



# Protect

## The Right to International Protection

Draft analysis of how networks of international, national and local actors collaborate to reduce vulnerabilities



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**Draft analysis of how networks of international,  
national and local actors collaborate to reduce  
vulnerabilities on Six Sites in Europe, Canada,  
and South Africa**

**Christine M. Jacobsen, Marry-Anne Karlsen, and Jo Vearey  
(eds.)**

# Introduction

Christine M. Jacobsen, Marry-Anne Karlsen, SKOK, University of Bergen  
Jo Vearey, ACMS, University of Witwatersrand.

This research report has been published as part of the EU Horizon 2020 PROTECT research project. This introduction contextualises the six PROTECT country case study reports and should be read in conjunction with these reports. In the introduction we first present some analytical approaches to frame the reports, and then go on to draw out some cross-cutting themes from the case studies. In particular, we highlight certain structural challenges that impact on the collaboration between international, national and local actors involved in the field level governance of migration and international protection to reduce vulnerabilities

In WP 4 of the PROTECT project, we conducted fieldwork in selected migration arrival ports in Greece, Italy, Spain, France, South Africa, and Canada to explore the role of the notion of vulnerability in the field level governance of international protection. Specifically, we explore how key actors and stakeholders in the selected field sites 1) understand and apply the notion of vulnerability, and 2) collaborate to address and reduce vulnerabilities. Particular attention is paid to how field level governance takes into account gender and legal status, and how actors collaborate in regard to mechanisms for identification, access to legal information and assistance, and access to healthcare and shelter. The field level is where global, regional, national and local actors and stakeholders interact in order to implement the international protection regime. A great variety of actors and stakeholders are as such engaged in the field level governance of migration and refugee protection, including notably government agencies, local authorities, civil society organizations, host community members, and migrants. Critically, our research provides opportunities to explore *de facto* governance responses and how they do or do not reflect formal governance processes - including national legislative frameworks and the global compacts on refugees and migration.

The aim of this report is to present a preliminary analysis of how actors collaborate to address and reduce vulnerabilities. While this first report is concerned with the question of ‘collaboration’ between various actors, and the potential impact of the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM) on such collaboration, as well as consequences of the Covid-19 pandemic, a second report will unpack in more detail the different understandings and deployments of notions of ‘vulnerability’ among actors in the different country case studies. The analysis is based on an initial identification and mapping of relevant actors in each site, and - to the extent that it has been possible given the context of the Covid-19 pandemic - on on-site ethnographic fieldwork including participant observation, interviews and collaborative methodologies.

## Background and analytical perspectives

The overall objective of the PROTECT-project is to assess the impact of the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM) on the international protection regime. Both Compacts envisage multi-actor and multi-level collaboration to improve migration and refugee governance and to reduce vulnerabilities in migration. Whereas the GCR refers to this as a ‘multi-stakeholder and partnership approach’, the GCM describes it as a ‘whole-of-society approach’. This approach is articulated in the GCM as ‘broad multi-stakeholder partnerships to address migration in all its dimensions by including migrants, diasporas, local communities, civil society, academia, the private sector, parliamentarians, trade

unions, National Human Rights institutions, the media, and other relevant stakeholders in migration governance' (GCM, para. 15). The approach, though, raises several questions: What does it mean for civil society organizations to partner with governments to establish programs and provide services to migrants and asylum seekers in a given context? To what extent are the epistemic-political codes, the ability to manoeuvre, and the stakes set in advance by the party/ies in control (cf. Tazzioli and Parvân 2021)?

The governance of migration already involves complex interactions of state, private and civil society actors. In this draft analysis we investigate how interactions between actors at various governance levels (supra-national, state, region, city) and with civil society organizations of different spatial reach (local, national, regional, global) are configured in specific contexts. We pay particular attention to interactions that can be identified as instantiations of collaboration, or as absence (or refusal) of collaboration. Rather than seeing the state as entirely separate from private and civil society actors, we are interested in tracing 'state effects' (Trouillot 2001) related to the management of migration, and how various actors participate in, reproduce or challenge such state effects.

Within the field of migration governance, collaboration most often takes place within asymmetric relations between asylum seekers on one side, and CSO actors, and governance actors such as cities, regions and states, or between states that exist in an asymmetrical relationship to each other within current geopolitical configurations. By taking a bottom-up approach to the study of migration governance we are interested in the effects of these power differentials, as well as in how they are challenged from below through the establishment of divergent epistemologies and problem definitions, and through contentious actions (such as demonstrations, petitions, court cases). If collaboration is taken to mean the act of working jointly on an activity or project for a specific purpose, the question of how that purpose is defined remains a question of political struggle. An interesting question is thus to what extent collaboration simply reproduces and extends state effects, or whether it carves out spaces for exploring divergent epistemologies and problem definitions (of 'vulnerability') in a way that serves to problematize institutionalized inequalities between actors at various governance levels and spatial scales.

The PROTECT project has elaborated a theoretical framework that may throw light on different orientations among governance actors and how they affect collaboration to address and reduce vulnerability. Sicakkan (2021, see also Atak and Sicakkan 2021) has developed a conceptualisation of political cleavages around attitudes towards international protection that work from the basis of the existence of a wider set of "structural, resilient, and mutually reinforcing conflicts, contestations, and collaborations between political actors over a web of global political issues" (Sicakkan 2021: p5). Sicakkan identifies four main orientations on the basis of such cleavages (2021, Sicakkan & Atak 2021): nativists, nation-statists, regionalists and globalists. Sicakkan (2021) also suggests that the orientation of actors in governance networks can be studied by assessing different configurations of the below categories observed in responses to protection seekers:

- (1) *identity-centric* versus *human-centric* perspective of international protection
- (2) *charity* versus *entitlement* perspective to the right to international protection
- (3) *solidarity* versus *interest* perspective to responsibility/burden sharing
- (4) *state-/region-centric* versus *global-pluralist* organization of international protection
- (5) *public sector* versus *private sector*-based organization of international protection

The first three dimensions, Sicakkan suggests, can be observed in governance actors' discourses, and actions regarding for example vulnerability, while the fourth and fifth dimensions concern which governance actors participate, collaborate, or dominate in international protection tasks.

Drawing on the cleavage model developed by Sicakkan (2021, see also Atak and Sicakkan 2021) in combination with a conventional reading of political opportunity structures, Usherwood (2021) attempts to model a comprehensive framework of how the wider political and social debate about refugee policy has translated into the pattern and nature of CSOs. Political cleavages are underpinned by deeply contrasting understandings of the nature of refugees and the obligations of others towards them and open a diverse set of incentives to action for individuals and organizations. Usherwood further stresses the need to understand the actions of CSOs within state structures and their actions. The formal political system(s) that a CSO encounters will create a number of incentives or disincentives.

The model outlined by Usherwood establishes a number of testable expectations about the existence, volume, preferences and activities of CSOs within and across states. It is not the purpose of the ethnographic studies to test these expectations, but the discussion of various 'orientations' among governance actors draws inspiration from the analytical frameworks and dimensions developed by Sicakkan and Usherwood. In particular, the draft analyses from the fieldworks throw light on how the general cleavages of political and social attitudes towards refugees identified by Sicakkan are configured in particular local contexts, the tensions they create in forms of collaboration on the ground, and other conflicts, contestations, and collaborations that may be of importance to the field level governance of international protection in particular local contexts.

One important cross-cutting structural dimension is the tendency towards outsourcing of many of the functions of migration governance to non-state actors in western countries and to a juridification and contractualization of the role of CSOs (López-Sala and Godenau 2020). Such outsourcing happens in the broader context of what has been conceptualized as a 'migration industry' in which a wide assembly of actors' existence depends on money paid either to facilitate or to constrain migration mobility – specialised transportation companies, visa facilitation agencies, labour recruiters, security contractors, human smugglers and NGOs (Sørensen and Gammeltoft-Hansen 2012). The migration industry is not only an important phenomenon in and of itself, it also fundamentally impacts the ground level governance of migration and international protection, and structures the opportunities for and functioning of collaboration on the ground. In the European cases, state and EU funding are important. In South Africa, the role of external funding agencies is central in resourcing local responses. This includes the disbursement of funding to local implementing partners from international organisations such as the IOM and UNHCR. In most cases, this funding is, itself, from an external funding agency. A critique of this model is that funding can drive action whereby external agendas drive local action, with the result that context-specific needs may not be met despite funding being made available. State funding plays a minimal role in the South African context as local government departments retain mandates to provide services, within legal frameworks, to migrant groups within their jurisdiction. In Canada, collaborative approaches may involve the sharing of resources between governmental and non-governmental actors.

The field sites in WP 4 also provide an opportunity to explore the governance of international protection in contexts of so-called 'mixed movement', and in which humanitarian and securitization discourse, policies and practises closely co-exist. A key criticism of the Global Compacts is how the separation into two distinct Compacts assume and reinforce a sharp categorical distinction between refugees and migrants, which does not adequately address the

complex reasons why people move (McAdam, and Wood, 2021). The Global Compacts have also been criticised for simultaneously promoting a human rights and securitization agenda, that allow states to ‘cherry pick’ objectives in line with policy preferences (Vearey et al 2021). Critical scholarship on migration governance, though, has used the concept of a ‘humanitarian border’ to draw attention to the ways in which humanitarianism and human rights discourses and practises are increasingly co-opted by approaches to national security (Pallister-Wilkins, 2017). The combination of support and surveillance in the reception of migrants and asylum seekers is thus not necessarily understood to be contradictory practises. The bottom-up perspective of WP 4 allows us to explore how concerns with humanitarian assistance and security impact on collaboration between actors in specific contexts.

## **Cross-cutting themes**

### ***Collaboration***

- In all country case studies collaborations and partnerships between different kinds of actors (at multiple governance levels and different spatial scales) addressing vulnerability exist.
- Coordination between government actors and CSOs, and between different CSOs, is an important challenge in all field sites.
- New forms of collaboration often appear as a response to perceived crises. Crisis-driven responses/acute phases often do not coalesce into longer-term initiatives/collaborations.
- (CSO) actors tend to emphasise the importance of good informal relations (between individuals more often than organisations) rather than formal structures of collaboration.
- In de facto governance, much interaction tagged as collaboration is characterized by marketization and contractualization between asymmetrically positioned actors (state, CSO and migrants).
- Marketization and contractualization influence CSO orientations and agendas (such as categories of migrants receiving attention and assistance), their internal structure (e.g., more professionalization and bureaucratization), and their readiness to oppose state policies.
- Overcrowding and malfunctioning in the state financed reception programs leads to local actors (including local authorities, CSOs, engaged citizens) being faced with asylum seekers and irregularised migrants’ urgent social needs.
- The competition for scarce public resources can create obstacles to collaboration between CSOs.
- The ‘uneasy alliance’ of care and control in immigration policies creates tensions in the day-to-day collaboration between actors with different orientations and objectives.

### ***The impact of the compacts***

- Knowledge of, and engagement with, the compacts among governance actors were very limited in all the field sites.
- So far, the compacts did not have significant implications for collaboration patterns and networks on the ground.
- They have not introduced new governance actors to the field or changed the implementation of international protection in de facto governance.
- Actors in most field sites mentioned their top-down character, and their legally non-binding character as reasons for why they were of limited relevance.

### ***The impact of the Covid-19 pandemic***

- The Covid-19 pandemic exacerbated a range of (particularly structural) vulnerabilities and created new ones.
- The pandemic had an impact on the ground level governance of international protection in all country case studies.
- The pandemic, and the way it was handled, had implications for collaboration patterns and networks on the ground in several field sites
- In some cases, the pandemic provided opportunities for improved – or renewed – collaboration.
- In some cases, such collaboration brought different ‘migrant sectors’ together (e.g. people working on access to housing and secure livelihoods, health workers, people working on documentation).

### **Note on terminology**

In line with conventions in ethnographic analysis, the individual reports partly use different vocabularies, emerging from the context they work in and what terminologies the actors use. There are also important overlaps, as international and EU policy language tends to produce a standardised language of international protection that is reproduced by various actors. From an ethnographic point of view, it is problematic to adopt this standardised policy language uncritically, since it is largely an articulation of migration governance seen from a dominant point of view. This is nevertheless a language that is also used in much research literature. For the sake of readability and comparability, however, we cannot avoid to some extent reproducing this dominant language.

### **Country case studies**

The draft analysis from the six country cases covers the following points:

1. Context
2. Method
3. Forms of collaboration
4. Orientation of actors in governance networks
5. Impact of GCR / GCM on collaboration patterns and orientations of actors
6. Impact of COVID

### **Collaboration among actors in Marseille, France**

In France, the *Direction générale des étrangers en France* (DGEF), is responsible, within the Ministry of the Interior, for immigration, asylum, integration and access to French citizenship. The DGEF relies on two public operators, the *Office française de protection des réfugiés et apatrides* (OFPRA), which is in charge of the application of French laws and European and international conventions concerning refugees and asylum seekers, and the *Office française de l’immigration et de l’intégration* (OFII), which is in charge of immigration and integration of foreigners, and of the asylum reception structure. In Marseille, accommodation places for asylum seekers (composed of multiple forms of facilities according to the administrative status of the beneficiary, see Jacobsen 2020) are run by seventeen CSOs and semi-public companies, all financed by the State and considered as State operators. They are involved primarily after asylum seekers have registered their demands and been selected for housing, in close link with the OFII and the Prefecture. Legal and material support provided to asylum seekers depend on the type of housing. Due to a structural lack of means dedicated to reception conditions, most asylum seekers in Marseille live on the



streets or in emergency shelters or other types of temporary accommodations, where legal or social support is scant. While the municipality is not formally a governance actor in the asylum system as such, they have responsibility for the city's inhabitants and in this capacity is a significant governance actor on the ground. In addition to public social or medical structures that might participate through their daily activities to support migrants and asylum seekers, there is a myriad of CSO actors, operating at different geographical levels, providing legal assistance and/or basic needs support. While smaller and larger local and national CSOs proliferate on the ground, we noted a relative absence of international organizations such as the IOM or the UNHCR.

### **Collaboration among actors in Cádiz, Spain**

The province of Cádiz is part of the autonomous community of Andalusia. Its location by the Strait of Gibraltar and its proximity to the African coast of Morocco has made Cádiz one of the primary access points for migrants arriving to Europe by sea. Just 14 kilometres separate northern Morocco from Spain at the Strait's narrowest point. The reception of migrants and asylum seekers in Cádiz has become increasingly complex due to different types of reception programs and a diversification of actors involved, as well as a close integration of aid and policing efforts at the maritime border. There are two other important characteristics of the dynamics of the migration governance in the province that shapes the reception of migrants. First, Cádiz is a point of entrance for migrants, but also of transit. Few migrants stay long term. Second, number of requests for international protection at Spanish borders are low. This has been attributed to the profile of migrants arriving, but also to barriers to access asylum procedures stemming from African migration through the maritime corridors towards Spain primarily being labelled as economic migration (López-Sala and Moreno-Amador, 2020).

### **Collaboration among actors in Lesvos and Thessaloniki, Greece France**

This case study focused on two sites in Greece: Moria on Lesvos and Diavata in Thessaloniki. In May 2015 the Greek government implemented the 'hotspot approach', a policy included in the European Agenda of Migration (European Commission, 2015). The Greek hotspots played a crucial role in the implementation of the EU-Turkey Statement (Danish Refugee Council, 2017). In October 2015, the first hotspot was established and started operating in Moria on the island of Lesvos, serving initially as an open and 'transit' site for registering refugees arriving to Greece (Danish Refugee Council, 2017). After the implementation of the EU-Turkey Statement in 2016, Moria hotspot initially operated as closed detention facility and 'all new arrivals were effectively deprived of their liberty' (ECPT, 2017, p. 11). Later, Moria operated both as a Reception and Identification Centre (RIC) and a hotspot. Due to the overcrowded facilities that deteriorated notably after the implementation of the 2016 EU-Turkey Statement, the restriction and confinement of all refugees within Moria hotspot proved to be practically impossible and eventually was merely implemented for some refugees (ECPT, 2017): the unaccompanied minors who were restricted under 'protective custody' in the so-called 'safe zone'; and the deportable or re-admittable refugees who were detained in a separate detention facility known as the 'Section B'. Following the destruction of Moria, the temporary Reception and Identification Centre (RIC), informally called 'Mavrovouni camp' or 'Moria 2.0' was set up in the area of Kara Tepe nearby. At 'Moria 2.0' a vulnerability assessment takes place along with a medical check and psychological assessment during the reception and identification procedures. A similar process takes place at the RIC of Diavata in Thessaloniki, located on a former military camp facility. Since the end of 2019, the authority responsible for carrying out medical screening and psychological

assessment is the National Public Health Organisation (EODY). Following the destruction of the RIC of Moria on Lesbos in September 2020, EODY is supported by non-governmental organisation Crisis Management Association (CMA), and in cases where EODY cannot complete a medical or psychological assessment, it refers cases to the public hospital. After the assessment is complete by EODY then the competent authority – that is, the Reception and Identification Service (RIS) - will order ‘a restriction on freedom’ (which means refugees’ confinement within the premises of the RIC, amounting to de facto deprivation of liberty) in cases individuals are assessed as non-vulnerable, and then it issues a referral decision to the Asylum Service and the Police. In cases where refugees are assessed as vulnerable then special procedural guarantees are in place and RIS will refer persons belonging to vulnerable groups to the competent public institution of social support or protection as per case. On Lesbos there are no public institutions for providing social support to refugees. Therefore, many CSOs in collaboration with the Greek state, and international organisations which have assumed a leading role in migration governance, such as the UNHCR and IOM, facilitate and provide support and housing to vulnerable refugee populations. This is the case in Thessaloniki too, however due to the location of the RIC near a big urban centre more public resources and services can become more easily available.

