed, it is not the physical conditions that he feels are depriving, but rather what Ahmed expresses is an attempt to escape mentally from the current circumstances. The current circumstances resemble bare life (Agamben 1998) in which physical survival is secured but nothing more. He has already been sent back once to Malta and is therefore aware of the transferral risk, but by imagining a re-migration he is (better) able to navigate, thus coping with the circumstances surrounding him.

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[43] Interview November 9 2012.

On the same line, Jon Hoisaeter from UNHCR Malta told me:

> They are disappointed by what they find here and consider themselves as being in transit. […] Some have difficulties articulating why they are not staying in Malta, obviously not playing down the fact that there are real problems that need to be solved. Still there are people that probably could do quite well here, but apparently are not considering that option.[44]

This quote supports the perception of wanting to leave. At the same time Hoisaeter positions this particular group as someone who almost automatically decline the possibility of staying. Hoisaeter explains their failed expectations on two levels: 1) the somewhat malfunctioning reception system (especially detention) and lack of incentives to settle permanently and 2) a lack of consideration among the refugees to settle permanently. Hoisaeter legitimises their actions (Järvinen 2005) on the grounds of these explanations thus positioning them as a group who are not realising their full potential.

The lack of consideration to stay, combined with the malfunctioning reception system as shown in the first part of the analysis (4.3), are additional contributing factors in understanding the paradox of the sub-research question regarding the aspiration for other parts of Europe and shows that protection is not the only parameter for settling.

5.1.3 Durable Solution?

Understanding the paradox of the sub-question involve considerations of multiple contributing factors. During my fieldwork it became evident that resettlement and relocation programmes may be such additional factor.

In Malta, the Durable Solution programme[45] implemented by UNHCR and IOM has substantial significance to the refugees, organisations and authorities. In the this section I will seek to highlight how this significance is interconnected to the aspirations and failed expectations of the refugees dealt with in the above.

According to UNHCR Malta, almost all beneficiaries of protection register in the durable solution's database.[46] This simple fact is an expression of the widespread aspiration among this group for leaving Malta. If accepted for the scheme, it is a legal

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[44] Interview November 7 2012, 05:03.
[45] For a review and background of the programme see Cauchi 2012.
[46] One's protection status does not affect the eligibility for registration. Interview with Jon Hoisaeter, UNHCR Malta, November 7 2012.

and safe way of changing one's social scene (Vigh 2009). Further, when relocated or resettled, it may involve an improved set of rights such as family reunification or education programmes. Since 2005, approximately 1,800 beneficiaries of protection have been either relocated or resettled (UNHCR Malta 2012a). The European relocation programme EUREMA, is also intended to relieve Malta from the relatively high migration flow and as such functions as a burden-sharing mechanism. According to UNHCR Malta, the criteria for the assessment of eligibility have changed.[47] Initially, the programmes sought to achieve durable solutions mainly for those still at risk in the country of refuge (UNHCR 2011), but as time went by it meant that the beneficiaries of protection did not make an attempt to 'integrate', as they wanted to show they were 'at risk'. This vicious circle has resulted in the majority of the refugees having aspirations to leave for either US or other parts of EU, rather than settle. This is yet another parameter in understanding the paradox of leaving as it has clearly reinforced the temporariness of being in Malta. This has caused UNHCR to change the assessment procedure in such a manner that one criteria of eligibility is to prove an attempt to integrate through parameters such as learning English or Maltese, actively seeking employment and finding independent accommodation. The adjustment of the assessment procedure shows that UNHCR are aware of the active role they play in relation to integration of third-country nationals, but also in relation to the reinforcement of the aspiration to leave.

The attempt of leaving Malta and eventually being returned, might indirectly impact one's odds of being accepted for the resettlement and relocation programme. One of the reasons is that UNHCR assesses one's integration attempts and if these prove not to have been substantial (for instance through secondary movement attempts), the probability of submission to the programme is lowered.[48] However, I saw no signs of the refugees taking this into account – again an indication of the desperation to govern one's life circumstances (Vigh 2010: 10). A reliable and confidential source told me that because the process for the resettlement and relocation programme at a certain point could take years, people would in the meantime leave Malta but stay in contact with the

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[47] Interview with Jon Hoisaeter, UNHCR Malta, November 7 2012.
[48] Interview with Jon Hoisaeter, UNHCR Malta, November 7 2012.

organisations and eventually return if they were found eligible for the programme. Again, indicating that Malta is not the desired place to stay.

Another reason that secondary movement might indirectly impact the prospects of being relocated or resettled is that overstaying in another country may include deportation and up to five years of non-entry. As the receiving state determines the eligibility, they might not accept the person on those grounds. Jon Hoisaeter informed me that UNHCR staff counsels individuals by saying:

> Look, you might travel and you might want to take the risk and stay over, but remember that beyond being sent back there could be other implications. There could be the fact that you have a record in that country […] You're building a CV of credibility. It might benefit you later if you travel and you return to where your base is.[49]

On an individual level, the widespread strive for submission in the durable solution programme supports my initial assumption that beneficiaries of protection prefer not to settle. This aspect will also be dealt with in section 5.2.1 on Transit.

Politically, the EUREMA and the US resettlement programmes are of great importance (Cauchi 2012). Supported by the representatives from the Ministry for Home Affairs who stated, "Resettlement has helped in alleviating the pressure, but of course more remains to be done."[50]

Maria Pisani, Director of a local NGO, seconds the government's emphasis on such programmes, in what could be described in a unifying term as external migration management. She argues that:

> Government policy has focused on relocation, resettlement, AVR[51] and forced return. So essentially reinforcing the notion that you're here for a short time and a short time only and the government has continued to stress the size of Malta and the population density and manage this ongoing crisis in this regard.[52]

Hereby, Pisani places the government in a two-dimensional position; one of emergency management and one of lacking integration efforts, as seemingly there is an absence of government-will to work on integration as a durable solution. She argues that the government hereby reinforces the temporariness of refugees in Malta, which I argue,

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[49] Interview November 7 2012, 08:29.
[50] Interview with Joseph St. John, November 8 2012, 31:28.
[51] Assisted Voluntary Return.
[52] Interview with Maria Pisani, Integra, 07:43.

again reinforces the situation and sense of transit. The emergency management was also evident when visiting one of the open centres where the coordinator told me that; "Conditions right now are a bit hard, because this year we had so many people coming."[53] The government, having developed 10 years of experience, should by now be able to predict, at least to some extent, the number of arrivals that have been more or less stable since 2002 (UNHCR Malta 2012). With Arendt (1976: 156) in mind, the significance of refugees as an exceptional phenomenon is what may be expected of a sovereign state. The refugee is a temporary feature of society and thus no permanent measures are necessary to implement. On that ground I argue that Malta through their actions (or lack hereof) is confirming Arendt in her analysis of the exceptional relation between state and refugee.

According to Cauchi (2012) among others, sovereignty and national security saturate the legal framework for immigration in Malta. This is quite natural for a nation-state (Arendt 1976), however the "[…] discourse is often focused on rescue, safety, protection of the individual but in parallel protection of Malta's sovereignty and subsequently resettlement." (Cauchi 2012: 65).

To summarise, the political focus is rarely on the possibility of settling permanently in Malta, which I argue evolves the aspiration to leave the country even though protection has been granted and may therefore not be as durable as envisaged. The relocation and resettlement programmes are of great national political importance, reinforcing the perception of refugees as an exceptional phenomenon (Arendt 1976) deviating from the norm.

5.1.4 What Decides the Destination?

The legal framework is a contributing factor in the praxis performed by the refugees when leaving for the 'real' Europe because the legal possibilities are an important factor in migration rationales (Vigh 2010: 92-93). Even for refugees, especially with regards to family reunification, as we have seen above cf. 5.1.1. However, this is again only one parameter in the paradox of why they wish to leave when protection has been obtained.

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[53] Interview with Albert Cauchi, Manager Hal Far Hanger, November 2 2012 07:52.

Another parameter, regarding the kind of aspirations the refugees have related to leaving Malta, is network. Maria Pisani, head of local NGO, positions the refugees as a very resourceful group with extended transnational networks. Pisani states that these transnational networks are the most important aspect for this group – even more important than the practical conditions; "In my experience, […] people tend to move to where they know people. And even if the services are of lesser quality, that fact that they have people there that can help them in negotiating the structures and the services makes a difference."[54] The aspiration for a network or a diaspora was very much supported through the interviews with the refugees in the open centres. For instance, Siyaad cancelled his otherwise scheduled trip to Sweden because his friend was no longer there.[55] Siyaad's choice can be seen as an expression of mainly two things. First, that he longed for a community to support him. Second, that his intended destination emerged on the grounds of contacts and transnational network, not on basis of improved conditions and mere protection.[56] Pisani emphasises the complexity of migration, as aspirations cannot be reduced to be a matter of only economic gain as Vigh has also highlighted. Vigh has noted that we must make ourselves clear, when analysing migration, the causes behind and consequences hereof. Push-pull factors do not only follow economic rationales but are also a matter of "[…] regional differences, historical processes, social ties ((cf. Portes & Borocz 1989: 607-611); Hollifield 2004) and not least, imagined places and spaces." (Vigh 2009: 93). The aspiration to migrate is too often reduced to be a matter of economic gain, Vigh argues. And by doing so we risk neglecting the complexity of the motivations behind migration and tend to forget that the economic gains must be seen in relation to the social and legal possibilities (Vigh 2009: 93), which Siyaad's cancelled trip also indicates.