### **Collaboration among actors in Catania and Siracusa, Italy**

This case study focused on the province of Catania and Siracusa, in eastern Sicily, whilst also engaging with the regional and national contexts. The case study focused on the SAI (Sistema di Accoglienza e Integrazione - Reception and Integration System) which consists of a network of local authorities that implement reception through activities and projects aimed not only at economic support but also at integration. Catania is one of the first cities to have hosted this kind of holistic and subjectification-oriented reception service - the SPRAR - since 2001. Catania is a metropolitan city, which today has about 300,000 inhabitants and hosts the highest number of regularised foreign citizens in Sicily. The regularised migrant population in Sicily is younger than in the national context: people aged between 20 and 39 are significantly more present in Sicily than in Italy, especially men. As regards permits linked to international protection, Sicily is the region with the highest number of permits linked to humanitarian/special protection. Since 2014, in the ports of Catania, Augusta and Syracuse, the number of landings has increased significantly. In 2014, therefore, a Territorial Commission for the recognition of asylum was opened in Catania and the number of applications for international protection increased, producing high rejection rates (around 60%), low percentages of refugee status and subsidiary protection, and high percentages of humanitarian/special protection (30%), which are higher than the national figure. The year 2014 is generally perceived as the period in which the so-called ‘landings emergency’ dramatically spilled over onto the coasts of eastern Sicily, particularly with regard to the presence of unaccompanied minors. Alongside the associations operating in the city since 2000, and mainly an expression of Catholic charitable activity and left-wing associations, new actors, more closely linked to the humanitarian world, have therefore arrived since 2014. These were international NGOs that incorporated more explicitly a kind of humanitarian rationale, as well as logics of early referral of vulnerability inspired more explicitly by the human rights frame.

### **Collaboration among actors in Toronto, Canada**

Canada is a federal state. Immigration and refugee protection are matters of shared jurisdiction between the federal government and the provinces. The former possesses exclusive jurisdiction over “naturalization and aliens”, the authority to establish immigration selection criteria and to

enforce the border (Constitution Act 1867, s. 91(25)). At the same time, matters pertaining to the settlement, and integration of migrants are part of the provincial jurisdiction. These include education, most labour and economic relationships, and healthcare, policing, housing and social assistance. In this model, the Province of Ontario delegates some of the power to govern these matters to the City of Toronto. With a population of 2.73 million people, Toronto is Canada's largest city and a major national economic driver. Forty-seven per cent of the Toronto's population are immigrants which is the highest proportion of any major urban centre in the country. The main destination city for the majority of asylum seekers and refugees in Canada, Toronto has also been implementing a so-called "sanctuary city" policy since 2013. The policy directs city officials not to inquire into immigration status when providing select services (e.g., emergency shelter & housing supports; employment help; library services; public health services) or to deny undocumented migrants access to services for which they are eligible.

The City of Toronto is home to a large number of settlement organizations providing services to immigrants, in partnership with federal, provincial and municipal governments, in addition to several non-profit and other civil society organizations. These organizations actively collaborate to identify and address migrants' vulnerabilities and specific needs relating to a broad range of areas, including: legal status, gender, language/interpretation services, labour market integration, health care, counselling, and housing support.

### **Collaboration among actors in Musina, South Africa**

An estimated 3.3% of South Africa's population was born outside of the country (Statistics South Africa, 2015). Results from 2011 South Africa Census data analysis revealed that there were 2,173,409 international migrants (4.2% of the 2011 total population) (Statistics South Africa, 2014). Latest IOM figures suggest that South Africa is the most significant destination country in Africa, with around 3.1 million international migrants residing in the country (or around 6% of its total population) (IOM, 2017). Musina is the northernmost city in the Limpopo province of South Africa near the Limpopo River border with Zimbabwe. Musina is one of the busiest Southern African migration corridor towns. It is ranked number 10 on the list of top 20 migration corridors involving African countries owing to Zimbabwe-South Africa migration flows (IOM, 2017). The town is located approximately 520 kilometres from Johannesburg which is a popular destination for internal and foreign migrants alike (Mahati, 2015). Musina thus serves a dual function. Many use it as a stop off point before proceeding to Johannesburg while others find employment on farms to make a living to take money back to relatives across the border (Leong, 2009). Musina is a porous or permeable border town. The Zimbabwe South Africa border is characterized by mixed migration flows, regular and high irregular migration, with at least 22 unofficial points of entry across it, moving for employment, trade, and commerce, family reunion or for smuggling of goods. Asylum seekers also use this border crossing; for example, those from Democratic Republic of the Congo transit through Zambia or Mozambique then Zimbabwe for South Africa and some from the Horn of Africa, including Ethiopia, Somalia, and Tanzania, moving from Zambia or Malawi onwards to South Africa. The Beitbridge Border Post is thus the busiest inland port of entry in Sub-Saharan Africa. While, as a result of this migration profile, Musina is a melting pot of different cultures, ethnicities and languages, *TshiVenda* and *Sepedi* are widely spoken (Mahati, 2015).

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## Collaboration among actors in Marseille, France.

Christine M. Jacobsen and Pascaline Chappart, University of Bergen

### Context

Nearing 900 000 inhabitants, Marseille is the second largest city in France. A port city, it is known for its ethnic and cultural mix, resulting from a long history of immigration from Southern Europe and the Maghreb countries, Western Africa and beyond. The number of persons seeking asylum in the PACA-region increased threefold between 2015 and 2018, with 7200 demands in 2018 up from 5118 the year before.<sup>1</sup> 41% of them were subjected to the Dublin regulation, having passed through mainly Italy but a growing number of persons also through Spain. Like in the rest of France, the number of persons seeking asylum decreased during the *COVID-19 crisis*.

In France, the *Direction générale des étrangers en France (DGEF)*, is responsible, within the Ministry of the Interior, for immigration, asylum, integration and access to French citizenship. The DGEF relies on two public operators, the *Office française de protection des réfugiés et apatrides (OFPRA)*, which is in charge of the application of French laws and European and international conventions concerning refugees and asylum seekers, and the *Office française de l'immigration et de l'intégration (OFII)*, which is in charge of the implementation of immigration and integration of foreigners' policies, and of the managements of asylum reception structures.

The national regionalization policy organizes the distribution of asylum seekers across the territory. To apply for asylum, an asylum seeker must report to a first reception desk, the *Structure de premier accueil des demandeurs d'asile (SPADA)*. The SPADA in Marseille is responsible for pre-registering asylum demands from four departments (Alpes de Haute-Provence, Hautes-Alpes, Bouches-du-Rhône, Vaucluse), and is part of the registration and filtering process. Through a shared online platform, the SPADA registers and obtains an appointment for the asylum seeker at the GUDA (*Guichet unique des demandeurs d'asile* or one-stop-service for asylum seekers).

The GUDA gathers civil servants employed by the Prefecture and by the OFII. The former decides on which type of procedure to apply ('normal', 'accelerated' or 'Dublin'), the latter is in charge of opening the right to 'material reception conditions' (financial support, housing, legal and social support). The OFII uses a questionnaire as the basis for a vulnerability interview when the applicant registers his or her claim at the Prefecture. The interview at OFII focuses on so-called 'objective vulnerability' (e.g., age, health, disability, and pregnancy), and is intended to form the basis for allocating adapted reception places. Exemption from accelerated procedures at the discretion of the asylum authority can also be granted on the basis of such 'objective' vulnerabilities.

Despite the institutionalisation of these procedures, some of the migrants we interviewed said that they had not been asked about their vulnerabilities or special needs during their appointment with the OFII. Others said that despite declaring their needs, they had not been offered any accommodation in dedicated reception structures. This situation has also been widely reported by stakeholders (see e.g., report from Observatoire Asile Marseille 2018). Several interviewees reported that the OFII based their evaluation on an understanding of vulnerability that was clearly more limited than the one enshrined in the *Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA)* as well as in the European directive dedicated to reception of asylum seekers (2013). Notably, from 2018, only women who are 8 months pregnant or more and who possess a

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<sup>1</sup> Préfecture de la région Provence-Alpes-Côte d'Azur 'Arrêté relatif à l'actualisation du schéma régional d'accueil des demandeurs d'asile et des réfugiés pour la période de 2020 à 2022'.

medical certificate are considered having a ‘special need’ for housing (Observatoire Asile Marseille 2018).

If, after this visit to the GUDA, the OFII does not offer accommodation and follow up in a dedicated asylum reception centre, the SPADA is charged with providing them with an address, giving them the necessary documents to file an application for international protection, recording their asylum story, assisting them in obtaining health insurance, and orienting them towards special assistance (food vouchers, food parcels distributed by CSOs) and municipal services if necessary (community/municipal centres for social action). There is no systematic assessment of vulnerability of migrants waiting for an appointment at the GUDA. However, the SPADA can play a role in the assessment and follow up of vulnerability, through signalling so-called ‘objective’ vulnerabilities to the OFII when they are detected and distributing access to emergency assistance for those identified as particularly vulnerable (i.e., food tickets for the ‘social restaurant’).

In Marseille, accommodation places for asylum seekers (composed of multiple forms of facilities according to the administrative status of the beneficiary, see Jacobsen 2020) are run by seventeen CSOs and semi-public companies, all financed by the state and considered as ‘State operators’. They are involved primarily after asylum seekers have registered their demands and been selected for housing, in close link with the OFII and the Prefecture. Legal and material support provided to asylum seekers depend on the type of housing. Due to a structural lack of means dedicated to reception conditions, most asylum seekers in Marseille live on the streets or in emergency shelters or other types of temporary accommodations, where legal or social support is scant. Actors at other governance levels and CSOs mobilise to fill the protection gap opened by this structural lack in the reception system.

While the municipality is not formally a governance actor in the asylum system as such, they have responsibility for the city’s inhabitants and in this capacity is a significant actor on the ground. In addition to public social or medical structures that might participate through their daily activities to support migrants and asylum seekers, there is a myriad of CSO actors, operating at different geographical levels, providing legal assistance and/or basic needs support. The CSOs intervene in all parts of the asylum procedure, from orienting and providing legal and social assistance to those who have not yet registered with the SPADA or are waiting for their appointment to the GUDA, through the application and recourse with the OFPRA and the appeal court (Cour Nationale du droit d’asile - CNDA), and procedures related to detention and deportation, or to integration. While smaller and larger local and national CSOs proliferate on the ground, we noted the absence of international organizations such as the IOM or the UNHCR.

## **Method**

The draft analysis is based on ethnographic fieldwork in Marseille, combining online ethnographic research with participant observation, semi-structured interviews, and collaborative creative methodologies. Due to restrictions related to the COVID-19 pandemic, the possibilities of carrying out on-site fieldwork were somewhat limited. For the initial mapping of actors, we thus relied on online ethnographic research, including mining data from publicly accessible webpages, and participating in e-mail discussion and Facebook groups among relevant actors. On-site participant observation was conducted in two selected grassroots CSOs. Distribution of necessities and orientation towards various support structures, mainly to newly arriving migrants and asylum seekers living on the streets, were core activities to the first organization. The other organization regularly arranged socio-juridical ‘permanences’ (reception without appointment) and food

distribution, as well as some cultural activities, and mobilised to contest dysfunctions in the asylum reception system.

Interviews were conducted with three types of actors: a) local authorities and state operators. The state authorities were impossible to reach for interviews, despite repeated efforts, but we interviewed state operators (2) and a representative of the authorities at the municipal level (1) b) 5 CSOs were selected for the diversity of their types in the spatial reach and activities in the domain of law, health and basic needs. c) 11 migrants who were or had been seeking asylum were recruited for interviews through the two organizations in which we did participant observation and through a reception centre specialized in housing those identified as ‘vulnerable’ by the authorities. The interviews were semi-structured and conducted at the researcher’s residences, in the interlocutor’s homes, or other suitable location of our interlocutor’s choice.

### **Forms of collaboration**

In the new *Schéma national d’accueil des demandeurs d’asile et d’intégration des réfugiés et du dispositif d’orientation régionale* (SNADAIR) 2021-2023,<sup>2</sup> the mobilisation of all actors in the asylum chain, the engagement of state services and the public interest missions carried out daily by associations serving asylum seekers, is foregrounded as necessary for realizing the ambition to better house and accompany refugees and asylum seekers in France. The plan also stresses the importance of coordination between various actors at the regional level, including between OFII, Prefectures, State operators and other public interest actors in the field of employment, health, and education. The importance of partnerships is also highlighted in the *Regional reception schema*, which enumerates a number of collaborative actions undertaken to ameliorate the reception of asylum seekers in the PACA region.<sup>3</sup>

The professionalisation of the reception of asylum seekers, combined with increased use of ‘calls for tenders’ (*marché public*) and the delegation of public services to CSOs, has made ‘state operators’<sup>4</sup> important actors in the French asylum system (Rodier 2014: 6). This is in line with a more general tendency towards outsourcing of many of the functions of migration governance to non-state actors in western countries (López-Sala and Godenau 2020). The French state sub-contracts services to civil society organisations, such as running reception and detention centres. Migration policies are accordingly applied by the competent authorities *with*, and sometimes *by*, CSO (Rodier 2014). These developments have engendered increased institutionalization and contractualization of the interaction between the state and CSOs.

The mandate of the *Structure de premier accueil des demandeurs d’asile* (SPADA) is delimited by the state contract and remains under state supervision. Several CSOs we interviewed argued that the legal and social follow up of asylum seekers in the first reception structure had deteriorated with the ‘call for tenders’ system put in place in 2015. The association currently managing the SPADA in Marseille, Forum Réfugiés-Cosi, is a non-profit organization with the stated vocation to ‘work for the reception of refugees, to defend the right to asylum and to promote the rule of law.’<sup>5</sup> The representative of the SPADA stressed the need to create partnerships with

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<sup>2</sup> [Schéma national d’accueil des demandeurs d’asile et d’intégration des réfugiés 2021-2023 / Asile - Immigration, asile, accueil et accompagnement des étrangers en France - Ministère de l’Intérieur \(interieur.gouv.fr\)](#)

<sup>3</sup> Schéma régional d’accueil des demandeurs d’asile et des réfugiés en région Provence-Alpes-Côte d’Azur

<sup>4</sup> State operators are bodies distinct from the State, with public or private legal status, to which a public service mission of the State is entrusted. Placed under the direct control of the State, they are mostly financed by it and contribute to the performance of the programs in which they participate.

<sup>5</sup> <https://www.forumrefugies.org/>

CSOs to better accompany asylum seekers in areas where their mandate is limited or resources insufficient, such as for instance regarding access to basic needs such as food and clothing.

While some CSOs entered such partnerships, providing so-called specific services, others had a more contentious engagement with State institutions and State operators. One interviewee declared that the CSO she represented no longer collaborated with the SPADA since ‘it started defending the authorities and the State rather than migrants’. In 2017, the collaborative effort of a number of collective and individual actors, CSO members, volunteers, activists, social workers, lawyers, doctors, activists and academics resulted in a ‘diagnostic’ of the current state of affairs based on the experiences of migrants themselves and those who through their work, volunteer or activist engagement, observe the situation of asylum seekers (Observatoire Asile Marseille, 2018, Bonis and Marsaud 2020). These reports concluded that there were important lacks in the implementation of the reception scheme in Marseille.

Contentious protest of the implementation of the reception scheme by state authorities and state operators was also at the origin of the establishment of a self-organized ‘users’ organization by asylum-seekers in 2020. The Association of the Users of the SPADA (AUP) aims to: 1) Defend and represent the interests of the users of the Platform for the Reception of Asylum Seekers (SPADA) in Marseille. 2) Enforce the rights of asylum seekers to SPADA (asylum stories, letters, social assistance, translation, etc.). 3) Inform them and help them in their asylum application procedures. ‘*We created this organization because of the important malfunctions of the SPADA*’, one of the founders explained. The malfunctions denounced, included the interruption of the allowance for asylum seekers (*Allocation demandeur d’asile*, ADA), absence of housing, and mismanagement of the mailing system which prevented asylum seekers from accessing their rights and from appealing refusals on their asylum applications in due time.

The contentions around the SPADA in Marseille illustrate some dividing lines among governance actors and some challenges for collaboration in the current system. The interviews revealed important tensions between ‘managerial’ (gestionnaire) and ‘confrontational’ approaches (Rodier 2014, Pette 2014). Several interviewees argued that within the ‘calls for tender’ state operators were pushed into a managerial logic and driven to accept the rules and functioning of national migration politics without challenging its limitations and malfunctions. One organisation that had opted out of the public market and chosen a more confrontational approach told us that this had led to a rupture in the dialogue with the authorities. Conversely some CSOs have also chosen ‘the politics of the empty chair’, wanting to maintain their independence and critical stance towards the state. A widespread perception was also that it was difficult to get a dialogue with the state institutions, and that there was a lack of transparency around the procedures and criteria employed by the state institutions and some state operators (OFII, Prefecture, SPADA), notably related to the identification of vulnerable persons.

### **The involvement of the ‘territorial collectivities’; the city as governance actor**

The SNADAIR mentions the important role of local actors, especially in relation to the “housing crisis”<sup>6</sup> a crisis which is particularly acute in Marseille and also affects the reception of asylum seekers (Messini and Dahdah 2021). In view of assisting particularly vulnerable populations, a collaboration between the SPADA and the *Servic Intégré d’Accueil et d’Orientation* (SIAO), run by the Departmental Directorate of Social Cohesion (DDCS), which centralises the general housing capacity under the Public Law, ensured by the platform 115 for emergency

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<sup>6</sup> MINISTÈRE DE L’INTÉRIEUR, “Accueil des réfugiés. Livret d’information des maires” [En ligne], 12 septembre 2015, [www.interieur.gouv.fr/Accueil-refugies](http://www.interieur.gouv.fr/Accueil-refugies).



accommodation, has been created. SIAOs are since 2018 requested to report regularly to the OFII a list of asylum seekers entitled to housing in dedicated reception structures, who are currently accommodated in emergency housing structures.<sup>7</sup>

Housing is also at the core of the contract for the reception and integration of refugees (*Contrat territorial d'accueil et d'intégration des réfugiés*, CTAIR) that the municipality of Marseille signed in November 2021. CTAIR is an institutionalized collaboration between the state and local collectivities (commune, department, region) around needs identified through a 'diagnostic process' regarding housing, legal assistance, access to health care, language education, work, culture, and sports.<sup>8</sup> While the territorial contracts are directed to those who already have been granted international protection, the municipality stated in an interview that they worked to expand the scope of the projects to those who did 'not yet' benefit from protection.

Recently, some authors have foregrounded the municipality precisely as actors potentially challenging exclusionary policies (whether nation-statist or nativist) of states in the domain of migration control and governance, and as a site for developing new forms of partnership (Geisser 2020). While the city is not formally a governance actor in the asylum reception system, it is an important actor on the ground level through public policies and the provision of social welfare to inhabitants. The current municipal authorities of Marseille promote an 'inclusive' vision of the city, enacted through collaboration at the international, regional, and local level, and aim to create partnerships with CSOs around particular objectives related for instance to the provision of housing, basic needs and health care. The role of the city in partnerships with CSOs nevertheless remains delimited by the division of areas of administrative competence. Demands that the city should engage in contentious action towards the state or take action regarding issues that belong to the competency of other governance levels (department, region, state) sometimes created limits to the collaboration with CSOs, according to an interviewee from the municipality.

Recently, the city has also engaged in collaboration at other governance levels. Since February 2021, Marseille is a member of the National association of welcoming cities and territories (*Association Nationale des Villes et Territoires Accueillants*, ANVITA), a network that works for unconditional reception policies towards 'exiled persons' and local hospitality. The municipality also participated in the 'From the Sea to the City' initiative and signed the 'alliance of safe harbours' declaration. It remains to be seen whether the stated intentions of the municipality to learn from other 'welcoming' cities and to develop 'best practices' at a European or even Mediterranean scale, will impact local reception practices.

### **CSO's and collaboration from below**

Unlike the more or less formalized and hierarchical forms of collaboration initiated by authorities and state operators, collaboration among the myriad of small and large CSOs in Marseille most importantly happens 'from below' and through personal connections. One interviewee explained that,

*Collaboration happens at several levels. Between associations, and through individual collaboration, for instance a volunteer who knows and orients to other structures, such as MDM, Imaje Santé or Comede [for medical follow up]. These on the ground collaborations*

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<sup>7</sup> Préfecture de la région Provence-Alpes-Côte d'Azur 'Arrêté relatif à l'actualisation du schéma régional d'accueil des demandeurs d'asile et des réfugiés pour la période de 2020 à 2022'.

<sup>8</sup> [#MARSEILLE - Signature d'un Contrat Territorial d'Accueil et d'Intégration | ANVITA - Association Nationale des Villes et Territoires Accueillants](#)

*are facilitated by the fact that many are part of the same network which gathers CSOs that are engaged together with (à côté de) foreigners.*

This quote also draws attention to how personal connections – at least to some extent - cut across various governance levels. Personal connections and individual cross-cutting engagements importantly stimulate collaboration on a case-by-case basis and strengthens legal and social follow-up of individual asylum seekers where state institutions fail to protect their rights. While several bottom-up networks exist, they were not always as effective as the actors wished, as they depend on the limited human and financial resources of smaller CSOs.

Despite efforts both from above and from below to find new forms of collaboration to enhance the governance of migration and international protection, the new models of partnership and joint effort embraced by government bodies at the state and city level remain embedded in a nation-statist framework of the implementation of national policies. As Geisser (2020) concludes with respect to the new discourse of partnership between states and local authorities, it has not fundamentally challenged the hyper centralised and securitarian French reception politics, which continue to marginalise the municipalities (and CSOs one could add), to the role of humanitarian executives, without decisional power. CSOs tend to be enrolled in governance either through sub-contacting or as watchdogs holding the state responsible to the law, and to human rights standards. However, this system also produces an inside/outside polarization between managerial and confrontational CSOs. At a vertical, bottom-up level, these do find ways to collaborate within the limitations created by the nation state-centred system, but their role in collaboration with the state largely remains that of ‘humanitarian operators’ which does not allow for exploring divergent epistemologies and problem definitions and for problematizing institutionalized inequalities between actors at various governance levels and spatial scales.

### **Orientation of actors in governance networks**

We already touched on the differences between actors with a more nation-state centric orientation (OFII, Prefecture, some state operators), and the city, whose new political leadership articulates a more globalist discourse of ‘welcome’. In the following, we will focus mainly on the orientations of CSO actors. According to Pette and Eloire (2016) CSOs engaged in the cause of migrants in France have historically been established around four distinct forms of action, which currently coexist: social work, alphabetisation, defence of rights and protest/oppositional struggles. Based on a sociological study from northern France, they argue that CSOs are most often specialised around one specific type of interventions. This pattern of specialisation can also be observed in Marseille, in particular for the larger and more established organisations such as COMEDE and Doctors of the World (*Médecins du Monde*, MDM) (medical assistance), la Cimade (legal assistance), *Réseau Éducation Sans Frontières*, RESF (education). However, we also observed a diversification of action forms within certain organisations, related to the immediate needs of migrants caused by important lacks and malfunctioning in the reception system. For instance, certain organisations that were initially of the protest/oppositional struggle kind, also offered alphabetisation and actions of a more social kind, such as food distribution or distribution of clothes. And conversely, humanitarian association attempted to establish socio-legal follow up in order to move beyond a mere humanitarian response which left the administrative struggles of asylum seekers unattended to.

All the CSOs we mapped had the interests and rights of migrants in focus, but to some extent they had different understandings of foreigners/migrants/refugees and the obligations of others

towards them. Pette and Eloire (2016) identifies two major axes among CSO actors in northern France; a Christian axis, with a social-catholic sub-axis, and a radical-left axis. Similar axes can be identified in Marseille, with Catholic and Protestant actors including *Fondation Abbé Pierre*, *Secours Catholique – Caritas France*, *Pastorale des Migrants*, *Emmaüs France*, *la Cimade*, and *Association Maison de la Jeune Fille*, *Jane Pannier*, and the *Fédération Entreaide Protestante* (FED). There is also a number of Muslim associations, providing humanitarian and social assistance to precarious people (see Jacobsen 2021). On the (radical-)left axis we find several smaller local associations such as notably El Manba.

In addition to the two axes identified by Pette and Eloire (2016), two further axes are important in Marseille. Smaller neighbourhood associations are very active on the ground through organising e.g., soup kitchens and other forms of basic needs services to inhabitants as well as political organising around issues of shared precarity (e.g., *Collectif du 5 Novembre*, *Brouettes Belle de Mai*). We should also mention self-organising among migrants, including several collectives of asylum seekers and sans-papiers (AUP, *Le collectif du 59 St Just*, *Les délogés du boulevard Dahdah*, *CSP13 Collectif des sans papiers de Marseille*). Such self-organisation happens in alliance with existing organisations from the three other axes.

A human-centric perspective is dominant among CSOs and the principle of unconditionality was referenced by a majority. While CSOs subscribed to the principle of unconditionality and of assisting everyone in need, there was also a certain specialisation related to particular populations and identities, often identified in terms of their vulnerability or specific needs (i.e., isolated minors, LGBT+, victims of trafficking, or asylum seekers). Many CSOs have a ‘rights-based’ approach and engage in contentious (legal or other) action against the state to demonstrate that it does not uphold its legal obligations and deny the rights that asylum seekers lawfully have. This is also a domain where collaboration tends to emerge between different CSO actors, for instance in following up on an individual demand for regularisation, or for better collective access to rights for foreigners. While the rights-based approach is strong, some associations mainly have a charity approach, conceiving of their actions as ‘helping’ people in need, rather than as working to realize their rights.

The distinction between *public sector* versus *private sector-based* organization is also relevant to mention. Unlike countries where the governance of migration has been heavily invested by private companies, this remains perhaps more the case for operations associated with security and the control of borders in France (Agier 2011, Makaremi 2010). When it comes to the governance of international protection and various forms of assistance to asylum seekers in particular, it is mostly organizations of a social and humanitarian kind that are involved. However, this does not avoid a ‘marketization’, where organizations that employ professionals, often in combination with engaging volunteers, depend on winning calls for tender. Also, for smaller organizations that are not state operators, the need to finance activities under various local, regional or private funding schemes, create limitations for engaging in contentious action.

### **Impact of GCR / GCM on collaboration patterns and orientations of actors**

In Marseille, the Compacts are very little known among the various actors who are involved in the governance of international protection as well as by migrants themselves. Of the interviewees, authorities at the municipal level had some knowledge of the Compacts, as did the CSO contracted to run the SPADA, and reception centres interviewed. Together with the absence of any references to the compacts during participant observation, interviews suggest that the Compacts are little or not at all known to other civil society actors or to migrants.

The GMC is better known in France as ‘the Marrakech Pact’, and the few respondents who had some familiarity with the Compacts knew it under this name. According to one of our CSO interviewees, ‘the Marrakech pact actually received most attention in France by their opponents in Front National’.<sup>9</sup> To counter the critique voiced against the Compacts, the French government repeatedly stressed their non-legally binding nature. Presenting the Compacts to the public as they were signed in 2018, authorities specified that while the Marrakech pact is a moral agreement that the French state takes at an international level, the text does not legally constrain its action.<sup>10</sup>

The non-binding character of the Compacts has also been a target of critique from human rights advocates. An editorial in the local newspaper *la Marseillaise* concluded that the text is so little constraining that human rights defenders find it insufficient, particularly regarding the access of migrants to humanitarian aid and basic services.<sup>11</sup> Some of the CSO actors we interviewed similarly pointed to the legally non-binding nature of these texts, and that they feared the compacts would remain ‘good intentions’ with little consequence for how things are practiced on the ground. As one interviewee put it,

*The problem is how we go from there to concrete action. [...] Big foundational texts inspire dreams, but sometimes their conclusions are very far from being realised.*

In some CSOs that are internally multilevel, information about the Compacts had been circulated internally from the national to the local level. One interviewee said that after their initial presentation to employees and volunteers in the organization, he had never heard any reference to the pacts again.

*At the local level, or even at the regional level, the pact [on migration] has never been invoked as an instrument in our work or that of other institutional actors [...]. The pact is not mobilizable in contentious action, and in our work the objective is to mobilise the law, tools, concrete levers in order to depose it all to the administrative court. The pact seems a bit too far, too metaphoric, and too evanescent.*

## **Impact of COVID**

COVID has exacerbated structural vulnerabilities, such as food and sanitary precarity, and sustaining a living from informal labour has during the lock-down periods been extremely difficult, thus creating even more poverty among people who are seeking international protection and who generally are not covered by universal welfare arrangements. Closed during the first lockdown (from March to May 2020), the administrations dedicated to migration and asylum left the doors open during the second one. However, the lockdown caused delays in accessing asylum services due to the institutions’ backlog. Application processes were put on hold, which also resulted in the extension of some temporary resident permits and the validity of so-called ‘receipts’ (which proves that a demand for residency has been filed with the authorities).

During the first lockdown, many CSO providing various forms of legal and social assistance were obliged to close or reduce their activities. Access to juridical assistance, health care and basic

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<sup>9</sup> During a meeting in Southern France in 2019, the head of the Rassemblement National called the Marrakech pact a ‘pact with the devil’, and the migration policies it promoted ‘a trafficking in human beings’. [Politique | En meeting à Beaucaire, Marine Le Pen dénonce ‘une immigration organisée’ | La Provence.](#)

<sup>10</sup> [Pacte de Marrakech : que dit réellement le texte ? | Gouvernement.fr](#)

<sup>11</sup> [150 pays adoptent le pacte de l’ONU sur les migrations \(lamarseillaise.fr\)](#)

needs – a long-term problematic in Marseille also before the lockdown – became even more difficult. The pandemic also accelerated the ongoing digitalization of the asylum procedure, of which more and more has recently moved online. Asylum seekers no longer have to go to the Prefecture to depose their dossier. Actors vary in their assessment of the consequences of digitalization and to what extent it strengthens or weakens asylum seekers' access to rights.

The use of health passes created some access issues in the asylum procedure when they were first put in place, as they were required for instance to take the train to Paris when attending the OFPRA interview. Outreach vaccination programs were put in place, though, and during participant observation we encountered a medical team informing about the benefits of the vaccine and the possibilities of being vaccinated for migrants regardless of their administrative status. The 'housing crisis', affecting not only asylum seekers and migrants, but also other precarious inhabitants of the city, engendered some new action. The 'winter truce' during which tenants cannot be expelled was prolonged and more emergency hotel accommodation opened.

Some new collaborative efforts also emerged in this period. During the first lockdown CSOs shared information on structures that remained open through e-mailing lists and updated the Welcome Map Marseille, notably with a section on Covid-19 news and resources. While many small organizations had to close because of the pandemic, new citizens solidarity networks got involved. Aid actors reported a new efficient collaboration with the Prefecture and the City Council during the first lockdown. Several meetings were held to coordinate assistance to people in a precarious situation. The representative of the municipality we interviewed told us that:

*During the pandemic and the confinement periods in particular we saw an important increase in food precarity, often because undeclared odd jobs were no longer available. So we had to develop a way to circulate food together with CSOs that were organizing maraudes (outreach), augmenting both the funds of the city spent on this and using also state funding.*

The representative hailed this as a good example of partnership between the city, the CSOs, and the state. Despite such efforts, however, food precarity remained significant, both before and after the pandemic, and many asylum seekers we interviewed depended on the maraudes organized by volunteers of smaller activist associations that were outside of the funding schemes of the state and the city. It remains to be seen if the emergency forms of collaboration established during the sanitary crisis will engender any lasting and more transformative collective action in combating vulnerability among migrants in Marseille.

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## **Collaboration among actors in the Province of Cádiz, Spain**

Marry-Anne Karlsen, Maria de los Angeles Bellido Lora,  
Álvaro Rosa-García and Lorena Calvo Mariscal, University of Bergen (UiB).

### **Context**

This draft analysis focuses on the actors involved in the reception of migrants and asylum seekers in the province of Cádiz, which is part of the autonomous community of Andalusia. Its location by the Strait of Gibraltar and its proximity to the African coast of Morocco has made Cádiz one of the primary access points for migrants arriving to Europe by sea. Just 14 kilometers separates northern Morocco from Spain at the Strait's narrowest point. The reception of migrants and asylum seekers in Cádiz has become increasingly complex due to different types of reception programs and a diversification of actors involved, as well as a close integration of aid and policing efforts at the maritime border.

Migrant boats – ‘pateras’ as they have become known as in Spanish – started to arrive in Cádiz in the late- 1980s. Over the years, arrival numbers have fluctuated, reaching a historic high in 2018 with over 20 000 migrants arriving by sea. The high numbers of arrivals led to several changes in the governance of migration at the border, including new collaboration agreements on migration control between Spain and Morocco, changes in Spain’s search and rescue (SAR) action protocols, and the creation of two new specialised facilities to manage sea arrivals (the police run Centres for the Temporary Assistance of Foreigners (CATE), and Centres for Emergency Assistance and Referral (CAED), managed by NGOs (CEAR 2020). In 2019, numbers of arrival decreased considerably, with about 5600 persons crossing the Strait to Cádiz. Numbers have continued to decrease during the pandemic, with the reported numbers for 2020 and 2021 being 1970 and 3339 accordingly. There has also been a significant change in the profile of migrants arriving in Cádiz since the outbreak of the pandemic. Whereas previously there was a mix of Sub-Saharan Africans (e.g. from Senegal, Guinea, the Ivory Coast, and Mali) and people from the Maghreb region, arrivals during the pandemic have been almost exclusively from the Maghreb region, and predominantly Morocco. It should be noted, though, that the decrease in sea arrivals to Cádiz in the last years have been coupled with a significant increase in sea crossings to the Canary Islands. The Spanish government has moved a limited numbers of migrants from the overcrowded reception facilities on the Canary Islands to available reception places on the the peninsula, including Cádiz.

There are two other important characteristics of the dynamics of the migration governance in the province that shapes the reception of migrants. First, Cádiz is a point of entrance for migrants, but also of transit. Few migrants stay long term. Second, number of requests for international protection at Spain’s maritime borders are low. This has been attributed to the profile of migrants arriving, but also to barriers to access asylum procedures stemming from African migration through the maritime corridors towards Spain primarily being labelled as economic migration (López-Sala and Moreno-Amador, 2020). Although, the number of asylum applications in Spain has increased significantly in recent years, from 2,588 in 2012 and 5,947 in 2014 to the historic high of nearly 120 000 in 2019, most applications are submitted by nationals of Venezuela, Colombia and Central American countries who arrive via international airports. In 2019, 77% of



asylum applications came from Latin American countries. In 2021, number of asylum applications was close to 60 000.<sup>12</sup>

## **Method**

The draft analysis is based on online data collection and document analysis, and an in-site three-month fieldwork during the Autumn of 2021. The website and document analysis included a broad scope of written sources (law and public documents, reports and other published literature by key actors, websites and social media sites, local online media). During fieldwork, 26 in-depth interviews were carried out with 34 individuals involved in different ways, areas, and phases of the reception of migrants and asylum seekers in the Province of Cádiz. Interviews were carried out in four different cities (Cádiz, Jerez de la Frontera, El Puerto de Santa Maria, and Algeciras). 9 of the interviews were with migrants, and 12 of the interviews were with people involved in a broad range of CSOs (e.g. NGOs involved in different reception programs, and with different spatial reach, and grassroots initiatives). Interviews were also carried out with representatives from two municipalities (political and administrative staff), regional authorities in the province, Guardia Civil, and UNHCR.<sup>13</sup>

## **Forms of collaboration**

The reception of migrants and asylum seekers in the province of Cádiz involves a complex interaction between various actors as the reception has come to involve not only actors at different levels of government, but also international and regional organizations, and NGOs with different spatial reach. In this section, we will first give a brief overview of the actors that are involved and collaborate in the different phases of the reception process, before addressing key issues emerging in our material.

### ***The reception process***

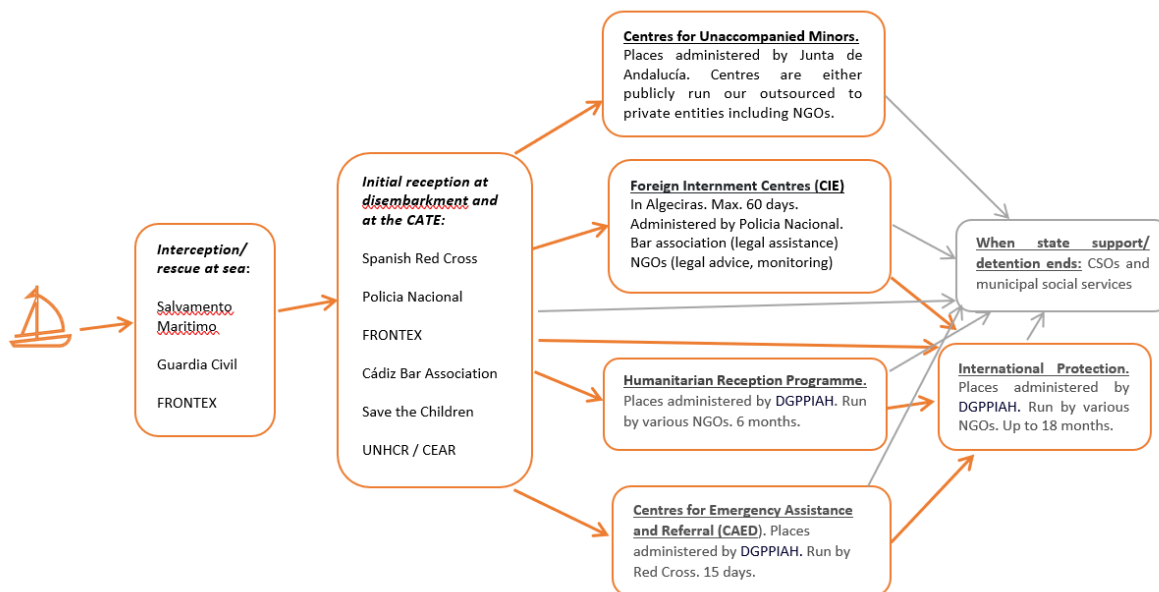
Figure 1 gives an overview of the actors that are involved and collaborate in the different phases of the reception process in Cádiz.