As such, the social and legal possibilities at hand were apparent factors throughout the fieldwork. The possibilities (or the lack hereof) contribute to the praxis of the refugees as they find themselves in a stagnated social context in which they imagine the progression they would experience in other European countries. Navigating the social

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[54] Interview with Maria Pisani, Integra, October 30 2012, 05:56.
[55] Interview November 6 2012,12:39.
[56] It should be noted that the sense of belonging to a community might have been different had I mainly interviewed people living outside of the open centres in independent accommodation. Actual diasporas have yet to be seen in Malta, but communities are starting to develop according to Maria Pisani, Integra, in interview October 30 2012, 07:10.

arena becomes a matter of mere survival until something better can be achieved (Vigh 2009). Social possibilities are additionally determined by policies. On a practical level, the transition from an open centre to an independent accommodation outside of the centres is solely up to the residents to secure cf. Part I of the analysis. AWAS will terminate the service agreement, if the person or family has lived in the open centre for 1 year.[57] Instead of ending up homeless or in overcrowded flats, many choose to simply leave the island, thus influencing the social possibilities of the refugees in Malta and beyond.

Quite interestingly, rumours had it that the concrete idea of travelling further was not solely the idea of the refugees. A refugee told me anonymously that he was encouraged by the police to travel further. Rumours also circulated that the government of Malta bought plane tickets and deleted biometric characteristics (fingerprints) in the Eurodac database[58] in order to release the pressure of the migration flow arriving first time and being transferred back to Malta – a serious accusation. However, the rumour was completely dismissed by the representatives from the Ministry for Home Affairs, saying that it would not be plausible, as Malta would not gain from such attempt.[59] Perhaps the rumours were an expression of a hope among the refugees that they would not eventually be sent back. Maybe it actually happened. Anyhow, it is the job of a journalist or the like to further scrutinise; I will therefore not conclude anything in the present thesis regarding the validity of this rumour. Such rumours may however, have an impact on the aspiration for leaving as the probability of transferral is lowered had the database in fact been reset.

To summarise 5.1, all parties, including the refugees, the organisations, the Maltese authorities, and even other Member States, have a share in inducing the aspiration for leaving cf. the first sub-research question. To reiterate, this concerns the paradox of aspirations for the 'real' Europe despite having obtained what should be assumed as the most important aspect for a refugee, asylum. As evident from the above, the refugees participating in this research did not want to settle in Malta for various reasons ranging

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[57] Interview with Alexander Tortell, AWAS, November 7 2012.
[58] Generally the Eurodac database is referred to as 'having one's fingers' hereby signifying that one's fingerprints are registered for the Eurodac database making it possible for the collaborating Member States to be informed of the migration route of the individuals.
[59] Interview 8 November 2012, 28:19.

from networks and community to legal positions and social status. These expressed reasons help in understanding the paradox. From the above, it nevertheless became clear that protection in either case will always be first priority. However, as the refugees experience the lack of possibilities, it leads them into a position of transit. This is supported by Papadopoulou who argues that: "The transit phase occurs because of the absence of effective refugee protection and prospects for durable solutions in the first asylum country – be it outside or inside the European Union." (2005: 3) In this case, the absence of future prospects occurs on the fringes of Europe – between Africa and mainland Europe. Various aspects of being in-between will be unfolded in the paragraphs hereinafter.

5.2 In-between

As indicated, Malta is not only geographically situated between Africa and mainland Europe. Malta is also a place where refugees are situated in an in-between position, created by different actors and factors. The characterisation of being in-between will be dealt with in the following paragraphs mainly revolving around transit and the structural and anti-structural elements of in-between.

5.2.1 Transit

We have created a culture of transit.[60]

Maria Pisani elaborates her point saying that the culture of transit has developed on two grounds. First, she suggests that the resettlement and relocation programmes have generated the culture of transit because she observed that to some extent the programmes have served as a pull-factor for migrants. She stresses the strong transnational networks between the refugees resulting in the lack of intentions of staying. Without transnational networks, no knowledge of the resettlement and relocation programmes would be spread in the countries of origin. Second, Pisani is convinced that the culture of transit was "[…] created by the government and the political discourse in general which essentially has continued along the same lines.

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[60] Interview with Maria Pisani, Integra, October 30 2012, 01:53.

Integration has never featured in policy."[61] Joseph St. John, representing the Ministry for Home Affairs, dismissed this:

> Integration oriented services have and are being offered […] you have to look at the whole situation. It's true there isn't an overarching formalised policy per se, but on the other hand it has to be recognised that these services are being offered anyway. […] People decide to move on if they want to.[62]

As such, St. John recognises the transit culture, but places the full responsibility on the refugees. Papadopoulou argues that transit migration should be understood as a:

> […] situation of indeterminate residence of migrants, legal or illegal […] according to a combination of structural and individual factors, such as the policy framework of the receiving country and the role of social/family networks in directing the movement of migrants. (2005: 4).

These structural and individual factors resemble those Pisani points towards in the above quote, when stating that lack of integration policy and transnational networks are contributing factors in the development of a transit culture. Papadopoulou explains that, "[…] the degree of protection and socioeconomic participation in the host country will determine the decision for settlement." (Papadopoulou 2005: 14), hereby underlining the ties to the surrounding society with the possibility to settle and ability to cope with the difficulties that may still be present after flight. The low degree of protection, qua the subsidiary protection status, and the lack of family reunification are structural contributing factors in the creation of the transit culture in Malta.

UNHCR Malta also sees a culture of transit being present and approaches it as a challenge to be addressed: "The obvious things have to be solved; the conditions, the rights. That would have an impact [in facilitating settlement in Malta]. For sure. But I think there is also an issue of community. To what extent is the community itself pushing the idea that Malta is a place to travel through?"[63] By which Hoisaeter emphasises the impact the community has on transit perceptions.

When looking at the above statements from an interactionist perspective, a positioning of the refugees may be identified (Järvinen 2005). It seems as both organisations and government representatives categorise the refugees as belonging to a specific social group, namely one of transit. However, it appears that different

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[61] Interview with Maria Pisani, Integra, October 30 2012, 07:23.
[62] Interview with Joseph St. John, Ministry for Home Affairs, November 8 2012, 24:59.
[63] Interview with Jon Hoisaeter, UNHCR Malta, November 7 2012, 05:10.

characteristics are linked to this membership category. The representatives from the organisations refer to the strong sense of community and networks when explaining the transit position, whereas the government official sees the group as more independent from networks and policies.

Understanding the statements of Pisani, St. John and Hoisaeter with Papadopoulou in mind, it seems as though the same patterns characterising transit migration, can be identified in a Maltese and Southern European context. To reiterate, cf. 3.1, according to Papadopoulou (2005: 15) the four characteristics include ineffective refugee protection, favourable geographic location, gaps in legislation, and lack of family reunification. When looking at Malta with these characteristics in mind, first we see that the asylum system is functioning. Asylum seekers will have their case dealt with, but the quality and effective remedies may be questioned (International Commission of Jurists 2012). Second, the location between Northern Africa and mainland Europe results in Malta being a threshold and a transit for other parts of Europe. And for some refugees, Malta is a trampoline (Vigh 2009: 105) with a majority not knowing about Malta prior to arrival.[64] Rather they had their sights set on crossing the Mediterranean in order to reach mainland Europe, in particular Italy. And as they find themselves in a situation of stagnation and social death they develop the idea of travelling further. Hereby, Malta can be understood as an *unintended* trampoline, as they prior to arrival, did not have the intention of reaching nor knowledge of the shores of Malta. At the same time, this supports Papadopoulou's pattern of being a state of transit. Third, with regards to Papadopoulou's proposition of the structural elements of gaps in legislation and lack of family reunification, I have already discussed the individual view seen from the beneficiaries of protection, cf. 5.1 on aspirations. I argue that those elements also support the transit category. Additionally, I argue that the legal status and social circumstances are also contributory factors in understanding the transit position refugees in general and transferees in particular are in.

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[64] Interview with Ahmed Bugri, Marsa Open Centre, November 2 2012, 00:43, interview with Jon Hoisaeter, UNHCR Malta, November 7 2012, 04:39, interview with Joseph St. John, Ministry for Home Affairs, November 8 2012, 26:55.

To summarise, I argue that Malta can be identified as a country of transit due to the characteristics according to Papadopoulou's study. The political discourse is a parameter in creating transit, but also external factors such as transnational networks are of influence. I have initially been concerned with the structural element of being in-between, but in order to further characterise the in-between cf. the second sub-research question, the structural aspect, will be dealt with in more detail in the following paragraphs.

5.2.2 The Structural Aspect of In-between

As Papadopoulou (2005) has noted the structural conditions are one of the reasons behind transit. Here, the structural conditions refer to the rights of the refugees, as well as the physical location of the open refugee centres in Malta. Both structural measures are elements in characterising the space of in-between, thus in answering the research question.