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<sup>12</sup> UNHCR provide weekly numbers of sea arrivals and asylum applications. These are available at: <https://data2.unhcr.org/en/situations/mediterranean/location/5226>

<sup>13</sup> We would like to thank Alejandro del Valle, Director of the Jean Monnet Centre of Excellence “Migration and Human Rights in Europe’s External Borders” and Jesús Verdú, Representative of the “Aula Universitaria del Estrecho” of the University of Cadiz for their support during fieldwork.





*Interception/rescue at sea:* Whereas border control and surveillance in the Strait is the responsibility of Guardia Civil, Spain's military police, sea rescue is generally carried out by Salvamento Marítimo (SASEMAR), Spain's public and civil sea rescue service. SASEMAR, which is under the responsibility of the Spanish Ministry of Development, has no law enforcement mandate. In 2018, the Spanish government redesigned search and rescue operations in areas close to Morocco. This involved establishing a centralised command structure under the mandate of the Guardia Civil in cooperation with the European Border and Coast Guard Agency (Frontex). Frontex has collaborated with the Guardia Civil in the Strait of Gibraltar since its creation in 2005. The centralised command is responsible for coordinating surveillance and rescue operations, thus placing SASEMAR under the command of the Guardia Civil. The changes also involved Spain providing maritime resources to Morocco, including infrastructure and training, to increase Morocco's role in sea rescues and interception (see Vives, 2021).

*Initial reception and registration:* When disembarking, migrants are met by the National Police, FRONTEX and the Spanish Red Cross. All migrants arriving by sea that are detected are placed in police custody for up to 72 hours. In Cádiz, they are held at a specialized Centre for the Temporary Assistance of Foreigners (CATE) established in 2018 and located in San Roque, close to the city of Algeciras. Since 2002, the Spanish Government and the Spanish Red Cross have had a formal collaboration agreement regarding assistance in response to migrant arrivals by sea. This means that an EIRE (Equipos de Respuesta Inmediata en Emergencia) team of the Spanish Red Cross carry out a clinical, humanitarian and social assessment of migrants at arrival and during the 72-hours migrants are held by the National Police. This assessment forms the basis for allocation to reception places. They have their own facilities next to the police-run CATE in San Roque. Frontex has also deployed personnel in all main ports of disembarkation in Andalusia since 2018 and assist the National Police with identification. The Cádiz Bar Association organize legal assistance through a rotation scheme. The lawyers receive financial compensation from the government. Save the Children, CEAR (The Spanish Commission for Refugees) and the UNHCR can also be present at disembarkment and in the CATE to provide information about rights to protection and help detect minors and potential asylum seekers. UNHCR established offices in Algeciras in 2016. Since 2018, they have had a joint project with CEAR on informing persons

arriving by sea about the right to international protection in Cádiz. In addition, they have provided training workshops with the National Police, Guardia Civil, and the Bar Association.

*Access to legal assistance and accommodation after the CATE:* If an expulsion cannot be executed within the period of 72 hours the person is held by the National Police, the migrant is either transferred to detention in a Foreigners Detention Centre (Centro de Internamiento de Extranjeros, CIE) where they can be held for up to 60 days or let go (Calvo Mariscal 2019). The CIE is run by the National Police and is in the city of Algeciras. The Bar Association provide legal assistance to detainees, and NGOs such as APDHA, Algeciras Acoge, and la Asociación de Jesuitas provide legal information and monitor detainees' situation.

Migrants without financial means to support themselves have also in theory access to reception facilities in the framework of Spain's humanitarian reception programme, or through the reception and integration program for asylum seekers. The humanitarian reception program was extended from three to six months after the outbreak of the pandemic. The reception for asylum seekers consists of two phases, with a maximum stay of 18 months in total. The first phase places applicants in state-run Refugee Reception Centers (CAR) or facilities managed by NGOs with public funding. In the second (or integration) phase, the applicants are expected to live independently with rent and maintenance assistance, while they are still part of a reception program provided by NGOs. In 2021 the government decided that only those who have received international protection could move on to the second phase. Places in both reception systems are managed by the Director General for Inclusion and Humanitarian Assistance (Dirección General de Inclusión y Atención Humanitaria, DGIAH), under the Ministry of Inclusion, Social Security and Migration, but are run by different NGOs. A broad range of organizations are involved with the reception of asylum seekers (e.g. CEAR, ACCEM, Red Cross) and migrants within the framework of the humanitarian reception program (e.g. CEAiN, Movimiento por la Paz (MPDL), Cardijin) in Cádiz. In addition to accommodation and language training, these reception centers also provide legal counsel. In 2018, the Spanish state established large, specialized Centers for Emergency Assistance and Referral (CAED) that are managed by NGOs. These centers are designed for stays of a maximum of 15 days focusing on basic needs. In Cádiz, the CAED is in Chiclana de la Frontera and is managed by the Spanish Red Cross. During the pandemic, the function of the CAED has changed somewhat, and parts of it is currently used as a regular asylum reception centre.

The Regional Government of Andalusia oversees the protection of unaccompanied minors. While the unaccompanied minors are under the guardianship of the autonomous community, they are hosted in Centers for Minors that are either publicly run or outsourced to private entities (e.g. SAMU). Beyond this, the regional or local level have no legal and formal responsibilities related to the reception of asylum seekers or migrants arriving by sea. However, overcrowding in the state financed reception programs, and strict time limits for receiving support has led the local level to be faced with asylum seekers and irregularised migrants' social needs. This was particularly evident during the historic peak of arrivals in 2018, when several municipalities in Cádiz made sport halls available for housing migrants, in addition to providing basic support such as food and clothes. Municipalities in the region have also later to various extent provided support such as temporary stays in municipal shelters, bus tickets to other areas of Spain, and legal advice. Within the Spanish system the autonomous and local governments are the main providers of welfare services and are responsible for immigrant integration. Registration in the municipal census ('empadronamiento'), which is key to accessing municipal services, is in theory possible for irregularised migrants. The Andalusian government has an annual funding program

for CSOs working with migrants. In recent years, this has backed initiatives aimed at supporting migrant women in vulnerable situations and unaccompanied migrant youths that find themselves in an irregularised situation after turning 18. The youths are generally referred to in Spanish as ‘ex-tutelados’. Cádiz City Council signed in 2019 a four-year collaboration agreement with CEAR for a centre for women in vulnerable situations. The centre is run by CEAR, but the building is provided by Cádiz City Council free of charge.

There are also a range of grassroots initiatives that provide support for asylum seekers and migrants, particularly so-called ‘ex-tutelados’, in the province (e.g. Dimbali, la Red de Acogida del Puerto de Santa Maria, Voluntarios por otro mundo de Jerez, Vejer sin Fronteras). Several of these emerged in the aftermath of the historic peak of arrivals in 2018 and have organized themselves in a provincial network (la Red Cádiz de Acogida Digna). They provide practical support such as language classes, legal and bureaucratic assistance, assistance with finding work, and accommodation.

*Asylum procedure:* The asylum procedure is established in articles 16 to 38 of the Asylum Law (Law 12/2009). The Law establishes a regular and an urgent procedure depending on whether the asylum application is lodged at the National Police stations, or in the CIE (for details see Calvo Mariscal 2019). In Cádiz, it is the National Police station in the provincial capital that is in charge of processing asylum interviews, but it has delegated part of its work to various other National Police stations in the province such as La Línea, Jerez de la Frontera, and Puerto Real. A representative of UNHCR can monitor the interviews. The processing of all asylum applications is centralised. All applications are examined by the the Office of Asylum and Refuge (OAR), which is under the responsibility of the Ministry of Interior. OAR makes a draft decision which is submitted to the Inter-Ministerial Asylum and Refugee Commission (CIAR) which will decide to grant or to refuse international protection. UNHCR has been granted an institutional role and competence in the asylum procedure through the Asylum Law. The OAR informs UNHCR of all the asylum applications lodged, and UNHCR has the right to participate and express an opinion in CIAR, but not to vote.

### ***Uneasy alliance of care and control***

As the above description shows, the reception of migrants arriving by sea to Cádiz closely combine practices of assistance and surveillance. Although, previous research on humanitarian practices in maritime border areas has argued that there is not necessarily any contradiction between the securitization of the border and the growing presence of humanitarian actors (Walters 2011, Pallister-Wilkins, 2017), this ‘uneasy alliance’ can create tensions in the day-to-day collaboration between actors with different objectives. For example, the framework of police custody can complicate the provision of humanitarian and legal assistance. In particular, it creates time pressure for carrying out the different tasks. As one of our CSO-interlocutors present in the CATE explained:

*‘The reality is that we have the National Police always rushing us, because they have 72 hours to complete the expulsion order (...). The 72 hours start counting from when the person touches the ground. (...) So, the Police are always in a hurry and do not let us do our job well. But we try. (...) We have the fight of “not you first”, “me after”, “let me ask you a question”, “you have to come here first”. That’s a continuous fight.’ (Interview N)*

The dilemma posed by the temporal frame of police custody has also been highlighted in other studies, particularly in relation the provision of healthcare and identification of vulnerabilities (Granero-Molina, 2021). Our interlocutors also stressed how a combination of time pressure and lack of awareness can restrict attention to the right to international protection in the initial reception phase. As another of our interlocutors explained:

*‘What we do see is that sometimes the person say they want to apply for asylum [during police custody], and the police, for reasons of time and lack of personnel, tells the person to do so from an NGO.’ (Interview O)*

During police custody, migrants have the right to legal assistance from a lawyer. While some lawyers provide individual council in person in the CATE, others do this in group or by telephone. Also, the number of actors combined with limited time could be a challenge, as this quote from a third interlocutor illustrates:

*‘You have to bear in mind that, before arriving there, they have been on a boat for I don’t know how many hours, with dizziness, vomiting, diarrhoea, etc. Well, keep in mind that after such a trip and in those conditions, they encounter Salvamento Marítimo, Guardia Civil, FRONTEX doing interviews, the Red Cross, Save the children, UNHCR and a lawyer from the Bar Association’s rotation scheme. How can people receive information under these conditions in a process of this type?’ (Interview L).*

### ***Collaboration in a ‘migrant reception market’***

The Spanish reception system has been described as a ‘collaboration’ or ‘partnership model’ between the state and non-governmental organizations (López-Sala and Godenau, 2019). In practice, the ‘collaboration model’ consists of the government having created a public funding program through which NGOs can receive financing for reception projects for migrants and asylum seekers. Access to the reception programs managed by NGOs is regulated by the Ministry, and the conditions of the reception program for asylum seekers are defined by a management handbook (Manual de Gestión) issued by the Ministry on a regular basis. Hence, non-governmental actors are mainly drawn into migration governance as sub-contractors, and as such as competitors for public funding in what López-Sala and Godenau, (2019) calls a ‘reception market’.

The model offers the government advantages such as flexibility and cost savings on permanent infrastructure when faced with fluctuating arrival numbers. However, the model of collaboration has raised concerns regarding how funding and sub-contracting relations with public authorities impact the actions and orientations of NGOs, as well as the collaboration between them. As the following quotes indicate, our interlocutors raised in particular concerns regarding how public subsidies could influence CSOs agenda (such as categories of migrants receiving attention and assistance), their internal structure (e.g. more professionalization and bureaucratization), and their willingness to oppose state policies:

*‘The organizations that work with programs of this type, such as [name of NGO] in this case, they really have their hands tied because they cannot welcome any person who does not have the approval of the Ministry. (...) However, it is frustrating when you encounter people who are living on the street’ (Interview K)*

*'Well, I am going to be honest with you, cooperating with [name of NGO] has been very complicated because, being a powerful and large organization, its structure in terms of aid and collaboration is very rigid.'* (Interview S)

*'We have a cordial relationship with [name of NGO], but it is also very different. (...) What motivates us, is to be independent, and they are highly professionalized. Professionalization leads to bureaucratization and bureaucratization leads you not to report situations. They practically do not denounce anything anymore. (...). Experience tells us that when you're heavily subsidized, you keep your mouth shut.'* (Interview R)

We have anonymized the NGOs referred to in these quotes. However, as the quotes refer to different NGOs, it suggests a broader issue. It should also be noted that these types of concerns were not only raised by those associated with CSOs not receiving subsidies, but also came from those working in CSOs that received government funding. As one such interlocutor explained:

*'We must also bear in mind that those of us who have decided to work in this sphere have this drawback: We have decided to work with what we are not satisfied with. (...) From our perspective it generates a continuous questioning, also of ourselves.'* (Interview H)

Our interlocutors also reported that they often experienced good relations and collaboration on a technical and interpersonal level, as this quote shows: *'Good relations... With [name of NGO] at an institutional level it depends, but on a personal level with the workers in the area, we continue to have a very good relationship.'* (Interview K). It should also be stressed that CSOs in the Province engaged in different networks and committees, related both to advocacy and practical assistance, that worked well depending on themes and time period. However, as one interlocutor in a state-subsidised NGO noted: *'Many times the unity is missing, and what we do is duplicate services because each one wants to have their territory and their power'* (Interview C). This illustrates how the competition for scarce public resources, can create obstacles to collaboration between NGOs.

### ***In/formal collaborations in a centralized system***

The Spanish reception system is highly centralised in the sense that it is the state's competence to process asylum applications and to accommodate asylum seekers and migrants within the framework of the humanitarian reception program. The latter is, as described above, mainly achieved via social organisations working under the Ministry's instructions. The system thus foresees no coordination between the state and the regional or local level of government, which has created tensions and conflict between the government tiers during pressed situations such as during the historic peak of arrivals in 2018, and the COVID-19 pandemic.

Local and regional authorities have on their side attempted to create formal meeting places for various actors involved with migration in their areas. For example, the regional government of Andalusia established forums for collaboration in the field of social policy and inclusion of migrants regionally in 2001 (Foro Andaluz de la Inmigración) and provincially in 2005 (Foros Provinciales de la Inmigración). The forums are advisory bodies. They do not have decision-making powers, but the aim is to share information and coordinate the resources that are allocated in favour of immigrants in the province, as well as to serve as a space for debate and develop initiatives to improve integration. The Provincial Forum in Cádiz currently consists of

representatives of the Junta de Andalucía, the Central Government, local Administrations, Trade Unions, businesses, as well as non-profit entities that work for immigrants (e.g. Red Cross, Asociación Marroquí para la Integración de los Inmigrantes, Fundación Márgenes y Vínculos, Asociación Pro Derechos Humanos, ACCEM, Juventudes Marianas Vicencianas, and CEAIN). The NGOs are selected by the Provincial Authorities every four years based on a public call for participation. However, the usefulness of this forum has been questioned by NGOs, and while the provincial forums are supposed to meet every six months, the Provincial Forum in Cádiz did not meet between May 2016 and December 2019, when an attempt was made to revitalize it. In the meeting, the Forum established thematic working groups to address issues such as human trafficking, integration, and the situation of migrant minors and youth that have turned 18 years of age and are no longer under the guardianship of the regional authorities ('ex-tutelados'). However, the Forum did not meet in 2020 due to the pandemic, but convened digitally in June and December 2021.

City Councils in the Province have also established committees ('mesas') on social inclusion and immigration, which more or less regularly gather representatives from the municipality and the different NGOs working on migration related issues in the municipalities. While these committees on social services often focus on technical and practical issues, others are more oriented towards sensitization. For example, in 2015, both Jerez de la Frontera and the city of Cádiz declared themselves as 'cities of refuge'. Jerez created a local 'committee for refugees' (Mesa de Refugiados) to co-ordinate efforts in this area. In 2020, this became part of a new committee for coexistence (*Mesa Local de Convivencia*) that largely consists of the same NGOs, but deals with sensitization on a broader range of issues. The city of Cádiz has been active in the Spanish national 'Cities of refuge'-network to pressure the government towards a more inclusive approach. While 'the cities of refuge'-declarations explicitly promote a culture of welcome, the municipalities have been criticized by CSOs for offering symbolic rather than practical support.

In general, our interlocutors emphasised the importance of good informal relations between CSOs and employees, rather than formal structures of collaboration, as the following quotes indicate:

*'On a personal level there is good coordination and we talk, but institutionally not so much.'*  
(Interview K)

*'Employees of the City Council they don't give us any trouble to register, and many help us, but of course, only at the level of employees.'* (Interview S)

An obstacle to the formal attempts of a more participatory approach at regional and local level was, as one of interlocutors highlighted, the contractual relations that also has characterized relations between CSOs and local and regional governments:

*'Administrations are used to giving money until the term ends and then they don't care if the objectives are met or not. (...) So, the administration is surprised when we say that we do not want subsidies, that what we want is for them to take us into account when designing those policies, and from there we build.'* (Interview G)

### **Orientation of actors in governance networks**

As the above analysis show, the major tensions between actors in the governance networks in Cádiz was related to the close integration of care and control that characterizes the reception of migrants. The tension between humanitarian and securitization discourse, policies and practices, however, are not only found between state agencies and NGOs, but can also be found within and between state agencies. For example, in Cádiz two different law enforcement agencies are involved in the reception of migrants; the National Police, responsible for the CATE, identification of migrants, and asylum interviews, and the Guardia Civil, responsible for border and coastal control. Guardia Civil mandate include operating the SIVE, an advanced surveillance system for intercepting and detecting maritime crossings, but also coordinating rescue operations since 2018. Hence, the Guardia Civil has to a larger extent come to adopt a language of humanitarianism and human rights to frame their mission.

A tension could also be found between CSOs, regarding to what extent they received public or EU funding, or mainly operated by using their own resources. There has been a significant shift in Spain since 2015 regarding the involvement of the public versus private sector in the reception of asylum seekers. Whereas before 2015 the public-private management or reception places was almost fifty-fifty, NGOs ran 94 percent of all state-funded reception places in 2019 (Garcés-Mascareñas and Moreno Amador, 2019). In Cádiz, all reception places for protection seekers and migrants within the framework of the humanitarian reception program are run by NGOs. In regard to the other elements in Sicakkan's (2021) cleavage model, the actors we interviewed all largely adhered to a human-centric, solidarity, and entitlement oriented political perspective on international protection, although there is a continuum along the charity versus entitlement axis as many actors combined these perspectives.

### **Impact of GCR / GCM on collaboration patterns and orientations of actors**

The two Global Compacts for refugees and on migration have so far had a minimal impact on collaboration patterns and orientations of actors involved in the reception of migrants and asylum seekers in Cádiz. In fact, knowledge of, and involvement with, the Compacts were limited. In particular, our interlocutors from CSOs saw the Compacts as positive, but as somewhat utopian, and far from their everyday reality, as this quote illustrate:

*'I think it is good that the countries agree to join these international pacts and that, to the extent that they can be applied, they are applied. The problem comes later, when the incorporation of the international agreements into Spanish legislation is done in a very biased or bad way. And sometimes they are not even incorporated. In these cases, the lived reality becomes totally different. (...) While the Compacts on paper may encompass everything, they have to be translated into actions and resources. And the fundamental problem is resources.'* (Interview B).

### **Impact of COVID-19**

Spain was severely affected by the Covid-19 pandemic and declared a state of emergency from March to June 2020, and again from November 2020, to May 2021. Our interlocutors reported that the pandemic had significant impact on the reception of migrants and asylum seekers in Cádiz. Initially, there were challenges related to a lack of protocols for how to deal with sea arrivals in terms of testing and quarantine, as well as a conflict of jurisdiction between tiers of government regarding these issues. Access to legal and social services also continued to be hampered by

pandemic related restrictions that limited the provision of in-person services. Lawyers, for example, were not able to have in person meeting with migrants in the CATE before October 2021. Digitalization also complicated the contact with public offices and services. As one of our interlocutors explained: *‘Relations have become much more difficult with COVID 19. Before, I showed up physically if they did not answer me. But now, I can’t. As they don’t attend you physically, there are more barriers, it takes longer time’* (Interview F). Our interlocutors further considered the pandemic to have weakened social movements and grassroots activities that supported migrants and asylum seekers as activities had to close or move online. Moreover, as formal arenas for collaboration between NGOs and between local and regional authorities and NGOs were paused, it reinforced the importance of previous informal and inter-personal relations between actors.

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## **Collaboration among actors in Lesvos, Greece**

Evgenia Iliadou and Theofanis Exadaktylos, University of Surrey

### **Context**

In May 2015 the Greek government implemented the 'hotspot approach', a policy included in the European Agenda of Migration (European Commission, 2015). The Greek hotspots played a crucial role in the implementation of the EU-Turkey Statement (Danish Refugee Council, 2017). In October 2015, the first hotspot was established and started operating in Moria on the island of Lesvos, serving initially as an open and 'transit' site for registering refugees arriving to Greece (Danish Refugee Council, 2017). After the implementation of the EU-Turkey Statement in 2016, Moria hotspot initially operated as closed detention facility and 'all new arrivals were effectively deprived of their liberty' (ECPT, 2017, p. 11). Later, Moria operated both as a Reception and Identification Centre (RIC) and a hotspot. Due to the overcrowded facilities that deteriorated notably after the implementation of the 2016 EU-Turkey Statement, the restriction and confinement of all refugees within Moria hotspot proved to be practically impossible and eventually was merely implemented for some refugees (ECPT, 2017): the unaccompanied minors who were restricted under 'protective custody' in the so-called 'safe zone'; and the deportable or re-admittable refugees who were detained in a separate detention facility known as the 'Section B'.

Through the 'hotspot approach' multiple actors (national, EU, humanitarian, and security) interfered on Lesvos by assuming a key role in the migration, bureaucratic, asylum and border governance: The Greek police and Coastguard; the Greek army; the European Union's law Enforcement Agency (Europol); the European Union Borders and Coast Guard Agency (FRONTEX); the European Union's Judicial Cooperation Unit (Eurojust); the North Atlantic Treaty Organisation (NATO); the European Asylum Support Office (EASO); the Greek Asylum service; the Office of the United Nations High Commissioner for Refugees (UNHCR); the International Organisation of Migration (IOM) and many more International and Non-Governmental Organisations.

Even though the hotspot approach was included in the 2015 Agenda for Migration, it was only actualised after the implementation of the EU-Turkey Statement (European Council, 2016). Following the EU-Turkey Statement 'a fast-track border procedure' is applicable at the Greek islands and a different, parallel procedure is applicable in the Greek mainland. The fast-track border procedure (Law 4375/2016,) is a nationality-based approach and was introduced as an 'extraordinary' and 'temporary' measure for all refugees arriving after the 20th of March 2016 (Greek Council for Refugees, 2016). Contrary to the already existing asylum procedures, the fast-track border procedures are activated when large numbers of refugees are arriving and lodging asylum applications at the borders. The fast-track border procedure is applied only to people who are subject to the 2016 EU-Turkey Statement and facilitates, in practice, the immobilisation of refugees to the Greek islands and their readmission to Turkey on the grounds that Turkey is a safe third country.

We zoom into two sites in Greece: Moria on Lesvos having carried much of the spotlight in the Greek case, and Diavata in Thessaloniki as a site of transport of refugees on the mainland. Following the destruction of Moria, the temporary RIC, informally called 'Mavrovouni camp' or 'Moria 2.0' was set up in the area of Kara Tepe nearby. At 'Moria 2.0' a vulnerability assessment takes place along with a medical check and psychological assessment during the reception and

identification procedures. A similar process takes place at the RIC of Diavata in Thessaloniki, located on a former military camp facility.

Since the end of 2019, the authority competent for carrying out medical screening and psychological assessment is the National Public Health Organisation (EODY) which was established by the L 4633/2019. Following the destruction of the RIC of Moria on Lesbos in September 2020, EODY is supported by non-governmental organisation Crisis Management Association (CMA), and in cases where EODY cannot complete a medical or psychological assessment refers cases to the public hospital. After the assessment is complete by EODY then the competent authority – that is, the Reception and Identification Service (RIS) - will order ‘a restriction on freedom’ (which means refugees’ confinement within the premises of the RIC, amounting to de facto deprivation of liberty) in cases individuals are assessed as non-vulnerable, and then it issues a referral decision to the Asylum Service and the Police. In cases, refugees are assessed as vulnerable then special procedural guarantees, are at place and RIS will refer persons belonging to vulnerable groups to the competent public institution of social support or protection as per case. On Lesbos there are no public institutions for providing social support to refugees. Therefore, many CSOs in collaboration with the Greek state, and international organisations which have assumed a leading role in migration governance, such as the UNHCR and IOM, facilitate and provide support and housing to vulnerable refugee populations. This is the case in Thessaloniki too, however due to the location of the RIC near a big urban centre more public resources and services can become more easily available.

## **Method**

24 interviews in total were carried out on Lesbos of which 11 interviews with NGO/INGO practitioners, including UNHCR and IOM; 4 interviews with the authorities/stakeholders (i.e., the asylum service, the Reception and Identification Centre (RIC), and security actors); 9 interviews with refugees living in Moria 2.0 refugee camp. A further set of 5 interviews within NGO/INGO practitioners were conducted in Thessaloniki.

Non-participant observation was carried out at Kara Tepe camp (known as Moria 2.0) Although getting a formal authorisation to access Kara Tepe the camp was not possible, access was achieved through the utilisation of pre-established networks. A long visit was carried out at the premises of Moria hotspot, where a great number of visual data was collected. The facility is not operational following the fire on 8 September 2021 that destroyed it almost in its entirety.

Access to participants in both sites was quite difficult: the region is over-researched, and most participants were exhausted and tired of being interviewed by various professionals (e.g., researchers, journalists) multiple times since the beginning of the 2015 refugee crisis until now. Also, many interviewees expressed fear and suspicion towards the researcher and the study and were not very keen to speak/participate in the research. They were reasonably afraid of getting in trouble and losing their job given that: i) many practitioners were legally bound through a non-disclosure agreement in their contracts; (ii) unemployment is rising on Lesbos as many NGOs have stopped operating on the island and many funded programmes have ended. All participants’ data were collected as per our ethics clearance and rules of anonymity as appropriate. Finally, Covid-19 and the severe lockdown and other restrictions that were imposed for the protection of public health in Greece was another factor which had negatively affected the research participants who said that they felt overwhelmed and exhausted.

Regarding refugees, Dr Iliadou managed to speak to community leaders from Syria and Afghanistan who have a clear picture of the problems people are facing inside the camp. She also

spoke to refugees living inside the camps. It was difficult to access them as many living in the camp could not get out regularly. Due to restrictions imposed by the Greek authorities, refugees could walk outside the camp only once a week for approximately 3 hours, and they used this time to meet their lawyers (for legal aid and consultation) and to do other activities, such as attending language courses. Also, many vulnerable refugees living in accommodation facilities outside the camp were difficult to be reached, while during the period of the research many of these accommodations were shutting down due to the lack of funding (HELIOS state-funded project ended at the end of October, see section 3) and thus, many vulnerable refugees were transferred back into the camp.

### **Forms of Collaboration**

The collaboration between CSOs with the Greek state in order to reduce vulnerabilities is through the implementation of emergency medical programmes and interventions at the hotspots, such as the PHILOS project. The competent authority for the implementation of PHILOS (funded by the Asylum, Migration and Integration Fund (AMIF) and the Migration and Home Affairs of the EU) was EODY. The programme “PHILOS – Emergency health response to refugee crisis” is a programme of the Greek Ministry of Health, implemented by the Hellenic Centre for Disease Control and Prevention (HCDCP). It’s a new approach of the Greek government to address on the refugee crisis, by fulfilling the sanitary and psychosocial needs of people living in the open camps. The programme is funded by the Asylum, Migration and Integration Fund (AMIF) of EU’s DG Migration and Home Affairs. The total budget of the programme is €24,180,928 and funded in its entirety by the European Union. Since the summer of 2017, PHILOS has expanded its activities to the Eastern Aegean islands (including Mytilene, Chios and Samos) and to the Dodecanese (including Kos, Rhodes, Leros, and Kalymnos), following the agreement on programme’s extension. Also, the collaboration between CSOs with the Greek state to reduce vulnerabilities is through the implementation of housing, integration, employment and social support projects, such as HELIOS, aiming at recognised refugees. HELIOS is implemented in temporary accommodation centres throughout the country, IOM Greece's Hellenic Integration Support for Beneficiaries of International Protection (HELIOS) project supports and promotes the integration of beneficiaries of international protection by providing integration courses; accommodation support; employability support; integration monitoring; sensitisation of local communities, highlighting the value of integration.

Furthermore, UNHCR worked with the Greek Government, local authorities and NGOs for the implementation of ESTIA, the Emergency Support to Integration and Accommodation programme, co-funded by the Asylum, Migration and Integration Fund of the European Union. UNHCR also provides cash assistance in Greece, as part of the ESTIA programme, funded by the European Commission. Cash assistance supports asylum seekers and refugees who were not able to cover their basic needs. The Greek Government took over the management of the ESTIA Accommodation programme at the end of 2020, and that of the ESTIA Cash Assistance programme as of 1 October 2021.

In addition, many joint programmes are implemented between IOs and CSOs aiming at providing support to vulnerable refugee populations on Lesbos. For instance, IOM in collaboration with NGO Metaction implements interpretation programmes by providing interpretation services in hospitals, funded by the Migration and Home Affairs of the EU. Furthermore, through joint actions, IOs and CSOs collaborate to formulate common objectives and reduce vulnerabilities. For instance, these actors are campaigning or lobbying regularly by producing policy briefs and reports

about the situation of vulnerable people in the refugee camps and hotspots and by providing policy recommendations.

As stated in the second ‘Report on Vulnerability’ (attached) the actual problem is in the applicability of the concept of vulnerability. There are many shortcomings in the ways that the vulnerability assessment procedure is taking place which affect refugees negatively. For instance, the reception and identification procedures are often considered as concluded before the individual has undergone a medical check and vulnerability assessment (Refugee Support Aegean *et al.*, 2021). Also, during the assessment, caseworkers certify only very ‘evident’ vulnerabilities as ‘vulnerable’ without assessing the applicability of other vulnerabilities specified in legislation, and which may not be visible e.g., victims of violence or torture (*ibid.*).

Consequently, many vulnerabilities are underassessed and missed. This has also been confirmed by most of the research participants during fieldwork on Lesbos (October-November 2021) who said that vulnerability is not operationalized in practice. Also, many of the projects aimed at vulnerable populations such as HELIOS, and PHILOS have ended and as a result many were transferred from accommodations back to the degrading conditions of Moria 2.0, and in many cases, they face precariousness and homelessness (e.g., in Athens and Thessaloniki). Moreover, the PIKPA camp on Lesbos – an open camp which was hosting families and vulnerable populations – was closed by the Greek government and all refugees were transferred back to Moria 2.0. Therefore, the conflict between actors in respect to collaboration in reducing vulnerability lies on the problematic applicability of the notion. That is, there is a gap between theory (law, policies, and procedures) and practice.

### **Orientation of actors in governance networks**

The main actors who are involved in governance are state actors: the Reception and Identification Service (RIS), the Greek Asylum Service and the European Asylum Support Office (EASO). These stakeholders have a state/region-centric approach through which protection to vulnerable populations is granted, for legal grounds and after assessment procedures have taken place, as an entitlement and not a duty. Other actors who play a significant role are CSOs and IOs. The attitudes of these actors towards refugees are governed by the principles of humanitarianism, and solidarity and they consider protection as both a duty and entitlement. Their main focus is on helping those in vulnerable positions, in line with their moral or legal obligations. Their approach is more region-centric pluralist approach as they advocate for the common responsibility that Greece, the EU and other member states for vulnerable refugees’ protection.

### **Impact of GCR / GCM on collaboration patterns and orientations of actors**

The impact of GCR and GCM in collaboration patterns and orientation of actors is insignificant. As a matter of fact, the vast majority of the actors that participated in the research (including the Asylum Service, NGO practitioners and lawyers) stated that they have never heard of the GCR and GCM before (with the only exception of the UNHCR and IOM). Most of the NGO practitioners stated that these kind of documents (such as, GCR and GCM) are very idealistic. They described them as ‘Wishlist’.

### **Impact of COVID-19**

In the aftermath of COVID-19 pandemic outbreak, the Greek Authorities issued an Emergency Legislative Order by suspending the access to the asylum procedure for persons entering the country during March 2020. According to the Emergency Legislative Order, those persons would

be returned to their country of origin or transit ‘without registration’. In that period quarantine restrictions implemented for refugees in Moria and the RIC of Diavata, reduced the assessment of vulnerability. Invoking Covid-19, the Greek government introduced multiple measures to constrain the spread of the coronavirus, imposing a 14-day quarantine on new arrivals and suspending access to the Asylum Service. Therefore, refugees arriving during the suspension did not undergo any identification procedure, were not allowed proper registration in accordance with EU law, and procedures commenced only after the suspension was lifted. Despite troughs and peaks in the pandemic, the Greek government has extended lockdown restrictions in Moria/Moria 2.0 and Diavata multiple times.

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# Collaboration among actors in Catania and Siracusa, Italy

Giovanna Cavatorta, University of Catania

(with the supervision of Francesca Longo and Mara Benadusi)

## Context

In the years 2000, in Italy asylum started to be addressed by specific national laws, and subsequently by particularly welfare services. In 2002, under the government of the Northern League and Berlusconi's party, a specific body, the Territorial Commission for Asylum, was created and has been in charge of examining asylum applications ever since. At the time the commission consisted of an official of the prefectural career (appointed chairman of the Commission), a public security official, a representative of the local authorities and another from the UNHCR. The 2002 law also introduced the possibility of reconsideration of the application by a civil court in case of a negative decision from the Territorial Commission. This means that the recognition of asylum in Italy includes a further phase, the legal one after the administrative one, which is actually the most relevant when it comes to recognising a situation of vulnerability. However, access to appeals requires the intervention of a lawyer, which is a stumbling block for those who are unable to contact one. Following the consolidation of European asylum policy and the adoption of European directives into national legislation, 'subsidiary protection status' was introduced in 2007 alongside 'refugee status'. A refugee is granted a residence permit valid for 5 years, renewable on expiry, while the beneficiary of subsidiary protection is granted a residence permit valid for 3 years, renewable by the Territorial Commission only after verification of the requirements that determined its issue, or convertible into a work permit.

The Italian legislative framework governing asylum includes another form or regularisation, the humanitarian/special protection regime, which is valid only for Italian territory and which is basically granted to those who would risk significant vulnerability if subjected to repatriation. Introduced in 1998 but enhanced and increasingly used since 2008, this further temporary protection measure concerns cases in which the application for 'international protection' is rejected, but there are serious concerns of a humanitarian nature. Yet the conditions upon "special protection permit" are not strictly listed, giving a remarkable discretionary power to the administrative body, namely the territorial commission, and to the juridical one.

This threefold, graduated access to protection permits is articulated with the different types of reception centres in Italy. In fact, a hierarchy is established between different people who deserve different types of protection, creating discrimination in access to services and rights, as the type of reception is subordinate to the legal status and the type of permit received. The first institution of the National Reception System was created in 2001, when ANCI (the National Association of Italian Municipalities), UNHCR (the UN Refugee Agency) and the Italian Ministry of Interior signed a memorandum of understanding to establish the PNA, the National Asylum Programme. In 2002, this became the *Sistema di Protezione per Richiedenti Asilo e Rifugiati* (SPRAR) (Protection System for Asylum Seekers and Refugees), which was designed to house and assist both asylum seekers, awaiting judgement on their asylum applications, and refugees who do not have sufficient means for self-sufficiency. The system was strongly dedicated to the integration of these individuals into Italian society, i.e. through language courses, job orientation and vocational training. Since 2020, this system has been called SAI (*Sistema di Accoglienza e Integrazione* - Reception and Integration System) and consists of a network of local authorities that implement reception through activities and projects aimed not only at economic support but also at integration.

## Method

The research consisted of 46 semi-structured interviews and less formal conversations and 12 months of online and offline ethnography. The fieldwork focused on the province of Catania and Siracusa, in eastern Sicily, but allowed us to extend our gaze also to the regional and national context, reconstructing the networks of connections that occur between these three levels.

The following were involved as interviewees social workers operating in the SAI reception system and in other forms of reception (3); NGO operators involved in specific programs aimed at minors, "trafficked" women, people diagnosed with post-traumatic stress syndromes or exposed to gender-based violence, migrant agricultural labourers, even undocumented (8); cultural-linguistic mediators who intervene both in landing situations and on quarantine ships (2), in territorial commission hearings (1), in socio-legal counters (2); UNHCR staff (2); staff of the National Guarantor of the Rights of Persons Deprived of their Liberty (1); members of Territorial Commissions (2); lawyers (6); people involved in assisted repatriation programs (1); psychologists and ethno-psychiatrists (3); staff of the social service of the municipality (1); activists and volunteers (3); people seeking asylum or holders of international protection or undocumented, including members of associations and religious leaders (10).