The legal status of the vast majority of beneficiaries of protection in Malta is subsidiary protection status with a share of 75 % being granted in 2012, while refugee status was granted to 2 % (UNHCR Malta 2012). As presented in the first part of the analysis pertaining to the Maltese context, table 1, subsidiary protection status entails a set of reduced rights compared to refugee status. As also shown in the above, the aspirations of the refugees are actually linked to some of these lacking rights (especially family reunification and citizenship, cf. 5.1). To Arendt (1976), this is quite evident. A refugee status is provisional and can therefore not be seen as a tool for sovereigns to fully include a recognised asylum seeker. Subsidiary protection status in Malta is a clear example of this, as it has to be renewed annually. Even the refugee status as granted by the Maltese government proves as illustration of such interim measures, however it only has to be renewed every third year. Arendt's thesis is that only citizenship can secure the 'right to rights' of an asylum seeker, which as a beneficiary of subsidiary protection in Malta is not possible at all. The consequence hereof, is that the beneficiary is subordinated and technically deprived of the right to belong fully to that nation-state equally with its citizens. Mahad, who had already been relocated to Switzerland, also highlights the temporariness:

> When you get temporary protection, they are going to tell that you get
> protection, but that you are temporarily here. And then that you will be
> relocated to another country, third-country or that when your country gets peace
> or be stable that you are going to make that your home. And you are not going
> to be resident in Malta.[65]

Equality in rights is, according to Arendt (1976: 181), the only way of securing equality in all aspects of life. As Muhammad in Marsa Open Centre puts it when telling about his life in Malta after two transferrals from other European countries: "Equal is not the reality here."[66] In the context of Malta, the inequality in rights has led to the widespread aspiration for other countries, where equal rights are expected to be enjoyed.[67]

Importantly, third-country nationals residing in Malta do not have the right to vote for national elections (Forum 2012: 7). The consequence of the reduced rights according to the subsidiary protection status including the lack of voting rights is that these newcomers on Maltese territory are not provided with a political community and possibility to impact the political order in Malta. Without a political community this group of people are excluded from taking responsibility accordingly. Still, Malta is reluctant in offering equal rights for third-country nationals. According to Arendt, the relation between the nation-state and human rights causes the reluctance. And while referring to Arendt, Agamben highlights the temporary nature of a refugee status (or in this case a subsidiary protection status) saying, "A stable statute for the human in itself is inconceivable in the law of the nation-state." (1993: 19). To some extent, this explains Malta's application of temporary forms of protection as the Maltese government hereby seeks to protect itself and its sovereignty.

As indicated in the first part of the analysis, section 4.1, yet another reason behind the provision of temporary protection could be, inspired from the thoughts of Arendt, that countries experiencing immigration as a relatively new phenomenon are more likely to act restrictive and less including than countries with a long migration history (Rostbøll 2010: 66). Malta's experience with immigration covers only one decade, and could also have an impact on the political discourse in Malta that tend to offer low

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[65] Interview November 3 2012, 12:56.
[66] Interview November 10 2012.
[67] To scrutinise if these expectations are eventually fulfilled in the other given Member State, further research would be necessary.

standards in this relation.[68] The limited experience in being a country of immigration has influenced the official approach to tackle the challenges and has been subject to much critique from the NGOs working in the field. As shown above, an emergency approach has been laid out since 2002, which the tents in Ħal Far Tent Village is a great symbol of. The conditions have improved during the course of the past ten years (e.g. the tents are replaced by mobile homes), but still human rights activists and organisations claim that severe problems still occur. Especially, in relation to the arbitrariness that saturates the whole asylum system in Malta, whether it is regarding vulnerability assessments, age assessments or eligibility for social benefits.[69]

What is evident from the current study is that subsidiary protection status is a way of practicing inclusive exclusion (Arendt 1976; Agamben 1998). By providing a certain set of rights through subsidiary protection the beneficiary is included in the Maltese society, but not on an equal basis and with limited or no possibility of impact on the political sphere surrounding him. As such, citizenship is an institutionalised practice of belonging to a state (Stepputat & Hansen 2005: 3), which can never be obtained by a beneficiary of subsidiary protection. Subsidiary protection is not inclusive in the sense of providing equal standards and is therefore simultaneously an excluding practice.

Agamben (1998) has argued that the refugee camp in itself is an illustration of *inclusive exclusion*. The camps or open centres in Malta can, inspired by Agamben, be seen as a practice of such inclusive exclusion as well – one of the reasons being that the residents are acknowledged as people in need of protection, but are literally excluded from the Maltese community. The camps, with a few exceptions, are physically located in rural areas where Maltese nationals (and never tourists) only come if they have an errand. Even though Malta is small, it seems that the placement of these camps affect the residents as they felt excluded from regular Maltese life. At any event, it appears as though the few centres located in the cities are much more sought after,[70] maybe because the physical space between the refugee and the Maltese society is decreased.

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[68] For a comparative overview of Malta's migration policy seen in relation to other EU Member States see Migration Policy Index: http://www.mipex.eu/malta
[69] Interview with Neil Falzon, aditus, November 7 2012, Maria Pisani, Integra, October 30 2012, and Elizabeth Tratnik, Kopin, October 30 2012.
[70] For instance cf. Ali interviewed November 2 2012, 15:00

The *state of exception* materialises in the camp; "The camp is the space that opens up when the state of exception starts to become the rule." (Agamben 1998: 168). Agamben's point is that the rule of law is suspended. The refugees of this present study expressed a state of exception in their lives linked to living in the camp. From the camp they felt no possibility of moving to independent living outside of the camp – in 'the community' as it was often referred to – implying that living in the camp was not connected to a community or sense hereof. The only way of escaping or ending the state of exception was by travelling further into Europe, hoping that things would look different there. In order to understand the hierarchies and the structures within the camp, I would have had to spend more time in order to understand precise circumstances. But what I could gain from the interviews conducted, was that the camp functioned as a state of exception as meaning was replaced by the lack of meaning and regular life circumstances such as employment and education was replaced by a non-productive life. As such, the state of exception became the rule. Concurrently, the open centres are a materialisation of a *space of exception*, as the camp is the physical room where the suspension of normal law changes from temporary to permanent. The consequence is that the present permanent order of exception in the camp becomes difficult to change, thus adding an incentive to simply leave Malta. Hereby explaining why Malta becomes a threshold.

To summarise, the special circumstance of intra EU-transferees, compared to first-time arriving refugees, is that they experience a practice of inclusive exclusion on a range of different levels – some of the levels are very concrete, some more abstract. The concrete level applies to the reduced set of rights leading to subordination and inequality compared to Maltese nationals as well as enhanced aspiration of migrating elsewhere. The camp also proves as a concrete level where inclusive exclusion takes place when literally being accommodated in demarcated areas away from the Maltese society. On a more abstract level, the inclusive exclusion becomes evident by the fact that the transferee is positioned between two (or more) sovereigns. The refugees have an established view of wanting to leave, thus seeing the island as a threshold, but also having to recognise that the sovereigns are entitled to decide if their attempt in leaving the island will be accomplished. In a figurative sense they manoeuvre in different structural spaces all characterising the in-between.

5.2.3 The Anti-structural Aspect of In-between

All the people [migrants] living in Malta are temporary. That's why you can't tell yourself that you will be in Malta for a long time. So there is no way of saying that it's home.[71]

In order to further characterise the in-between I will apply Turner's system of terminology, as this will help understanding the structures outside of the regular structures dealt with in the above paragraphs.

The quote above illustrates Mahad's perception of Malta as a temporary place of residence. Mahad refers to what, inspired by Turner (1974), could be denoted as being "[…] betwixt and between the categories of ordinary social life" (Turner 1974: 53) or situated in an anti-structure on the threshold to something else. Temporary, provisional and liminal are key characteristics of such in-between. Anti-structure is not the negative of structure, but rather it refers to the structures outside of the categories of ordinary life. To Mahad, one of the categories of ordinary life is a home – a home where you can settle to have a family, an education or employment and eventually become self-supporting – but for him Malta was a threshold between potential homes. According to Turner, this 'betwixt and between' may be voluntary or non-voluntary, but will in any event refer to the detachment of an individual from the social setting known to the individual. Thus creating a new social status and social anti-structure. This is exactly what Mahad expresses above when stating that Malta will never become his home. When situated in an anti-structure, where no ordinary categories are present, it can be regarded as a liminal phase. Liminality is a phase and a term to illustrate a social process from one ordinary category of life to another (Turner 1974). In this perspective Mahad was caught in a liminal sphere of action by being in Malta, as he felt no possibility of permanently settling. As such, Malta becomes the threshold which he longed to overcome in order to enter yet another ordinary category. The regular social structures of his life had been suspended resulting in liminality. In liminality a new social structure evolves which can be quite difficult for the individual to navigate in. The refugee in general is an illustration of liminality as the structure that was known is exchanged for an unknown and unforeseeable anti-structure.

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[71] Interview with Mahad November 3 2012, 12:59

It seemed that secondary movement was the only way of eluding this threshold that the liminal space represents. As Deqa replied, when asked about the negative consequences of never settling as a single mother of one,[72] "It is better to stay and not to move all the time, but when you don't have a full life – what can you do? You have to move on."[73] The account (Järvinen 2005: 31) that can be identified from Deqa's statement is one of coercion; meaning that she legitimises her actions by referring to the fact that Malta cannot provide what she had expected. Even though she was staying in one of the more sought after centres, she had still tried to migrate further into Europe, but was transferred back to Malta after giving birth to her daughter in a Danish hospital. Her social reality is characterised by being betwixt and between successive stages (her homeland and the final destination). Malta, at the time of the interview, was a sphere of action (Turner 1974: 52) which she only waited for to end in order to reach an ordinary category of life in her perception, a permanent settlement in a country which could fulfil her expectations of 'a full life.' Inspired by Turner (1974:14), Deqa shows openness to the future in her continuous search for 'the good life' as the flight to Malta has not changed her life circumstances, cf. Part I of the analysis, to the extent expected.