The ethnography was carried out in online and offline mode, starting in February 2021. The online mode involved: a mapping of the associations and public services present on the territory of eastern Sicily, an analysis of their websites and social accounts; participation in seminars or press conferences organised by these same realities and also by those operating on the regional and Italian territory. The offline ethnography focused more on the local context and consisted of participant observation carried out: in seminars and awareness-raising meetings on the living conditions of migrants promoted by local associations; in a socio-legal study, observing the interactions between migrants and operators and lawyers; in an association that provides social and legal support to asylum seekers and those excluded from the reception system; in some meeting spaces of migrants in the cities of Catania and Syracuse (streets, squares, parks, churches).

## Forms of collaboration

Catania is one of the first cities in Italy to have hosted a kind of holistic and subjectification-oriented reception service - the SPRAR - since 2001. Catania is a metropolitan city, which today has about 300,000 inhabitants and hosts the highest number of regularised foreign citizens in Sicily. The regularised migrant population in Sicily is younger than in the national context: people aged between 20 and 39 are significantly more present in Sicily than in Italy, especially men. As regards permits linked to international protection, Sicily is the region with the highest number of permits linked to humanitarian/special protection. Since 2014, in the ports of Catania, Augusta and Syracuse, the number of landings has increased significantly. In 2014, therefore, a Territorial Commission for the recognition of asylum was opened in Catania and the number of applications for international protection increased, producing high rejection rates (around 60%), low percentages of refugee status and subsidiary protection, and high percentages of humanitarian/special protection (30%), which are higher than the national figure. The year 2014 is generally perceived as the period in which the so-called "landings emergency" dramatically spilled over onto the coasts of eastern Sicily, particularly with regard to the presence of unaccompanied minors. Alongside the associations operating in the city since 2000, and mainly an expression of Catholic charitable activity and left-wing associations, new actors, more closely linked to the humanitarian world, have therefore arrived since 2014. These were international

NGOs that incorporated more explicitly a kind of humanitarian rationale, as well as logics of early referral of vulnerability inspired more explicitly by the human rights frame.

As one of the informants in this research said, since 2014 "Everyone has been through Catania: EASO (European Asylum Support Office), FRONTEX (European Border and Coast Guard Agency), IOM (International Organisation for migration), Oxfam, MSF (Medicins Sans Frontieres), Save the Children. Everyone was here" (volunteer 2). Therefore, in order to more clearly grasp this humanitarianisation of the governance of international protection, we report some of the main projects that have targeted the territory of eastern Sicily, and in particular the city of Catania, in the years that are generically referred to as those of the "disembarks emergency".

- 2006-2013 *Praesidium*: Save the Children, UNHCR, Red Cross, IOM, Ministry of Interior. The project, which started in the port of Lampedusa, also involved Catania in 2010. It was aimed at providing migrants with adequate legal information after disembarkation.
- 2013-2014 *Development of health routes and integration paths*: implemented by Emergency in the cities of Catania, Messina and Ragusa, with the aim of facilitating access to public health services by migrants, especially from non-EU countries.
- 2016-2018 *Centro per cure post-acute per richiedenti asilo e rifugiati*: Medicins Sans Frontieres. The centre, which houses 24 beds, guaranteed assistance and treatments such as physiotherapy following fractures, post-operative rehabilitation, the treatment of chemical burns from gasoline suffered during crossings on boats, diseases that are no longer in the acute phase but need to be monitored, such as pneumonia. The project paid particular attention to women's health, as well as particularly vulnerable cases such as victims of sexual violence, torture and inhuman and degrading treatment, by welcoming patients for a period of 30 days.
- 2016-2018 *SILVER Innovative solutions for vulnerability and social reinsertion of migrants*: funded with the European funds allocated by the Italian State thanks to the "Asylum, Migration and Integration Fund" (FAMI). Thanks to this project two psychiatrists and an anthropologist have been contracted for two years in Catania, allowing to improve the response to gender-based violence and to advance the quality of care.
- 2016-2018 *Open Europe*: Oxfam, Borderline Sicilia, Medu (Doctors for human rights). The objective was to provide assistance to asylum seekers and migrants excluded from the asylum and reception system. Special attention was given to highly vulnerable people (unaccompanied migrants, single women, victims of torture, etc.). An Oxfam mobile unit in Catania was present to provide: i) Referral of traumatized cases; ii) Unaccompanied minors; iv) Support to vulnerable asylum seekers (reception and information).
- 2017-2020 *"Pro-access 2020. Improve access to sexual and reproductive health services for refugees and asylum seekers victims of SGBV"*: UNHCR and the local section of the Italian League for the Fight against AIDS. The project aimed to train the staff and the beneficiaries of the different reception centres to acknowledge and respond to sexual-related vulnerabilities, situations of distress related to homophobia and sexual violence, and female genital cutting.
- 2019 *Leaving violence. Living safe*: Thamaia (the Catania Feminist Women's shelter) – UNHCR. The project was aimed at improving services for migrant women victims of sexual violence, particularly thanks to cultural mediation and training in transcultural approaches to gender-based violence.

The research that we report here developed in the areas of eastern Sicily in the following period, in which the presence of "humanitarian" NGOs decreased in the area: in fact, only Save the Children remained in a stable way in the city of Catania, with a day centre, while Oxfam's intervention was translated into a co-housing project for young migrants with residence permits.



As we shall see, the interviews and ethnography have made it possible to highlight the implications of this previous humanitarian presence and the impact it has had on the way in which networking is currently carried out in this area, influencing discourses and practices relating to the identification and care of vulnerabilities.

The actors interviewed highlighted different models of contemporary collaboration, which extend to different levels (from the UN, to the Municipality of Catania, from the Territorial Commissions to the network of informal associations, from the police, to the juvenile courts, to NGOs operating in the international arena, to associations operating at regional and city level).

Regarding the identification of vulnerabilities in hotspots and disembarkation situations (see also "Vulnerability assessment procedures in Eastern Sicily in 2020-2021"), Italian authorities and NGOs exchange information on persons screened and identified at different stages of the procedure. This is facilitated by medical personnel together with EASO, UNHCR, International Organization for Migration (IOM), Red Cross and Save the Children. However, individual actors seem to operate in watertight compartments following their own specialisation, without training or mutual transmission of expertise, especially in the relationship between humanitarian actors and law enforcement agencies. The latter, on the other hand, work closely with the Coast Guard, particularly in the identification of those who can be accused of being traffickers.

Interviews with operators, as well as with migrants, reveal that specific referral mechanisms for the identification of vulnerabilities, needs and services do not function adequately at this stage. The research revealed that the identification of persons with special needs is not done systematically in every hotspot, nor in the quarantine vessels, which have been introduced since 2020 as a response to the Covid pandemic. While some visible vulnerabilities are identified in the disembarkation environment, such as pregnant women or single-parent families and persons with disabilities, other vulnerabilities such as minor age are not systematically recognised. Moreover, other non-visible vulnerabilities such as victims of trafficking or torture tend to be identified much later and this often complicates access to protection, in particular for those who have to follow the so-called accelerated asylum application procedure.

As mentioned, it is the Territorial Commission that is in charge of evaluating asylum applications. In 2017, the Territorial Commission, which is under the authority of the Prefecture, underwent a reform that incorporates European directives to harmonize the granting and withdrawal of asylum. A public call for applications was conducted to hire highly qualified professionals, with the broader aim of strengthening staff, speeding up procedures, and reducing the time asylum seekers have to wait to be heard. Moreover, since then, employees of the European Asylum Support Office (EASO) have been involved in Italian procedures, both in the necessary administrative and legal issues that can follow after a rejection. EASO thus trained members of the Territorial Commissions and acted as advisors in the Central Commission in Rome, the *Questura* and the civil courts dedicated to assessing appeals against negative decisions. In the municipality of Catania, the Commission collaborates with the body appointed by the State to take charge of trafficked persons and with the public ethno-psychiatric service. The Territorial Commission seems to turn to these two services when, during the hearing, it identifies conditions of fragility of the asylum seeker. Collaboration with the associations that deal with LGBTIQ rights does not appear to be substantial, also because the only reference that is indicated by professionals as competent in this matter is only in Palermo.

More generally, there is a constant and fragile relationship between the public structures involved in the governance of international protection (municipal social services, police, judges or prosecutors for cases of minors, doctors, psychiatrists) and the basic services provided by civil

society and aimed at guaranteeing free legal assistance, hospitality, food, accommodation, access to health care, socio-occupational guidance, Italian courses. The way relations are handled, and the type of requests made in individual situations, while necessarily aimed at resolving immediate emergencies, often involve complex forms of ethical and tactical evaluation by the associative world because of the imbalance of power and the forms of dependence they have on institutions. These concern the present and future allocation of money to make the project work, as well as the monopoly of decision-making on the fate of asylum seekers by prefectural actors. On the other hand, it is the associations and civil society activists who fill the gaps left by public services, in particular with regard to access to housing, food, psychological and health counselling, and the legal information plan. On the other hand, the associations and civil society activists fill the gaps left by public services, particularly regarding access to housing, food, psychological and health counselling, and the legal information plan. Thus, there is a continuous circulation between the public and private sectors of resources in terms of professional skills, social capital, and even material goods despite political differences.

Public-private collaboration is also often facilitated by the biographies of the actors involved, who have a 'transversal' professional trajectory, having crossed different 'locations', i.e. NGOs, institutional and non-institutional contexts, and forms of civil society activism. For example, we can find an SAI operator who previously worked as a social/legal worker for a humanitarian NGO, who is also a volunteer for a left-wing association and an activist for migrants' and refugees' rights. These overlapping experiences and fields of intervention facilitate patterns of collaboration and linkages between and among different institutional, non-institutional, public and private, international and local spheres. Networking is also fostered by discussion tables to involve all actors and stakeholders in project design and management. EU and Sicilian regional funds solicit cooperation tables, indirectly linking these actors with European donors and the regional institutional level. All actors operating in the area know each other and selectively choose their local co-partner in responding to calls for proposals, while the fundraising of private donors is done individually, leveraging their specific identity.

All actors mentioned two main problems in developing joint projects and actions. One is more closely tied to the way in which vulnerability is thought of, defined and conceptualized. If on the one hand there are differences among the various realities of the associative world on the use or not, and under what conditions, of substantive (and therefore potentially victimistic) conceptualizations of vulnerability, all agree that the calls for projects available are often unable to focus on the "real" (often submerged) conditions of vulnerability experienced by migrants. Furthermore, that project calls are very sectoral in terms of specific needs, placing restrictive and reductive conditions on what types of beneficiaries can be eligible for consideration. The other obstacle is related to the awareness of what we might call the impossible sustainability of projects, where the interruption of funds hinders the delivery of desired services. For example, referring to the SILVER project mentioned above, interviewees pointed out that at the end of the project there was no dedicated expert left to address issues of sexual abuse. Moreover, no cultural mediator is now present in the service, which now depends on "voluntariness" and, as it is often defined by actors, "friendship" and "personal ties." In fact, this dynamic impacts not only the case of the ethnopsychiatry service affected by the project, but also, more generally, the way the SAI system depends on association services to respond to situations in which it cannot provide hospitality or help to "vulnerable" people.

Moreover, the fact that the system relies on the personal connections of people who are engaged in the governance of international protection both as professionals and as volunteers

presents a further critical issue. The interviews revealed that these individuals are definitely overburdened by the weight of work to which they are exposed. As stated by one of the interviewees, "Because of the fact that the field is the same, it then risks sucking you in in an overly all-encompassing way" (social worker 2). Thus, the research shows how the institutional identification of vulnerability and its reduction is highly dependent on the personal social capital that is mobilized by public service staff and associational members, as well as the way in which the services themselves take care of the vulnerabilities and distress of their employees.

### **Orientation of actors in governance networks**

The actors involved in the governance of international protection differ in their orientation in the eastern Sicilian territory under consideration. In the previous paragraph we showed how the public and private sectors are in an asymmetrical and continual situation of interdependence. In the practices and discourses of the public sector, discourses that we could ascribe to the charitable register alternate with needs and approaches centred on identity, the perspective of legality and the perspective of a disembodied public interest, rather than solidarity.

Regarding the field of civil society organizations, in the period prior to this research (since 2014), there has been a majority presence of global-pluralist organizations, such as large humanitarian NGOs. Since 2021, however, we are witnessing a greater prominence of local organizations, and the redefinition in local terms of the forms of operation of the humanitarian NGOs left. Paradigmatic is the project of co-housing of Oxfam that aspires to intervene in a specific neighbourhood of Catania with a high presence of migrants and subject to a serious project of gentrification, and that was then designed through collaboration with a local association with an entitlement perspective. Also UNHCR, in its work, adopts a local centric approach and oriented to support effective paths of solidarity, in particular by funding projects in Sicily region that support the social and economic protagonism of migrants.

On the other hand, as far as the realities operating on the territory are concerned, in particular some of these local expressions of transnational networks linked to the Jesuit and Waldensian world, closely associate the perspective of charity with that of entitlement

### **Impact of GCR / GCM on collaboration patterns and orientations of actors**

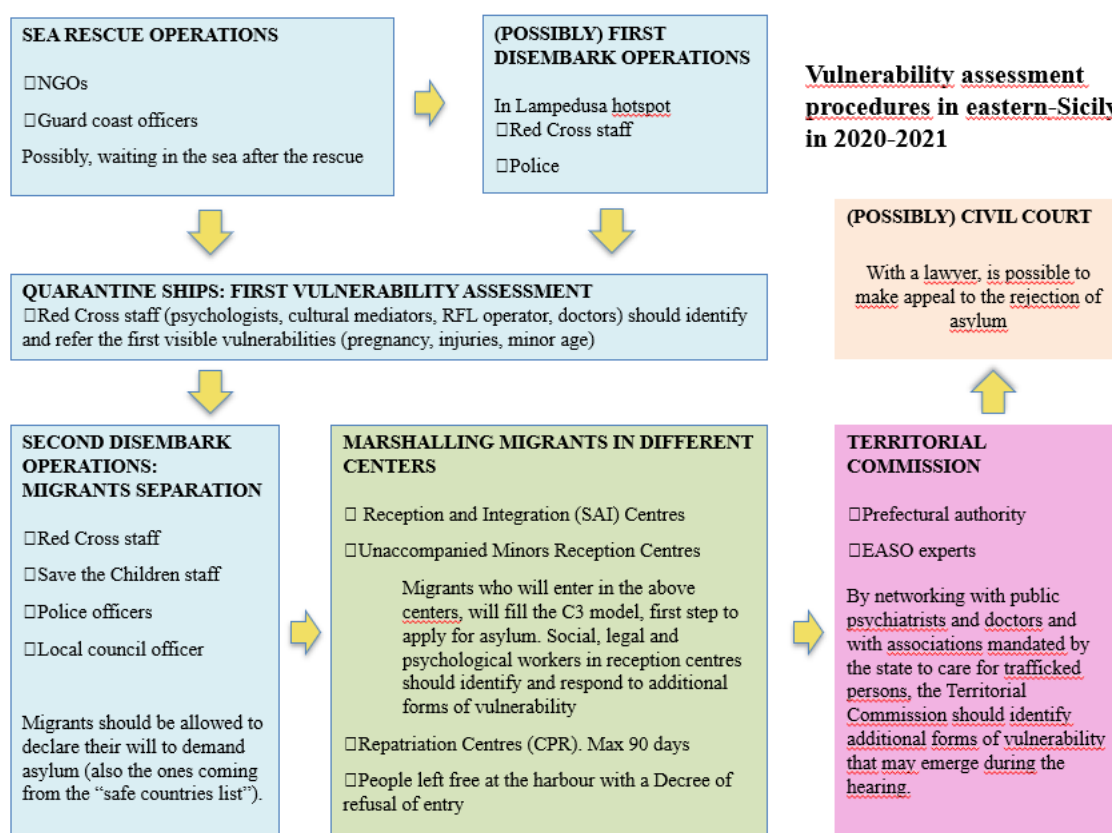
Italy has not signed the GCM, refraining from voting on it at the UN, while it has adhered to the GCR. Most of the interviews conducted with operators show that the actors in the field, especially at the local level, are not aware of the existence of these two soft laws. The only reality encountered during the field experience that refers to the GCR text is the international Jesuit network. This includes *Centro Astalli*, which has two main offices in Sicily where it provides free legal and social support to asylum seekers and migrants seeking regularization. Beyond the national representation of UNHCR, the Guarantor for the Rights of Persons Detained and Deprived of their Liberty, who is in charge of monitoring the respect of human rights in reception places and repatriation centres, and the members of the Territorial Commission, most of the actors did not show expertise on the subject. Those familiar with the GCR mentioned some difficulty in transposing soft law. For example, the Territorial Commission stated that they were aware of the document and its content, but that at this stage the GCR apparently did not profoundly affect the ordinary work of the Commission. An NGO practitioner who also works as an interpreter for the Territorial Commission, on the other hand, notes that despite the 2017 reform, the commission in recent years does not give relevance to travel conditions as a factor in vulnerability.

Field research has thus become an opportunity to inform professionals, volunteers, and migrants in the field of the existence of these soft laws.

## Impact of COVID

In the first phase of the pandemic, and until the summer of 2021, the management of COVID has led to the closure of many services such as dormitories, Italian courses, day centres, decisively impacting the response to the essential needs of asylum seekers and refugees. Some volunteers have taken it upon themselves to continue to operate informally to meet these needs, even using their own economic resources to respond to food distribution. The closure of these services has also compromised the functioning of the more or less structured networks that are located in the territory, and that have continued to operate in the activities of internal networking and planning in online mode.

In particular, the drastic reduction of beds in facilities able to issue the certificate of accommodation required by some police stations in order to apply for asylum, as well as the need to undergo swabs, vaccinations or periods of quarantine in order to access reception centres, has compromised the rights of access to international protection, as well as undermining the provision of basic needs, such as housing, to asylum seekers.



# **Collaboration among actors in Toronto, Canada**

Idil Atak, Ryerson University

## **Context**

Canada is a federal state. Immigration and refugee protection are matters of shared jurisdiction between the federal government and the provinces. The former possesses exclusive jurisdiction over “naturalization and aliens”, the authority to establish immigration selection criteria and to enforce the border (Constitution Act 1867, s. 91(25)). At the same time, matters pertaining to the settlement, and integration of migrants are part of the provincial jurisdiction. These include education, most labour and economic relationships, and healthcare, policing, housing and social assistance. In this model, the Province of Ontario delegates some of the power to govern these matters to the City of Toronto. The Province provides funding to the City and to third parties to deliver settlement and integration services for immigrants, including asylum seekers.

With a population of 2.73 million people, Toronto is Canada’s largest city and a major national economic driver. Forty-seven per cent of the Toronto’s population are immigrants which is the highest proportion of any major urban centre in the country (Statistics Canada 2017). The main destination city for the majority of asylum seekers and refugees in Canada, Toronto has also been implementing a so-called “sanctuary city” policy since 2013. The policy directs city officials not to inquire into immigration status when providing select services (e.g., emergency shelter & housing supports; employment help; library services; public health services) or to deny undocumented migrants access to services for which they are eligible (City of Toronto 2014; Atak 2019).

The City of Toronto is home to a large number of settlement organizations which offer programs and supports for immigrants to assist them with integrating, adapting and resettling in Canadian society (Praznik and Shields 2018(a)). Settlement organizations provide services to immigrants, with the support of or in partnership with federal, provincial and municipal governments, in addition to several non-profit and other civil society organizations. These organizations actively collaborate to identify and address migrants’ vulnerabilities and specific needs relating to a broad range of areas, including: legal status, language/interpretation services, labour market integration, health care, counselling, and housing support.

## **Method**

The field research was conducted from March to August 2021 and involved 14 semi-structured interviews with stakeholders, including: lawyers, representatives from immigrant serving and non-profit organizations, the City of Toronto staff and municipal government officials. The interviews were held virtually, through Zoom or Google Meet. In addition, two federal ministries, Immigration, Refugees, Citizenship Canada (IRCC) and Global Affairs Canada (GAC), opted for providing a joint written response to the interview questions. IRCC and GAC are responsible for overseeing the implementation in Canada of the UN Global Compacts. Finally, due to the pandemic, interviews with migrant community have been postponed until early 2022. They are taking place in February-March 2022.

## **Forms of collaboration**

Key actors in Toronto collaborate in various ways across local, provincial and federal levels and, in some cases, with their counterparts globally, in particular in the United States. The first *Canada-Ontario Immigration Agreement*, signed in 2005, expanded the role of the province in immigration matters. It included a sub-agreement on trilateral partnerships with municipalities, in particular the City of Toronto. This was followed by the 2006 *Canada-Ontario-Toronto Memorandum of Understanding on Immigration and Settlement* (MOU) signed between Canada, Ontario, the City of Toronto and the Association of Municipalities of Ontario. The MOU aimed to enhance multilevel immigration and settlement dialogue. The importance of such a dialogue has been acknowledged by the Federal and Provincial governments who affirmed “shar[ing] a mutual interest in creating immigration partnerships with municipal governments and private sector stakeholders” to support settlement and integration of migrants (*Canada-Ontario Immigration Agreement Annex D*, 2018, par. 1.1).

The three orders of government (federal, provincial and municipal) do not directly provide services to migrants. Instead, they fund and collaborate with different governmental and non-governmental agencies and organizations to assist migrants with integration and settlement.

## ***Pivotal Role of the City of Toronto***

The City of Toronto is the main governmental actor involved in partnerships and collaboration with settlement agencies, other service providers, and CSOs. In 2013, Toronto City Council passed the *Toronto Newcomer Strategy* to “improve newcomer settlement through shared leadership, stronger collaboration and a more seamless and well-coordinated service system” (City of Toronto 2013, p.7). The *Newcomer Leadership Table* and *Local Immigration Partnerships* are part of the *Toronto Newcomer Strategy* which aims at improving access to municipal supports and supporting civic engagement and community capacity, including providing information, research and training to community-based organizations to increase their capacity (City of Toronto 2013, p. 31).

The City ensures provision of settlement services for refugees through its *Newcomer Leadership Table*. Leaders from three levels of government, community groups, hospitals, and school boards come together to discuss actions on issues that impact refugees and their settlement. Table Members include Canadian Centre for Victims of Torture, Immigration, Refugees and Citizenship Canada (IRCC), Toronto Catholic District School Board, Toronto Public Health, Toronto Regional Immigrant Employment Council, United Way Toronto.

The Toronto Newcomer Office, originally established in 2010 within the City of Toronto, is funded by IRCC as a city-wide Local Immigration Partnership (LIP). The Toronto Newcomer Office is a key actor in the coordination of policy implementation with the city’s operational divisions that provide direct services to migrants.

A municipal government official explained how the City works in close cooperation with immigrant serving agencies and organizations as well as with the Federal Government and the Province of Ontario:

*[In] the Newcomer Office, an important and significant component of our work is intergovernmental relations. So we work very closely with the province and the federal government. And the Newcomer Office... represented the city of Toronto in negotiations of the Compacts... I work very closely with the New York Office of Immigrant Affairs, Montreal’s Office of Newcomers, etc. Our partnerships here in Toronto, internally and*

*externally, are critically important for our work. It is important for us to understand what our community partners are saying on the ground because we don't provide direct services. So, we don't see newcomers. Our only way to find out about the circumstances of migrants in our city is through our partner or through city divisions that are providing direct services like the Shelter Division or TES, or even Children Services, Parks and Recreation.*

The Toronto Newcomer Office also funds community partners to implement specific projects. For instance, when Syrian refugees were being resettled to Canada in 2016-17, the Toronto Newcomer Office channeled funding to a number of agencies, such as COSTI Immigrant Services, Lifeline Syria, Ontario Council of Agencies Serving Immigrants (OCASI), to implement certain direct services to mobilize existing City and community supports and facilitate improvements where needed for the resettlement of Syrian refugees moving to Toronto (City of Toronto, 2016, p. 1). As part of the so-called Refugee Resettlement Program an Inter-Division Team and the Inter-Agency Task Force were created in 2016.

In addition to the Toronto Newcomer Office, IRCC, i.e. the Federal government, funds the other Local Immigration Partnerships (LIPs) in Toronto. **Local Immigration Partnerships (LIPs)** are multi-sectoral planning tables that bring a cross-section of stakeholders together to identify ways in which to support settlement and integration of immigrants into local communities. LIPs do not provide direct clients services, rather they facilitate coordination between government, community organizations and the for-profit sector to improve the settlement outcomes of Toronto's newcomer population. The City of Toronto has more than 200 community agencies that are LIP members.

The City of Toronto is not allowed to allocate any federal or provincial funding to support services for undocumented migrants. As a result, Toronto's sanctuary city policy, also called "Access T.O", has been chronically understaffed and underfunded. Toronto's Newcomer Office which is in charge of Access T.O. has no dedicated budget or staff for the policy implementation. The City Council in Toronto has only provided \$800 in funding for small-scale training, community outreach and an audit to assess compliance, since 2014 (Hudson 2021, p. 90). The audit showed that there was an ongoing lack of information and understanding about the Access T.O. which led to the inconsistent application of the policy by City staff (City of Toronto 2017).

Another shortcoming highlighted by the service providers and CSO representatives we interviewed is the lack of long-term planning by the City of Toronto. Some participants complained that their views have not been sufficiently considered by the City. The founding director of a refugee house noted:

*We heard that the federal government gave the city, what was it? 60 million dollars or something to deal with housing refugee claimants and putting them up with these expensive hotels and they are not getting all the support with their immigration services as they need. When we, as a coalition say "hey, we can you know, like do this reception centre. We can do all these things that could save money and be more effective for claimants". They're always dealing with the immediate crisis but they are not thinking long term.*

Despite the issues, Preznik and Shields argue that the City of Toronto is a "proactive municipality" in the sense that it works with community groups and city departments to identify and address needs before issues developed (2018(b), p. 5). The vast majority of the participants

in our research supported this finding and confirmed the close cooperation they established with the City of Toronto.

The City's COVID-19 pandemic response points to the importance of collaborations. In March 2020, a coalition of non-profit agencies in Toronto met with the City of Toronto and United Way Greater Toronto, a non-profit movement, to discuss how to best coordinate hundreds of community agencies across the city and how best to share information with them and receive information from them. They identified a community coordination plan, which established twelve community clusters to facilitate coordination and collaboration and information exchange. The federal, provincial and municipal orders of government were willing to work with immigrant and refugee serving agencies to support them to pivot the providing virtual services or different types of service delivery during the pandemic.

Further, the City of Toronto has established partnerships with other municipalities in the Greater Toronto Area. A recent example is the agreement concluded with the cities of Durham and Hamilton, and the Peel Region in Fall 2018. The City of Toronto funded these municipalities and regions to be able to move some asylum seekers that were coming into Toronto into the shelters and public housing available in these cities and regions. The agreement which was planned to be a six-month pilot was extended until the beginning of the COVID-19 outbreak in March 2020. It allowed the City of Toronto to deal with the sudden increase in the number of asylum seekers moving to Toronto, putting a pressure on the City's Emergency Shelter System. The increase was due to the secondary refugee movements from the United States following the election of Trump in 2017, when more than 59 000 individuals irregularly crossed the Canada–US border to claim asylum in Canada.

Finally, relations between the City of Toronto and the Province have been complicated since the election of the Progressive Conservative Provincial government in 2018. The provincial ministry of Immigration and Citizenship was then incorporated within the ministry of Children, Community and Social Services. A participant from the City of Toronto admitted that:

*we definitely had a much better relationship with the province. We used to have a really great contact in the Ministry of Community and Social Services which doesn't exist as a ministry anymore. Now it's like wrapped under what I call the ministry of everything. Which is like, I don't know, Women and Children and Social services, and like everything together. And so, we had really good relationship with them and we were able to, like move forward our advocacy, especially to do with social assistance and was able to push forward changes and getting people access to Ontario works like when they first made their refugee claims and were able to access like emergency assistance and so that was a really good relationship that we had with that government ministry but it dissolved under the new government.*

It is not clear whether and how the institutional change has affected the level of funding and support for immigrant serving organizations. However, some participants pointed to a deterioration of their cooperation with the Province of Ontario.

### ***Collaborations among settlement agencies and civil society organizations***

In Toronto, settlement agencies, service providers and civil society organizations actively collaborate with each other across service areas. Key actors consider collaboration as a necessity for their work, in order to adapt to challenges and respond effectively to the needs of migrants. According to a participant:



*The settlement agencies deal with a lot of cases that they may not be as well trained as they could be or should be, to deal with. And that's why they enter into a lot of agreements with their colleague organizations in the community to try to bring together the different skills and the different sets of expertise. And sometimes that works and sometimes it doesn't work as well. But at the beginning of the Syrian movement for example, the settlement sector was really overwhelmed. They were just not prepared for the kind of people that were coming in as Government Assisted Refugees and the kind of supports that they needed ... So they've tried to evolve, you know. They're now doing more case management kinds of approaches. Rather than having, you know, different officers deal with the family for different things. You know, they have someone who provides, who it's their case manager, for all the things that they need. And maybe the liaison, and some of the hospitals or some of the health organization have to deal with. So they're modifying their approach to trying to respond to vulnerability and they are a very adaptable group of organizations. I mean they really are pivoting when they have to.*

Collaboration can take the form of sharing expertise and information or pooling resources among the CSO and service providers. As a participant put it:

*We identify very closely with the other refugee houses and shelters. So those members of the coalition. We are kind of a working group and our network in different things. We also work very closely in terms of coordinating services between our organizations. So, you know, whether it is referral to one another for different services, support or partnerships we make for specific programs. We work very closely with the refugee houses in Toronto on that. And then, yes we have different partners through the city.*

Partnerships among shelters and refugee houses in Toronto provide migrants with help by being connected to services and supports in settlement, health care, housing, education, community transitions, and legal aid. The Inner City Health Associates, which is an organization that runs all the health clinics in Toronto, work with refugee shelters where they provide health care services on a weekly basis. Some refugee shelters partner with the local social assistance office so that a social assistance worker, or the Ontario health worker would come into the shelter to do intakes and appointments with residents. They also have strong relationship with public health nurses who take regular appointments with pregnant women and newborns in shelters.

Another example is the Canadian Centre for Victims of Torture (CCVT), a non-profit organization that assesses the needs of victims of torture and offers health care services and social assistance to them through in-house consultations or referrals. The CCVT relies on a broad network of physicians, psychiatrists, psychologists as well as Family Service Association of Ontario and Children's Aid Society.

To cite another example, the refugee hearing preparation program run by Matthew House, a refugee home, is accessible to the clients of other asylum seeker serving organizations. Similarly, the preparation workshop that the Red Cross First Contact Office runs is open to all.

### ***Collaborations within a specific service area and public/private cooperation***

Some actors in Toronto collaborate within a specific service area. The coalition of refugee shelters in Toronto offers a good illustration. It comprises of eight refugee shelters which also work with

the larger southern Ontario Coalition of Service Providers for Refugee Claimants, a network mainly comprising of shelters and refugee serving agencies.

Another example is the Unaccompanied and Separated Children Network which was launched at the end of 2017 to fill a long-standing gap in the system for this vulnerable population in Ontario. This volunteer initiative is coordinated through the Ontario Coalition of Service Providers for Refugee Claimants. It brings together stakeholders who work on the front line or within the sector to identify and address challenges and barriers for unaccompanied and separated children who are moving through the refugee claim process or other immigration proceedings, and who try to navigate other aspects of settlement in Ontario. The Network offers training and advocates for the creation of extra resources and policy reform. A training was created for frontline workers and organizations who may come into contact with unaccompanied and separated children, on how they can support this population and available resources. In addition, the Network elaborated a best practice guideline for designated representatives who are assigned to unaccompanied or separated children going through the refugee claim process. The Network offers a good illustration of public-private collaboration as it gathers together several actors from the Province of Ontario, the City of Toronto and private organizations. The list includes: Legal Aid Ontario, the Refugee Law Office, Child Welfare Sector, Children's Aid Society of Toronto which runs Child Welfare Centre for Immigration Excellence for children who have immigration issues or challenges, but are also connected to Child Welfare, representatives from youth shelters, the Office of the Children Lawyers, which represents children in child welfare and protection matters.

Partnerships between the government and service providers within a specific service area seem important for successful service delivery. For instance, the majority of the shelter spaces available through the City of Toronto, are provided and acquired by the community partners. Without them, the City's shelter capacity would be considerably restricted.

It is noteworthy that some organizations directly collaborate with federal agencies on specific issues or on a case-by case basis. For instance, the CCVT works with the Canada Border Services Agency, for the release from immigration detention of foreign nationals who are victims of torture. The organization uses their expertise and community connections to offer assistance, like trauma counselling and psychological and psychiatric support, and secure services such as referrals to safe and accommodating shelters.

### ***Cross-border collaboration***

Some organizations in Toronto are involved in cross-border collaboration with their counterparts in the United States to address common challenges and assist asylum seekers. The above-mentioned Ontario Coalition of Service Providers for Refugee Claimants includes refugee houses and agencies who work with vulnerable populations across Southern Ontario and in the United States. A recent advocacy body has been a network that deals with the border crossings between the US and Canada. This network of advocates on both sides of the border, in Ontario/Quebec and Ohio, in Michigan, in New York State in Maine, was established in January 2020 and meets virtually once a month to exchange information and ideas for ensuring justice for people who are trying to come from the US to Canada. Their work includes: creating a resource list of lawyers in Canada that are willing to do consultation with migrants in the South, putting out state of the border information in pandemic time, and building relationships and networks on both sides of the border.

### ***The role of umbrella non-profit organizations***

Umbrella non-profit organizations play an important role in terms of facilitating collaboration through standard setting, networking and advocacy, pushing different orders of government (federal, provincial, and local) for more resources for their members and policy change. The Canadian Council of Refugees (CCR) is an influential umbrella organization active across the country. CCR Consultations, held twice a year, address issues of refugee protection and immigrant and refugee settlement. They bring together 300 or more people from across Canada and beyond. Participants include refugees, immigrants, representatives of NGOs, government, UNHCR, academics and international guests (CCR website). Ontario Council of Agencies Serving Immigrants (OCASI) and COSTI Immigrant Services are the largest umbrella agencies, with hundreds of affiliated organizations, in the province of Ontario. There is a close cooperation between these organizations through the CCR regular consultations and other fora.

### **Orientation of actors in governance networks**

The orientations of actors we interviewed in Toronto are mainly human-centric. Migrants are perceived and treated as rights-holders entitled to an effective protection of their rights and freedoms. This approach is in step with the federal Liberal government's generally positive discourse and policies toward migrants, including asylum seekers and refugees. The partnerships and collaboration we discussed above clearly point to a solidarity perspective they adopt to responsibility sharing. Indeed, participants in Toronto work in solidarity with each other and with migrant communities to identify and address migrants' vulnerabilities and specific needs. Some organizations are involved in cross-border collaborations or cooperate with their counterparts in other cities/regions in Canada. However, the international solidarity has been limited in scope, most of the key actors focus on the situation in Toronto which, as a major destination for migrants in Canada, faces unique challenges. This trend has become more apparent during the COVID-19 pandemic.

By contrast, the federal government pursues a more global approach to international protection. Canada played a leadership role in the negotiation of the Global Compacts. It was invited to serve as a GCM "champion" country in 2020. As a participant put it, "Canada cares about its perception in the international arena. As a mid-size, mid-power country, there aren't many ways for Canada to be recognized. Being a responsible member in the international community when it comes to refugees is important to Canada in terms of how it is perceived in the world." Given this aim and Canada's leading role in refugee resettlement initiatives, it is not surprising that the federal government has prioritized its action overseas -as opposed to initiatives within Canada- to address migrants' vulnerabilities. The government's engagement overseas takes the form of promoting refugee resettlement and supporting host governments and communities. To illustrate, Canada partnered with international organizations to resettle refugees with specific needs via the Joint Assistance Sponsorship (JAS) Program. This program supports refugees with specific needs due to factors such as trauma from violence or torture, medical disabilities, the effects of systemic discrimination, or a large number of family members. Canada has also provided assistance to other countries through the Middle East Strategy, as well as holistic responses to the Venezuela and Rohingya displacement crises. In sum, the federal government of Canada adopts a global-pluralist approach and a solidarity perspective to responsibility sharing through its support to refugee resettlement and exporting its know-how in this field as well as through its capacity building initiatives overseas. In so doing, Canada utilizes a human-centric and entitlement oriented political discourse.

### **Impact of GCR / GCM on collaboration patterns and orientations of actors**

Our interviews revealed that the Compacts have not had any implications for collaboration patterns and networks in Toronto. They have not introduced any new governance actors to the field or changed the implementation of international protection.