The liminal sphere applies to both first-time arrivals and transferees – the vast majority of the interviewees belonging to the latter (14 out of 20 individuals). The liminality experienced by both groups is characterised by an unknown factor, namely time. They have no possibility of knowing when they will be able to move on as well as no possibility of knowing when they will be sent back. However, there is a difference concerning the fact that the latter category experiences liminality multiple times due to the circular migration pattern they are involved in. This may reinforce the frustration of being in an anti-structure with the unknown future this encompasses. On the contrary, the former encounter liminality for the first time.

Mahad and Deqa were not alone in their perception of being enveloped in an anti-structure outside of the regular phases in their lives. The organisations and the authorities also considered the refugees (including the transferees) to be on a threshold of something else. As the director of a local NGO and manager of an open centre said,

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[72] In Malta – Deqa had 5 children in Somalia.
[73] Interview November 9 2012.

"Number 1: [the refugees] had no intention to be here."[74] Hereby Ahmed Bugri positions the refugees in a category of temporariness. A social category such as the one of temporariness is interesting to identify because membership of a certain category is associated with specific characteristics (Järvinen 2005: 32). In this case, Bugri explains that the self-representation of the refugees as being temporarily in Malta by making themselves responsible for their actions. Thus legitimising their wish to move on despite the granting of protection. As we saw earlier, Pisani explains their actions on the grounds of policy as well, thus varying her positioning of the group. However, it should be noted that arriving in Malta generally seemed unplanned as also argued above in 5.2.1, which showed that Malta for some serves as an (unintended) trampoline (Vigh: 2009) to go to other parts of Europe. Thus, indicating that refugees themselves perceive Malta as temporary anti-structure, just like the government does.

To briefly sum up, I have identified the anti-structure in which the refugees have to navigate. In combination with transit and the structural elements, the liminal space characterises the in-between position cf. the second sub-research question. When leaving, transferral is most likely effectuated and in line with the third sub-research question, it is my objective to deal with the consequences of the transferrals back to Malta in the following section.

5.3 Forced Migration within Europe: Back to Square One

If I go back, I go back to square one.[75]

Before conducting the fieldwork my aim was to investigate an assumed paradox related to the transferees experience of being returned to a country which is not their own. My assumption was that such return would be problematic and distressing in the sense that the return *to a country of transit in itself* would cause problems. However, through my fieldwork it became evident that the return paradox itself, to a country which is not your own, may not be the greatest obstacle. More important is the question of the level of force involved and the lack of individual control to decide where to reside. Therefore,

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[74] Interview with Ahmed Bugri, Marsa Open Centre, November 2 2012, 00:01.
[75] Interview with Muhammad, November 10 2012.

the fieldwork affected my approach into an understanding and analysis of what sort of forced migration the transferral entails.

5.3.1 Impact of Transferral: 'Eye is the Teacher'

One individual case illustrates the risk connected to the transferral very well, as the transfer itself triggered serious mental health problems. According to UNHCR, this individual was showing symptoms such as irritability, insomnia, depressive mood, feeling of worthlessness and hopelessness and a lack of appetite upon being transferred back to Malta, and "The psychologist diagnosed him with Post Traumatic Stress Disorder (PTSD) and Major Depressive Disorder (MDD), the major trigger of these two conditions being his return to Malta."[76] The situation of this individual is an illustration of the fact that transferral to Malta in itself may be dangerous for one's well-being. During the interviews, I came across statements that imply such mental health issues, e.g. insomnia and lack of appetite, but as I am not in a position to diagnose these people I will not go further into this. Rather, what I can scrutinise is how the element of forced migration is expressed and what impact it has. Thus, the example above is an acknowledgement of the fact that severe health issues may arise even though this is not my main focus. Besides the psychological aspect, these mental problems may also be seen as the impact of the failure in attempting to escape social death (Vigh 2009).

Forced migration is usually defined as a migratory movement from areas of war or conflict or from places where one's life or livelihood is threatened (IOM 2004: 25). Thus, a coercive element has to be present. In the following paragraphs I will show how the persons involved in my fieldwork express the element of force in the transferrals. Especially how the transferees and the organisations perceive the transferrals as such. Meaning that the representatives from the authorities do not. Also, I will highlight the consequences and impact of being transferred back to Malta in the subsequent section 5.3.2.

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[76] Correspondence with UNHCR Malta following the fieldwork. The correspondence may be required upon request.

From the interview with the director of a local NGO it is apparent that she experiences transferrals as an expression of forced migration:

> They will come back empty-handed, disillusioned. Their trajectory has been interrupted. It's the nature of forced migration. And the trajectory of forced migration is perpetuated. […] I would look at this as forced migration.[77]

Hereby, the Pisani points to the fact that this type of migration may very well continue indefinitely as they enter a circular mode by travelling and being transferred – sometimes several times. Nor did Muhammad have any doubts that the transferrals have a coercive element and therefore may be a demonstration of sovereign power: "They [the Maltese authorities] forced Malta to be my home."[78] Quite interestingly, the refugees participating in this research perceived Malta as the country that would proactively request them to be sent back. However, technically, it is always the other EU Member State that sends the request to the first country of entry or country of residence permit to take back or take charge of the person of concern.[79] The fact that the refugees perceive Malta as the miscreant may also reinforce the perception of Malta as an undesirable place to settle, thus positioning the given EU country as the aspired.

Ali had been transferred back to Malta several times from different countries and his migration story proved not to be unique. When talking about being back in Malta Ali said, "I can't go to any place to look for a job in Malta. Maybe when I come back, Malta will be a new place."[80] Hereby, Ali was referring to the difficulty of being returned to a place where he did previously have employment, but to where he did not feel he could come crawling back. To him, his possibilities of finding a job are minimal in Malta because he was too proud to make use of the contacts he had established prior to his departure, as it was a failure to be returned. When asking 20 year old Yassin how he felt when he was informed that he would be transferred back to Malta he replied with the following question; "How would you feel if you were told that your mother died?"[81] Making the emotional impact of being transferred clear to me. Replying with a question may be characterised as a non-answer and in an interactionist perspective (Järvinen 2005) he positioned himself in a very vulnerable position as the impression he managed

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[77] Interview with Maria Pisani, October 30 2012, 17:08.
[78] Interview November 10 2012.
[79] Dublin II Regulation and Schengen Agreement.
[80] Interview November 2 2012, 09:53.
[81] Interview November 6 2012, 11:24.

was explicitly weak. Nevertheless, there was no doubt that Yassin was not thriving being back in Malta and only longed to be with his family.

Halima provided yet another understanding of why transferees find it difficult to be back in Malta saying, "Eye is the teacher."[82] Asked to elaborate on this translated Somali expression, she explained that the detention regime in Malta upon arrival has great impact on the migrants and this causes great frustration as they have experienced the conditions and will not forget. Hereby, Halima justifies refugees' reiterated attempts to leave Malta by pointing to the fact that when transferred back they will inevitably be confronted with their prior experience with the detention system, which, as shown in the analysis of the context of Malta, has been subject to much national and international critique.

In brief, the impact of transferral back to Malta has a coercive element to it, as the transferee is controlled regarding his or her country of residence. The transfer is associated with a loss of honour as well as a worry of re-experiencing the country that received you by detaining you, but also offered protection.

5.3.2 Concrete Consequences of Transferral

As has been argued continuously in the above, the reasons behind travelling further are a complex issue defined by different actors and factors – and that travelling further results in transferral back. Here I will deal with the actual consequences of such transferrals, as it is an element in understanding why Malta becomes a threshold.

According to UNHCR Malta, "Many of the returnees have sought medical assistance in these countries related to concerns such as diabetes, consequences of bullet wounds, eyesight problems or the trauma caused by their migration."[83] But what happens to these issues upon transferral? From a rights-based perspective it is difficult to conclude how large the risk of not accessing the medical treatment upon transfer is. The reason being, that the Maltese migration and asylum area seems arbitrary in many cases.[84] As

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[82] Interview November 9 2012.
[83] Correspondence with UNHCR Malta following the fieldwork. The correspondence may be inquired upon request.
[84] Interview with Neil Falzon, aditus, November 7 2012.

Pisani said, "Arbitrariness is the name of the day basically."[85] However, what can be inferred is the lack of a holistic approach between the different authorities affecting the refugees in a negative sense. For example, it is not clear who decides exactly what rights beneficiaries of subsidiary protection status are entitled to, as different governmental departments are involved. Like the Refugee Commissioner said, "I can only give legal stay – nothing more."[86] Different departments are responsible for the different interventions. As such, there is a great risk of falling outside of the system not being able to receive the rights and benefits the refugee – transferred or not – is eligible for. Further, arbitrariness makes social navigation difficult due to the lack of a navigation point (Vigh 2010). Not knowing exactly the scope of your rights may cause added (di)stress in the mind of the refugee.

The most concrete consequence of being returned is the reduced rate of the travel and food allowance, from approximately €130 as first-time arrival to approximately €85 per month as a returnee or transferee (cf. table 2 in 4.4). First and foremost, the reduced allowance can be seen as a punitive action carried out by the sovereign state towards individuals and as a performance of spectral violence (Hansen & Stepputat 2005: 3-4). Hansen and Stepputat propose that the understanding of sovereignty should not be a matter of territory and external recognition by other states as much as it should be concerned with "[…] sovereign power within states through the exercise of violence over bodies and populations." (Hansen & Stepputat 2005: 2). The violence they refer to can be understood in several ways as both a physical, concrete form and a more abstract form, which they refer to as *spectral violence*. This sort of violence may be performed by states through legislation for instance as a punitive action – the reduced allowance being an illustration of such punitive action. By reducing the amount, the transferees are placed in an even more vulnerable position than before leaving. Muhammad, who has been transferred back from Germany and Denmark, had the same view on the policy, "I think it is a punishment."[87] Hereby suggesting a deliberate punitive action from the government. Second, the reduction can be seen as mean to prevent people migrating further. Every refugee I spoke to was aware of this consequence before they left, thus

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[85] Interview with Maria Pisani, October 30 2012, 15:56.
[86] Interview Mario Friggieri, Refugee Commissioner, October 30 2012.
[87] Interview November 10 2012.

not preventing secondary movement. They also had knowledge of the risk of being returned. This emphasises their willingness to escape the social death. Their purpose of fleeing from their countries of origin is not solely to gain the protection as offered by the Maltese government.

Besides the reduction of allowance, there is a risk of becoming homeless upon transferral back to Malta. AWAS is responsible for providing accommodation in one of the open centres upon transfer, but as the space is limited they do not always live up to this responsibility. According to the Operations Director of AWAS they do manage.[88] Nevertheless, at least one of the interviewees, Fuad, lived in an open centre without being registered (and therefore without allowance). The NGOs supported the prevalence of homelessness, saying that it is especially difficult for AWAS to accommodate families, as they require more space than single persons.[89]

Lastly, upon transfer the refugee is at great risk of ending in the same situation as before with regards to employment, education, accommodation, and network. Hence, experiencing a repeated social death in which attempts to navigate will most likely be reiterated causing a circular pattern of movement within the EU as well explaining the threshold that Malta has become.

To summarise, the most obvious and concrete consequences of transfer include the reduced amount of allowance and a risk of homelessness. Further, I argued that the arbitrariness evident in the Maltese Asylum system affect Malta's position as a threshold.

5.3.3 Between Sovereigns

Arendt (1976) finds that refugees are caught in a limbo between states that do not accept them fully. The same can be said in relation to the transferees – and maybe even more so. Even though there is a degree of individual agency in the decision of travelling further from Malta, that fact that transferral is highly probable, conveys that these people are caught between individual states within the EU. The transferee has left Malta due to various reasons caused by the government approach, the organisations

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[88] Interview with Alexander Tortell, AWAS, November 7 2012, 07:58.
[89] Interview with Neil Falzon, aditus, 7 November 2012 2:15 and Maria Pisani, Integra, October 30 2012, 15:26.

positioning and individual aspirations, but is transferred back solely on the basis of state sovereignty. In a larger EU collaboration perspective, one of the essential questions has been related to how much sovereignty a state should relinquish in collaborating in the European Union, which has been a point in several analyses (see for instance Haddad 2008). In this case, the states apply their sovereign power by deporting the refugee to the former place of residence, namely Malta.

According to the Refugee Commissioner, the reciprocal recognition of the assessment of asylum claims between the Member States is limited and affects the intra-EU collaboration. He points to the fact that all third-country nationals returned to Malta are returned through the Dublin II Regulation, thus implying that the other Member States do not acknowledge that the vast majority coming via Malta have already been granted protection, mainly subsidiary protection. He said, "At the end of the day he can be returned, but the way it's done and the procedure is different. He should be returned through the proper channel."[90] And adds:

> The fact that the [sending] country is not respecting the individual as a person with protection. It goes against the spirit of the law; it goes against the spirit of the European Union. It goes against everything. And that will be the beginning of ruining all the good that there is.[91]

The Refugee Commissioner adopts the account (Järvinen 2005) of being an EU Member State with more responsibility due to its geographical position causing Malta to be a state receiving first-time arrivals, thus implying the need for better responsibility-sharing across the EU. The Commissioner clearly acknowledges the sovereignty of the other Member States but encourages them to use the proper channel when initiating transferrals. As such, he does not see transferrals as forced migration per se, but rather as a right of the sovereign states.

The critical question to the application of sovereignty would be whether it is simply not the right of the states to decide whom they accept as citizens and whom they do not accept on grounds of their very sovereignty. The overall answer is yes according to the way we have organised ourselves in nation-states. However, taking the current situation into account where people are experiencing a circular form of migration basically "[…]

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[90] Interview with Mario Friggieri, Refugee Commissioner, October 30 2012, 10:10.
[91] Interview with Mario Friggieri, Refugee Commissioner, October 30 2012, 13:04.

jumping from one place to another without really getting anywhere" (Vigh 2009: 105), transferral does not seem as the perfect solution, thus generating and sustaining a group of people never settling. The risk may be that this category of persons looses their hope and end up never belonging anywhere.

In conclusion, the forced migration aspect as dealt with here, I argue, adds to the understanding of the consequences of transferral back to Malta. As was shown, transferral may be perceived as a form of forced migration as a coercive element is present. The individual is situated between sovereigns, neither of whom is willing to include the individual fully. I argue that though it is in the right of the nation-states to practice sovereignty through transferrals, it only reinforces the circular pattern, as the refugees in Malta are perceived as an exceptional phenomenon. Also, the transferees understand the transferrals as an initiative by the Maltese government (in fact it is rather the other Member State sending an out-going request to Malta) and this idea that Malta is responsible for them being sent back, seems to reinforce their aspiration to travel further once again. I found that concrete consequences entail reduced allowance and risk of homelessness and argue that the impact of the transferrals may include loss of honour, re-experiencing the detention system, punitive action through the reduced allowance and with no points to navigate by re-settling in Malta upon transferral.

5.4 Summary

The purpose of Part II of the analysis was to answer the main research question by examining the three sub-research questions. The threshold emanates from a complex cohesion, which was sought and unfolded in the above.

In summary, this includes the firm aspiration for the 'real' Europe and an understanding that protection is only one parameter when finding adequate settlement. A threshold is created on the grounds of policies such as the lack of family reunification and citizenship as well as resettlement and relocation programmes. Moreover, the aspirations and the in-between are generated by transnational networks and strong will to govern one's life circumstances. Central to the understanding of the threshold are different spatial metaphors evident in Malta including; liminality, imagined migration, social death, transit, bare life, and inclusive exclusion. Subsidiary protection status,

granted to 75 % of all beneficiaries of protection, induces a lack of equal rights compared to the Maltese population. With Arendt in mind, a main argument is that refugees are seen as a temporary feature in Malta, thus no permanent measures are necessary to implement explaining why Malta becomes a threshold.

6. Discussion

In continuation hereof and before drawing up my conclusions, I find it relevant to discuss some perspectives generated from the first and second part of the analysis. This concerns the framework for the actual transferrals, namely the policies pertaining to the procedure for the transferrals and the reduction of allowance. I want to discuss the intentions behind the two polices as well in order to debate whether the intentions correspond with the praxis we see among the refugees in Malta. Further, I question what it takes for the refugees to reach a final destination of protection, since, as we have seen continuously in the above, Malta cannot fulfil their aspirations.

6.1 Policies and Praxis

Policies are generally designated to regulate behaviour. Interestingly, it appears that the policies contracted by Malta and the EU do not have the intended effect and it is as though politics and realities do not always correspond. For example, people will travel further into Europe despite the known risk of being transferred back and receiving a reduced amount of allowance. In the following paragraphs, I will first discuss what the intentions of these two policies may be and then assess if and how they do not correspond with reality.

The two policies are related to different levels. On the one hand, the policy regarding transferrals is an EU level policy embodied in the Dublin II Regulation and the Schengen Agreement. On the other hand, the reduced allowance policy is a Maltese national procedure not settled in any provision, but is the performed procedure implemented by AWAS.

Much has been said regarding the intentions behind the Dublin II Regulation and the Schengen Agreement since the implementation of their forerunners in 1997 and 1985 respectively (Thielemann & Armstrong 2012: 12).[92] Here, I will mainly deal with the statements encountered during fieldwork. Briefly, it should be noted that the Dublin system is the tool applied when deciding which Member State is responsible for the

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[92] For a more thorough review of the link between the Schengen Agreement and the Dublin system see Thielemann & Armstrong (2012).

assessment of a particular asylum claim. The Schengen Agreement is the framework for free movement within the Schengen Area. Most importantly, in this case, is that the Schengen system lays down the rules regarding the 90 days visa-free residence in other EU Member States. As argued earlier, the legal framework for the transferrals are quite unclear as the Dublin and Schengen systems are merged by the Member States and the legal grounds are disputed.[93]

Malta is one of the countries defining the external borders of the EU and is therefore in a different position than the countries not demarcating the EU. According to Eiko Thielemann and Carolyn Armstrong, "The distributional consequences of the Dublin system are therefore predictably uneven with some of the external border countries of the EU forced to make the highest contributions, thereby facing disproportionate costs." (Thielemann & Armstrong 2012: 4). Different national and European interests are at stake regarding EU policies and may therefore be part of a larger political agenda.

According to the Refugee Commissioner, the implementation of the Dublin II Regulation across the EU entails a clear misunderstanding resulting in an incorrect use of transfer channels. Friggieri promotes Malta's take on this and says the spirit of the law should be respected in opposition to the word of the law, cf. 5.3.3. To Friggieri, the intention of the Dublin II Regulation is to decide what Member State is responsible for an asylum application, not for the ones that already have protection. Specifying that the intention of the Schengen system is to secure the transferrals of recognised beneficiaries of protection.[94] The Refugee Commissioner hereby implies, that the intention of both returns and transferrals through the Dublin/Schengen system is to keep people from leaving Malta in the first place as they will eventually be sent back. As the situation is now, both asylum seekers and beneficiaries of protection (mainly subsidiary) are returned on the basis of the Dublin II Regulation.[95] If the intention of the Dublin/Schengen system actually is to keep asylum seekers and refugees from secondary movement, the situation in Malta exemplifies a clear discrepancy between policy intentions and praxis. As argued in the analysis, the secondary movement is a

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[93] Interview with Neil Falzon, aditus, November 7 2012
[94] Interview with Mario Friggieri, Refugee Commissioner, October 2012 31, 29:50.
[95] As established in the analysis of Maltese context, more precisely 4.4 including appendix 4, this indicates that the Eurostat figures on how many requests Malta receives according to the Dublin II Regulation may not be very reliable as these numbers also include transferrals.

chance to change one's social scene and EU transferral policy. In this regard, it is more or less irrelevant because travelling further is seen as a necessary step in order to fulfil one's potential.

As regards the intention of the allowance, Alexander Tortell of AWAS specified that it "[…] has been incorrectly labelled as a social service. It is not. It is an administrative support, which is for example available only to unemployed residents."[96] Adding that for returnees and transferees "The allowance is slightly lower because we work under the assumption that if somebody has travelled he or she is not destitute."[97] The intention according to Tortell, is therefore to treat the returnee/transferee as having enough funding available to live on €2.91 per day. Hereby also making the transferee responsible for the decision to travel further in the first place. The intention of the reduction has also been understood as punitive action (Amnesty International 2010: 10). As was shown in the analysis, the transferees themselves perceive it as such, cf. 5.3.2. Even the Ministry for Home Affairs indicated that the return to the centre is a reason for the reduction, saying, "You are not expected to return to the centre once you've left."[98] However, return to the centre occurs when being transferred back and is therefore highly expected. I was also told that the reduced amount exists in order to prevent people taking advantages of the system, hence being a preventive measure[99] implying mistrust towards the refugees.

If we take a look at the transferees themselves, they did not seem to take the two mentioned policies into account even though they knew of them. For instance, Ali had tried to settle in the Netherlands, Sweden and Germany, but was transferred back every time and every time he ended in the same situation re-experiencing social death, liminality and even further reduced rights.[100] But he kept trying and wishing for success in settling elsewhere as he found the situation in Malta too distressing. In line, Yassin was making a strong point as he said, "So I must go back to Sweden. If they say 'you are sent back to Malta' then I go again [to Sweden]. I try, try, try."[101] Yassin was well

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[96] Alexander Tortell, AWAS, November 7 2012, 12:02.
[97] Alexander Tortell, AWAS, November 7 2012, 10:22.
[98] Interview with Joseph St. John, Ministry for Home Affairs, November 8 2012, 23:14.
[99] Interview with Julian Micallef, Ministry for Home Affairs, November 8 2012, 20:40.
[100] Interview November 2 2012.
[101] Interview November 6 2012 05:28.

informed of the Eurodac database, but nevertheless wanted to reiterate his attempt to leave Malta. Inspired by Vigh (2010), Ali and Yassin are prepared to repeat their attempt to escape social death. This effect – that policies and conditions in Malta seem to reinforce the refugees' wish to leave – generates the question if Malta is at all interested in creating and securing a space that encourages refugees to settle and not support the creation of a threshold.

As such, the policies are not taken into consideration by the beneficiaries of protection when wanting to leave Malta. The fact that the policies do not have the intended impact in praxis can be seen as an expression of the refugees' effort to challenge the nation-states involved. What the nation-states perceive as their territory, and therefore what they are in a position to rule, proves difficult to control. Even though the national sovereignty is only abolished temporarily, it is succeeded by an execution of power by transferring the individual back to Malta. The refugees attempt to question their power by reacting according to their own aspirations.

One could say that an unsuccessful attempt to negotiate the conditions occurs when a refugee does not merely accept the policies. The attempt to control and exercise political power to decide the residence of the person is not consented by the refugees who, no matter a risk of transferral or a reduction of allowance, are not willing to give up and settle. The firmness of purpose is an expression of the conditions that these people face by staying in Malta with no prospects of eventually becoming a citizen and gaining equal rights as Arendt (1976) has advocated should be present in order to become fully included. In the words of Vigh, "Tactics are, as such, the praxis characterising the migrant, the seaman and the nomad." (2010:10). The basis of the existence of a migrant is to seek the place that offers the best possibilities. As shown in this present study this also applies, at least to some extent, to forced migrants as well. However, a refugee will first and foremost seek basic safety and protection.

6.2 Final Protection?

With the former section in mind it is interesting to ask when people then reach final protection? As suggested throughout the analysis, the answer to this question is multifaceted with a range of reasons behind that fact that the refugees participating in

the present research kept having aspirations for something else. It is certain that the up-rootedness does not provide stability for the people nor the states involved.

To Arendt (1976), people reach final destination of protection when being accepted fully by the provision of citizenship. For the majority of beneficiaries of protection in Malta, this will never be envisaged. It becomes a never-ending quest of finding a place where equality is possible, thus resulting in secondary migration patterns. Boswell argues that there are actually several ways of states to grant more liberal refugee rights, but that, "It is neither helpful nor realistic to restrict states to a stark choice between a moral course of action and a self-interested one, as if the two are forever in conflict with one another." (Boswell in Haddad 2008: 205). However, Malta is not planning on improving the rights, as they are in accordance with the Qualification Directive,[102] generating a new question whether the Common European Asylum System is comprehensive and ambitious enough to secure content with all parties involved? In other words, not an easy task to undertake. One may also question if all obstacles will be solved on the basis of citizenship. They may not; nevertheless I argue that it is a step towards the inclusion of people with protection needs.

Interestingly, a few exceptions of secondary movement became evident during the course of the fieldwork where I also encountered beneficiaries of protection who had actively taken the decision to settle permanently in Malta – they had found final protection. These transferees had either been sent back multiple times or having recognised that in order to eventually be resettled or relocated you must demonstrate an "attempt to integrate in Maltese society."[103] For instance, Muhammad, who had been transferred back to Malta twice from Denmark and Germany respectively said, "When I came back I thought 'this is my home'. I try my best until resettled."[104] Hence, implying an ambivalence as he is ready to settle, but not permanently, only until he is submitted for a durable solution. As such, he had in fact *not* reached final protection, but rather a sort of temporary protection despite his decision to establish himself in Malta.

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[102] Interview Joseph St. John, Ministry for Home Affairs, November 8 2012.
[103] Interview with Jon Hoisaeter, UNHCR, November 7 2012.
[104] Interview November 10 2012.

Pisani suggests that the ones breaking the circular trajectory primarily are the families, saying:

> […] they would leave and be sent back, leave and be sent back, leave and be sent back. And after a certain amount of time, particularly when there were young children involved, I found that families were starting to sort of give up and say 'okay, I'm gonna stay in Malta and I can't keep uprooting my family.'[105]

In conclusion different strategies – of perceiving Malta as a place of final protection – can be identified from the fieldwork. Muhammad applies a long-term strategy waiting for resettlement in order for him to survive under the current circumstances resembling social death. On the other hand, I saw Yassin eager to reiterate his attempt to reach final protection other places in the EU, thus exercising short-term strategy, as he would leave as soon as given the chance.[106] Thirdly, Issa had completely given up hope and appeared to continue to physically exist, but being socially non-existing.[107] These different strategies are all measures in the temporary nature and threshold of refugees in Malta.

It seems as though secondary movement within the EU with forced migration as a consequence can be broken, but according to Pisani and Muhammad above, it takes a proactive decision and may still not be an acceptance of Malta as the place of final protection.

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[105] Interview Integra October 30 2012, 09:44.
[106] Interview November 6 2012
[107] Interview November 6 2012

7. Conclusions

A complexity of contributing factors was identified in answering the research question pertaining to why Malta becomes a threshold. Generally, refugees and transferees in Malta are found to be caught in-between: in-between continents, sovereigns, rights, communities and ordinary categories of social life. As such, Malta functions as the threshold of something new, something better.

Protection is found not to be the only parameter when fleeing conflict and instability but concluded to be the most important. The threshold and secondary movement is a question of attaining a better life and escaping social death, which then becomes a matter of degrees of what the good life entails. Measures, including the possibility of family reunification, citizenship, education and employment opportunities, as well as transnational networks and the detention system upon arrival, influence the search for final protection. As such, existential considerations are prevalent when having the aspiration to leave in despite of protection. With Vigh in mind, the refugees seek to navigate socially by imagining a reiterated attempt to migrate. Many realise the dream of moving to the 'real' Europe, which is relatively easy as they are entitled to travel documents. However, they are eventually transferred back.

I argued that NGOs and the refugees perceive the transferral as a manifestation of the sovereign power over territory hence being associated with forced migration, but also underlining that right of the sovereign. However, the transferral system supports the creation of a circular pattern in which a group of people are continuously in-between states, places or stages of their life. This threshold is characterised by temporariness, instability and uncertainty for all parties involved in this study, i.e. the refugees, the organisations and the authorities.

Inspired by Agamben, the sovereign Malta performs inclusive exclusion through the open centres. The camps represent a state of exception, where regular law is dissolved and where the exception becomes the rule. In the words of Turner, Malta becomes the liminal space and the only way to end this is simply by moving. Another European country becomes the best option as moving from the open centre into the community is made difficult as no transition or incentives are in place. At the same time the subsidiary

protection status is a matching example of what Arendt finds to be excluding and inclusive at the same time. The person is accepted to reside legally, but is subordinated and deprived of an essential including right, namely citizenship and will therefore always be in-between and permanently considered to be an exceptional phenomenon by the nation-state.

I argued that the threshold is induced by a state of social death. During my fieldwork, it became clear that the refugees will do anything and reiterate their attempt to escape social death, even though they are aware of the two main policies affecting them; transferral and reduced allowance. I have argued that the reduced amount is a punitive action and is intended to keep people from leaving Malta – the same can be said regarding the transferral policy. But I also stressed that praxis is different from the intensions. With the current policies, reception system and focus on resettlement and relocation programmes I find it questionable whether Malta is at all interested in breaking the secondary movement pattern and threshold position.

Seen from a Maltese political perspective there are certain advantages of the refugees leaving the island, as it is the European Member State receiving the largest number of migrants according to population and area size. Interestingly, the refugees participating also referred to the size of Malta as a restraint for settling. The attitude of the authorities can be seen as a way of pressuring the other Member States into taking more responsibility and hence encourage greater burden-sharing among Member States. The number of actual Dublin II returnees seems quite negligible. Nevertheless, the responsible Ministry applies 'the Dublin argument' in the debate on burden-sharing. I recognise that Malta has substantial limited capacity and my intention is not to advocate for less burden-sharing across the EU – on the contrary. However, I argue that burden-sharing should be contracted on the correct grounds. The development and implementation of the Common European Asylum System, will prove interesting to observe as it is a key factor for the southern European Member States as it may potentially secure improved responsibility-sharing to the benefit of all.

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Appendixes

Appendix 1: List of Interviews

Appendix 2: Overview of Open Centres in Malta

Appendix 3: Interview Guidelines:

> I: Interview guidelines beneficiaries of protection

> II: Interview guidelines for organisations

> III: Interview guidelines for authorities

Appendix 4: Accepted Request for Transferral/Return Back to Malta

Appendix 1: List of Interviews

Interviews with Beneficiaries of Protection						
Name	**Nationality**	**Legal status**	**Date**	**Location**	**Recorded**	**Transferee**
Farhiya (f) Afraah (f) Najma (f)	Somali	Subsidiary Protection Status	October 29 2012	Ħal Far Tent Village	Yes	Yes
Bashir (m)	Somali	Subsidiary Protection Status	November 2 2012	Ħal Far Hangar	No	Yes
Fuad (m)	Somali	Subsidiary Protection Status	November 2 2012	Ħal Far Hangar	Yes	Yes
Ali (m)	Somali	Subsidiary Protection Status	November 2 2012	Ħal Far Hangar	Yes	Yes
Osman (m)	Somali	Subsidiary Protection Status	November 2 2012	Ħal Far Hangar	Yes, but short.	No
Mahad (m)	Somali	Subsidiary Protection Status	November 3 2012	Phone to Switzerland	Yes	Yes
Siyaad (m)	Sudan	Subsidiary Protection Status	November 6 2012	Marsa Open Centre	Yes	No
Yassin (m)	Somali	Subsidiary Protection Status	November 6 2012	Marsa Open Centre	Yes	Yes
Ibraahim (m) Isak (m) Muse (m)	Eritrean	Subsidiary Protection Status	November 6 2012	Marsa open Centre	No	No
Issa (f)	Somali	Subsidiary Protection Status	November 6 2012	Marsa open Centre	No	Yes
Idil (f)	Somali	Subsidiary Protection Status	November 8 2012	Good Shepherd's Home, Balzan	No	Yes
Deqa (f)	Somali	Subsidiary Protection Status	November 9 2012	Good Shepherd's Home, Balzan	No	Yes
Halima (f)	Somali	Refugee Status	November 9 2012	Good Shepherd's Home, Balzan	No	No
Tesfay (m)	Somali	Subsidiary Protection Status	November 9 2012	Good Shepherd's Home, Balzan	No	Yes
Ahmed (m)	Somali	Subsidiary Protection Status	November 9 2012	Good Shepherd's Home, Balzan	No	Yes
Muhammad (m)	Somali	Subsidiary Protection Status	November 10 2012	Marsa Open Centre	No	Yes

Interviews with Organisations				
Name	**Position and organisation**	**Date**	**Location**	**Recorded**
Elizabeth Tratnik	Project Officer, Kopin	October 30 2012	Office of Kopin, San Gwann	Yes
Maria Pisani	Director, Integra	October 30 2012	Office of Integra, Valletta	Yes
Ahmed Bugri	Foundation for Shelter and Support for Migrants, manager of Marsa Open Centre	November 2 2012	Marsa Open Centre	Yes
Jon Hoisater	Head of Office, UNHCR Malta	November 7 2012	Café, Floriana	Yes
Neil Falzon	Director, aditus	November 7 2012	Office of aditus, Valletta	Yes

Interviews with Authorities				
Name	**Position and entity**	**Date**	**Location**	**Recorded**
Mario Camilleri	Coordinator of Ħal Far Tent Village, AWAS	October 29 2012	Ħal Far Tent Village	No
Mario Friggieri	Refugee Commissioner, Office of the Refugee Commission	October 31 2012	Office of RefCom, Msida	Yes
Albert Cauchi	Coordinator of Ħal Far Hangar, AWAS	November 2 2012	Ħal Far Hangar	Yes
Father Alfred Vella	Director, Emigrants' Commission	November 6 2012	Office of Emigrants' Commission, Valletta	No
Alexander Tortell	Operations Director, AWAS	November 7 2012	Office of AWAS, Floriana	Yes
Julian Micallef and Joseph St. John	Assistant at Third Country Nationals Office and Director at Policy Development Office, Ministry for Home Affairs	November 8 2012	Ministry for Home Affairs	Yes
Jeanne Ferugia	Inspector, Immigration Police	November 10 2012	Police Headquarters, Floriana	Yes

Appendix 2: Overview of Open Centres in Malta (Cauchi 2012: 104)

Table 4. Open Centre Composition

Centre	Managed by	Accommodation type108	No of people 109	Notes
Dar is-Sliem	AWAS	Unaccompanied Minors (UAMs)	12	Provides Legal Guardians and Social Workers for UAMs, security110
Dar il-Liedna	AWAS	Unaccompanied Minors (1st floor) Families(including children) (2nd Floor)	42	Provides Legal Guardians and Social Workers for UAMs
Good Shepherd's Home	Emigrants' Commission	Single Adult Men, Single Adult Women, Family Units (including children)	166	The centre has a manager but is self-run by the individuals themselves
Hal Far Hangar	AWAS	Single Adult Men and Family Units (including children)	410	In this large structures people were previously accommodated in an old hangar and separately in Containers with adjacent mobile toilets. Following a fire in the Hanger people were re-allocated across the different centres. The containers were increased and are distributed around the old Hangar
Hal Far Open Centre	AWAS	Family Units (including children)	110	This building is composed by a series of old military barracks converted into one/two room apartments. Each room may house one of more family units depending on the size. Provides a Social worker, community worker, security (detention service)
Hal Far Reception Centre	AWAS	Accommodates single women (recently single mothers too)	80	An old detention block, similar to a lock-up structure, in poor sanitary conditions. Women live in bedrooms in groups of 4 on average. Provides social worker, community worker and security (detention service)
Halfar Tent Village	AWAS	Single men, single women, families	502	Large structure, remotely located from al services composed of military tents, containers, a shared kitchen and sanitary facilities, a mosque and onsite 'clinic'. This is the open centre with the worst living conditions. A social worker is provided.
Marsa Open Centre	Foundation for Shelter for Migrants	Single Men	670	Recently changed management to another newly formed NGO. It is in an old school (closed as deemed unsanitary for the children due to its proximity to a stagnant canal). Composed of large classrooms turned into bedrooms and hangars turned into bedrooms or aggregation centres. Houses an education centre with classroom and PC lab. The NGOs offices are on-site. Some residents run their own shops and restaurants within the centre under close supervision. Provides social workers, care workers (ex or current tenants), shared sanitary facilities a mosque and incorporates a football pitch.
The Peace Lab	The Peace Lab (NGO)	Single Adult Men and Single Women kept apart	35	This is a small structure, probably one of the best, surrounded by large gardens. Residents benefit from the organization of language and vocational training together with recreational activities. Provides the support of volunteers and 'church' workers. An internet lab is also available
Private Accommodation	Emigrants' Commission	Primarily family units, and single women	152	A series of apartments around the island, expenses are cared for and provided. The accommodation is often shared. Conditions of the apartments are usually sub-standard.

Appendix 3: Interview guidelines

I: Interview guidelines for beneficiaries of protection

Briefing:

- Introduction of me as a researcher
- Purpose of research and interview
- Secure anonymity of the informant

Introductory questions:	
	Please tell me a little about yourself? • Nationality • Age • Legal status • Family • Education • Length of stay in Malta/elsewhere • Other
Travelling further	• Why did you decide to travel further? • Did you apply for asylum in the new EU country? • Were you aware of the risk of being returned? • How did you experience this travelling further (difficult, easy, other)?
Reception back in Malta	• How did Malta receive you when you returned? Accommodation, benefits, legal counselling, airport pick-up, health care, education, language, existing asylum case resumed? • Did you experience any issues when being returned? Both awaiting return, but also when arriving back in Malta. Finding job, accommodation, health care, legal aid, family ties, sense of belonging etc. • What do these experiences mean to you?

Life in Malta	- Are you politically active? Why/why not? - Family/community ties – Malta or elsewhere (before and after leaving and returning). Did these change due to your transferral? - Is your network generally and asset or a constraint? Why? - Do you feel you belong here – why/why not? Give concrete examples in any case. - How is your relationship with/perception of the authorities? Government, AWAS, Refugee Commissioner or any other. - Would you try to leave again – why/why not?

Remember to ask for concrete examples, maybe talk in 3rd person if the topic seems too personal.

Probing questions:

Could you say something more about that?

Can you give a more detailed description of what happened?

Do you further examples of this?

II: Interview guidelines for organisations

Briefing:

- Introduction of me as a researcher
- Purpose of research and interview

Block I: Introduction	
Role and responsibility	What is your position with your organisation?
	What role do your organisation play in receiving transferrals from other EU MSs?
	Who is responsible for the reception of the transferrals: now and ideally?
Clarification:	Do you or do the authorities in your view distinguish between Dublin returnees and Schengen returnees?
	If yes, what does the differences mean in practice?
Block II: Obstacles and experiences	
Obstacles for the work of your organisation	What is your experience with people who are transferred? How are they received? (Why did they leave?)
	What obstacles do your organisation experience related to the reception of the transferrals (legal, human, political…), if any?
	Why do you think these obstacles evolve and what are the consequences?
Obstacles for the transferred asylum seekers	What obstacles to you see the asylum seekers face when being transferred back to Malta?
	Why do you think these obstacles evolve and what are the consequences?
Obstacles at an policy level (national or EU)	

	What obstacles are related to the policies concerning the transferrals at a national or European level? Why do you think these obstacles evolve and what are the consequences?
Block III: Conditions	The next block of question concern different areas including reception, case processing, accommodation, and a few question about rejected asylum seekers and detention. Some of the questions may relate to topics that have already been asked in by other researchers, but in order to secure precise, accurate and updated information, I will ask you these questions anyway. Most of the questions refer both to Dublin returnees as well as Schengen transferrals, but a few are only related to Dublin returnees.
Reception Dublin and Schengen Dublin only	How are the transferrals received in the airport? Are NGOs for instance present? Who is in charge of the reception? Are they referred/transported to any accommodation? Do they receive counselling regarding how to get their asylum case resumed/started? Does Malta have a special Dublin Unit?
Case processing Dublin only	Is the asylum case automatically resumed when transferred to Malta under Dublin? Does the Dublin transfer affect ones asylum case? If yes, what are the steps to be taken and do they receive legal aid?

Dublin and Schengen ⎰	Are some Dublin cases never resumed or not registered? Other concerns related to the asylum system in Malta (quality of case processing, appeal, legal aid, procedural safeguards)?
Accommodation All both Dublin and Schengen	Are and how are the transferrals accommodated? How are the conditions in the centres? (Sanitary conditions, access, crowdedness etc.) Specialised facilities and offers for families and mentally ill persons? Is there a time limit for the accommodation provided by authorities? Is food and access to medical treatment included in the accommodation? Is access to more advanced health treatment provided? (HIV, substance abuse, cancer and other serious accounts) Is access to psychiatric treatment provided? Is access to medicine provided for treatment of physical and mental illness? (incl. payment) Are any distinct facilities offered to unaccompanied minors? In what sense are the economic benefits affected when transferred back to Malta?
Rejected asylum seekers	What are the reception conditions like for the ones who have received final

	rejection in Malta? Incl. benefits, accommodation, medical treatment.
Imprisonment/detention All both Dublin and Schengen	How likely is it that transferrals are imprisoned/detained? If this is likely, on what grounds, the time perspective, effective remedies? How are the conditions in detention? Only is this is a likely situation. Is there any units specifically designed to accommodate the needs of families, mentally ill persons, unaccompanied minors?
<mark>Block IV: Rounding off</mark>	<mark></mark>
	I think you have answered all of my questions – thank you for your precious time. Do you have any questions or something you would like to add? Can I contact you in case I need clarification? You are welcome to contact me, if any questions occur.

III: Interview guidelines for authorities

Briefing:

- Introduction of me as a researcher
- Purpose of research and interview

Part I: Introduction	
Role and responsibility	What is your position with RefCom?
	What role do RefCom play in receiving transferrals from other EU MSs?
	Who is responsible for the reception of the transferrals: now and ideally?
Clarification:	Do you distinguish between Dublin returnees and Schengen returnees?
	What does this mean in practice?
Part II: Obstacles	
Obstacles RefCom	What obstacles do RefCom experience related to the reception of the transferrals (legal or human), if any?
	Why do you think these obstacles evolve and what are the consequences for the police?
Obstacles at an policy level (national or EU)	What obstacles are related to the policies concerning the transferrals at a national or European level?
	Why do you think these obstacles evolve?
Obstacles for the transferred asylum seekers	What obstacles to you see the asylum seekers face when being transferred back to Malta?
	Why do you think these obstacles evolve?

Part III: Conditions	The next block of question concern different areas including reception, case processing, accommodation, and a few question about rejected asylum seekers and detention. Some of the questions may relate to topics that have already been asked in by other researchers, but in order to secure precise, accurate and updated information, I will ask you these questions anyway. Most of the questions refer both to Dublin returnees as well as Schengen transferrals, but a few are only related to Dublin returnees.
Reception Dublin and Schengen	How are the transferrals received in the airport? Are NGOs for instance present? Who is in charge of the reception? Are they referred/transported to any accommodation?
Dublin only	Do they receive counselling regarding how to get their asylum case resumed/started? Does Malta have a special Dublin Unit?
Case processing Dublin only	Is the asylum case automatically resumed when transferred to Malta under Dublin? Does the Dublin transfer affect ones asylum case? If yes, what are the steps to be taken and do they receive legal aid? Are some Dublin cases never resumed or not registered?
Dublin and Schengen	Other concerns related to the asylum system in Malta (quality of case processing, appeal, legal aid, procedural safeguards)?

Accommodation All Dublin and Schengen	Are and how are the transferrals accommodated? How are the conditions in the centres? (Sanitary conditions, access, crowdedness etc.) Specialised facilities and offers for families and mentally ill persons? Is there a time limit for the accommodation provided by authorities? Is food and access to medical treatment included in the accommodation? Is access to more advanced health treatment provided? (HIV, substance abuse, cancer and other serious accounts) Is access to psychiatric treatment provided? Is access to medicine provided for treatment of physical and mental illness? (incl. payment) Are any distinct facilities offered to unaccompanied minors? In what sense are the economic benefits affected when transferred back to Malta?
Rejected asylum seekers	What are the reception conditions like for the ones who have received final rejection in Malta? Incl. benefits, accommodation, medical treatment.
Imprisonment/detention All both Dublin and Schengen	How likely is it that transferrals are imprisoned/detained? If this is likely, on what grounds, the time perspective, effective remedies? How are the conditions in detention? Only is this is a likely situation.

	Is there any units specifically designed to accommodate the needs of families, mentally ill persons, unaccompanied minors?
Block IV: Rounding off	
	I think you have answered all of my questions – thank you for your precious time. Do you have any questions or something you would like to add? Can I contact you in case I need clarification? You are welcome to contact me, if any questions occur.

Appendix 4: Accepted Request for Transferral/Return Back to Malta

Incoming requests - annual data [migr_dubin]					
Last update	25.02.13				
Extracted on	25.02.13				
Source of Data	Eurostat: Eurostat, accepted requests for transfer/return: Incoming requests, under Dublin statistics http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database				
REQUEST	Total number of requests				
DECISION	Requests accepted				
PARTNER	GEO/TIME	2008	2009	2010	2011
Belgium	Malta	4	7	4	11
Bulgaria	Malta	0	0	0	0
Czech Republic	Malta	0	0	0	0
Denmark	Malta	0	16	1	9
Germany (including former GDR from 1991)	Malta	17	58	6	97
Estonia	Malta	0	0	0	1
Ireland	Malta	6	4	0	0
Greece	Malta	0	0	0	1
Spain	Malta	1	3	0	0
France	Malta	26	40	5	39
Italy	Malta	23	92	5	136
Cyprus	Malta	0	0	0	0
Latvia	Malta	0	0	0	0
Lithuania	Malta	0	0	0	0
Luxembourg	Malta	0	0	0	0
Hungary	Malta	0	0	0	1
Malta	Malta	0	0	0	0
Netherlands	Malta	71	152	24	47
Austria	Malta	14	18	0	4
Poland	Malta	0	0	0	0
Portugal	Malta	0	0	0	0
Romania	Malta	0	0	0	0
Slovenia	Malta	0	0	0	0
Slovakia	Malta	0	0	0	0
Finland	Malta	93	124	4	19
Sweden	Malta	166	269	149	81
United Kingdom	Malta	43	46	0	9
Iceland	Malta	1	0	0	1
Norway	Malta	88	168	5	38
Switzerland	Malta	0	82	9	35
Total	Malta	553	1.079	212	529
Special values:					
0	less than half the final digit shown and greater than real zero				