Some of the key actors we interviewed were consulted by the federal government prior to the adoption of the Compacts and invited to provide feedback. As a participant put it:

*The federal government was really, really motivated to participate very actively and to demonstrate sort of leadership on both those Compacts. I think they felt that they were doing some interesting things and some important things particularly on the refugee side but also on the migrant side and felt that they could contribute in a kind of leadership role in the development of those two Compacts. So Canada took it very seriously and Canada had the expert advisory groups. One for the refugee, one for the migrant one. And they met with them. And we were a very, a diverse group. ...they were legal experts to frontline workers in settlement agencies, and everything in between, you know, sitting together advising the government on what could be in the Compacts.*

The Federal government did not pursue the collaboration with civil society organization after the adoption of the GCM in 2018.

Only a few participants had an in-depth knowledge about the Compacts and were able to speak to their potential impacts. A participant remarked:

*If we see an opportunity to use the Compact as a tool to put our arguments forward and then so absolutely we will. ... It's a non-binding agreement, it also doesn't have the kind of structure that we have with UN bodies with treaties and conventions.*

Some participants suggested that the Global Compact for Migration created a concrete space for NGOs to connect with each other. A representative from an organization serving migrants in Ontario referred to the importance of their relations with other NGOs in the European Union and in countries in the global South in this respect. According to a City of Toronto representative, the greatest impact of the Compacts has been the recognition of the role of the local government and their message to the local orders of government across the world that they have a responsibility in the governance of migration and the protection of migrants. This representative noted that the City of Toronto has close ties with the cities like Montreal and New York and the Global Compacts can enhance these relations.

Otherwise, the vast majority of the participants in our research said they heard about the Global Compacts when they first came into play. Nevertheless, participants unanimously noted that they haven't seen any implications in any way for the work that they do or any specific changes in Canadian laws that carry out some of the Global Compacts' objectives. When they were asked for the reasons, some participants mentioned the non-binding and top-down nature of the Global Compacts. According to a participant:

*The Global Compacts ... reflect many things. One, reflect a huge polarization on this issue between of the global south and the global north. We are not dealing with the same issues. We don't have the same interest and the whole thing becomes totally a waste of time when they make it no binding and when they make it a declaration only.*

Similarly, a participant from a major refugee and immigrant serving organization in Toronto who took part in the consultation process expressed his scepticism on the nature of the GCM:

*What they are trying is to avoid the discussion that the convention is not updated, is not appropriate any longer in terms of the issue they are dealing with. When they ignore, than even at the migration level or at the refugee level, we don't have a international monitoring mechanism that obligate the governments to implement things to protect migrants and refugees.*

The dual nature of the Canadian law was another reason stated by legal practitioners: international law principles have to be incorporated into Canada's domestic law to produce effects and be implemented in the legal system. Thus, a participant argued that the Global Compacts are not likely to be used before the courts because of the status of international law in Canada. They remarked that even legally binding United Nations instruments, such as the International Covenant on Civil and Political Rights, have not made a big difference in their practice. According to this participant, the lower level tribunals, like the Immigration and Refugee Board of Canada, typically don't take international law into consideration in their reasoning. Another practitioner said that they are just most focused on the rights of the refugees directly in front of them and that usually relates to Canadian laws.

### **Impact of COVID**

All the key actors interviewed indicated that COVID-19 has exacerbated a range of vulnerabilities and created new ones. They underlined that the pandemic has created significant challenges in service delivery, as well as social assistance and legal support. Some interviewees stressed that the pandemic has rendered everyone, even populations that they did not normally interact with, as vulnerable. For example, many spoke of the increased need for services and support by international students. Others stressed the dramatic increase in need for housing and health services in Toronto. Many also emphasized that many migrants, including refugees are experiencing increased isolation, trauma, and mental health challenges. Service providers are also struggling to effectively provide necessary support and experiencing increased burn-out.

It should be noted that when the COVID-19 hit in March 2020, Canada's borders were closed to all non-essential travel and almost everyone in Toronto went into a lockdown for two months. Settlement services were declared as an essential service by the federal government. That meant that those agencies could stay open for in-person services as long as they followed public health guidelines. A participant from a legal clinic serving women explained:

*We take rotations on keeping the space open and available and then the clients come. We created a special room where a client can do a remote interview with our own workers and the workers at their home. ... So you know, there has been a lot of covid fatigue, a lot of trauma on doing something but not doing the way we were doing things. I think we all have adjusted to that and initially adjusted to that part process. And then, digital divisions. A lot of survivors don't have access to technology. ... They have to make that one call maybe would quickly adapt and screen, and get them that phone and reach to get to them and then people were using phones or the phones would break or something else would happen. It was a whole bunch of complexity. We also invested in a lot of tablets.*

Some organizations said they felt on their own during the early days of the pandemic, because there was no access to personal protective equipment or to testing for their staff and clients. They had to modify the physical space, by establishing plexiglas separations in reception areas or closed the group rooms or child mining rooms. A participant said that they had to compromise and instead of making their work place trauma safe, they had to make it COVID safe. Some shelters decided to temporarily reduce their capacity for health and safety reasons. Other organizations had to stop providing in-person services and went entirely virtual. Some settlement workers felt scattered as they were working remotely.

As mentioned, the COVID-related lockdown and safety measures have amplified stress and anxiety for migrants, causing, for instance, family breakdown. A participant from a refugee shelter observed:

*There is a lot of other places that weren't providing shelter or those kind of round-the-clock care. So they went totally virtual... we knew from the beginning there was going to be a price to pay when you close down all the systems. It was only a matter of time before that stress and that anxiety and those consequences of that lockdown kind of came to the surface. And we're seeing now with the families. Whether it's more families unable to meet basic needs, eviction, more families at risk of losing their housing. A lot of, you know, family breakdown and stresses related to just the impact of lockdown on families. You know, not being able to get all the services and support they needed. Children not being able to go to school and socialize for extended periods of time. Maybe not having internet connection to be able to participate remotely.*

More families were unable to meet their basic needs and find themselves at risk of losing their housing. Food security has been an issue. While some (undocumented migrants) were unwilling to take the COVID vaccine or test for fear of being reported to law enforcement, other migrants were unwilling to do so because they didn't want to miss the salary of a day's work or lose their jobs.

In addition, some asylum seekers who arrived in Canada just before the pandemic couldn't enroll their children in virtual learning if they had never had a day of in-person school. There were no English Second Language (ESL) testing available for new incoming students until the end of September 2020. As a result, some asylum seeking children were deprived of the right to education for months.

The pandemic had also had some important systemic impacts. The border closures and paucity of immigration services and application processes have placed many migrants in precarious circumstances. For instance, a refugee lawyer indicated that the restrictions in place in March 2020 due to COVID-19 have led to many detainees being placed under strict lockdowns, including in solitary confinement. As a result, accessing clients and gathering the necessary documentation required for hearings has become particularly challenging. Moreover, the Immigration and Refugee Board's move to virtual determination hearings has presented new obstacles for claimants, lawyers, and decision-makers. It is noteworthy that there were 90 000 refugee claimants in the queue, waiting for their hearing when COVID struck. The wait time was already more than two years. The pandemic further slowed down the scheduling of hearings. A survey conducted by Matthew House with over 120 refugee claimants revealed that a major issue experienced by this population was the stress caused by the delays in refugee determination. In addition, key actors working with refugee claimants reported mixed experiences in relation to

virtual hearings. Some of them stressed that their clients appreciated them as they get to be in their own space, they actually felt a lot less nervous. According to others, refugee claimants felt their voices were not heard enough and they didn't have the opportunity to make their case because of the virtual format. Access to technological equipment was another issue mentioned by key actors.

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# Collaboration among actors in Musina, South Africa

Jo Vearey and Kuda Vanyoro, University of the Witwatersrand

## Context

The N1 that Bolt (2016, p. 1) describes as South Africa's 'great spinal cord' runs from Cape Town heading north towards Zimbabwe. Driving past Johannesburg, Pretoria and several kilometres covered by the green Highveld, into Polokwane, Louis Trichardt and the dry *mopaneveld* of the Limpopo valley leads to the small border town of Musina. Musina is the northernmost city in the Limpopo province of South Africa near the Limpopo River border with Zimbabwe. The town occupies the Vhembe district, which lies on the northern border of the Limpopo province, bordering Botswana, Zimbabwe and Mozambique. It is one of the district's four local municipalities (Massyn et al., 2015). The Census of 2011 shows Musina's population at 68 359, which is a significant increase from a total of 39 310 in 2001 and 42 000 in 2009 (Popihwa, 2018).

Musina is one of the busiest Southern African migration corridor towns. It is ranked number 10 on the list of top 20 migration corridors involving African countries owing to Zimbabwe-South Africa migration flows (IOM, 2017). The town is located approximately 520 kilometers from Johannesburg which is a popular destination for internal and foreign migrants alike (Mahati, 2015). Musina thus serves a dual function. Many use it as a stop off point before proceeding to Johannesburg while others find employment on farms to make a living to take money back to relatives across the border (Leong, 2009). This profile is consistent with the historical standing of the town, which was a mining town that offered employment opportunities to Africans from neighboring countries. The town also served as a transit zone for labor migrants looking for lucrative employment on the Witwatersrand (Popihwa, 2018). Particularly owing to acute income inequalities on the Zimbabwean side of the border and a protracted political and economic crisis there, Musina is a focus for would-be Zimbabwean migrants seeking to enter 'the land of greater opportunity' (Nugent, 2012). Similar to the 'so-called trampoline towns on the Mexico-US border,' the perception of 'a good life elsewhere' makes Musina a popular transit area (Nugent, 2012). Musina is one of the South African communities with a large migrant contingent and is a first stop for Zimbabweans who cross into South Africa (Chinyakata and Raselekoane, 2016).

## Method

We conducted remote fieldwork in Musina (South Africa) which took place virtually/telephonically and consisted of an initial identification and mapping of relevant organizations based on website and document analysis, and preliminary interviews with key informants. Fieldwork could not be undertaken in Musina in 2021 because of Covid-19 regulations. Hence, we could not invite migrant participants to participate in the study or conduct participant observation focusing on the collaboration between various state and local authorities and non-governmental actors (including civil society and international organizations) in their work to identify and assist migrants/refugees considered vulnerable. However, both researchers are privy to the developments in the border town with Vearey having conducted research since 2008 and Vanyoro since 2016. Both researchers have also been engaged in the activities of the humanitarian actors by participating in the migrant health forums and the humanitarian cluster.



Based on the initial mapping, we were able to identify two key actors for more in-depth study: one organization providing basic care services, and one focusing on legal assistance. We chose Future Families and Musina Legal Advice Office, with whom we conducted remote interviews to gain insight into the role of these actors/organizations in identifying and assisting migrants/refugees considered to be vulnerable or have special needs, how they interact with other actors/ organizations with regard to this group, and what understandings of vulnerability – including negotiations on this notion - characterizes the assistance provided, and collaborations with other actors. We also conducted remote, semi-structured interviews with key informants, including government agencies, international organizations, non-governmental; organisations and government agencies operating on the ground.

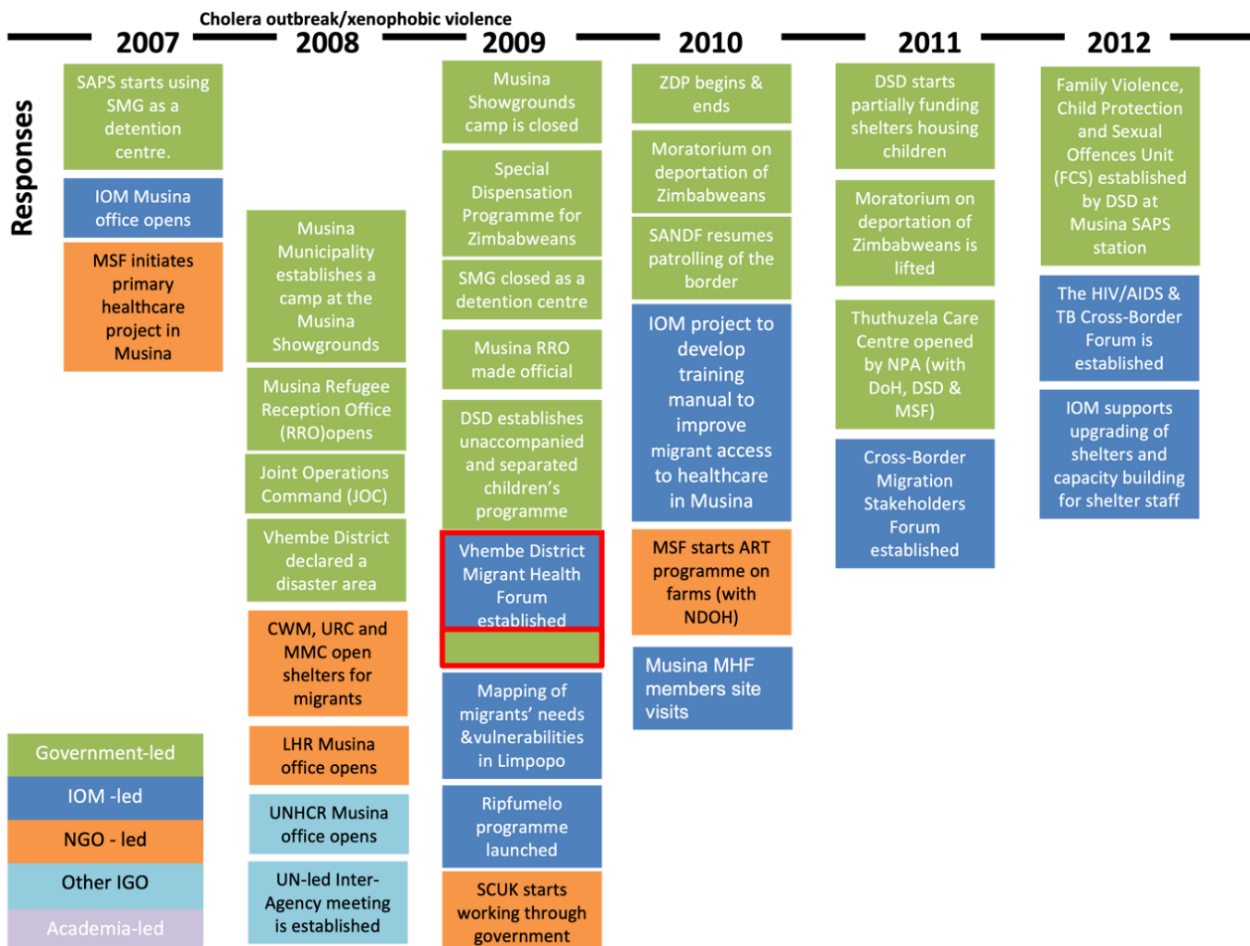
We also draw on online engagements, particularly The Second PROTECT Expert Forum, which examined the ongoing influence of the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM), as well as the current state of refugee protection governance in south(ern) Africa. Particular attention was given to: i) pre-existing obligations of States towards asylum-seekers, migrants and refugees in southern Africa; and ii) the on-going impact of Covid-19 (including state responses to the pandemic) on protection and the roll-out of both Compacts in South Africa. The first webinar for the 2<sup>nd</sup> Expert Forum, entitled, *‘Expert Forum on the Contemporary Issues Relating to International Protection for Persons on the Move in South(ern) Africa: Protection Issues and Solutions for LGBTQI+ People in Contexts of Forced Displacement’* was held on Wednesday 15th September 2021, 2pm SAST time. The second webinar for the 2<sup>nd</sup> Expert Forum, entitled *‘Expert Forum on the Contemporary Issues Relating to International Protection for Persons on the Move in South(ern) Africa: Exploring the Boundaries of International Protection and Human Rights Instruments in South(ern) Africa’* was held on Wednesday 22 September 2021, 2pm SAST time.

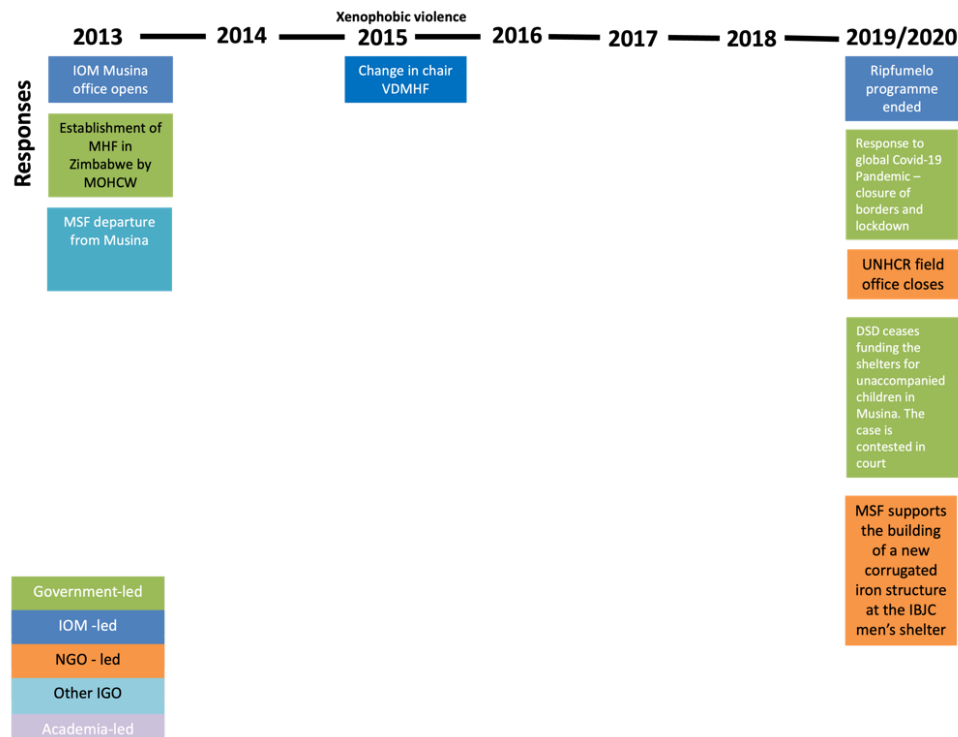
### **Forms of collaboration**

Musina became a base for several NGOs and international non-governmental organisations (IGOs) that began to trickle into the border town to establish their presence by opening local offices and building capacity. Migrants in Musina had access to a range of service providers, including local and international NGOs, faith-based organisations, legal service providers, local civil society organisations, humanitarian organisations, health care providers, and governmental and inter-governmental organisations (Elphick and Amit, 2012, p. 8). The programmes of these organisations were mostly framed along the lines of addressing the vulnerabilities of migrants, but other categories of vulnerability such as unaccompanied minors (pregnant unaccompanied minors, disabled or intellectually disabled unaccompanied minors) and survivors of sexual and gender-based violence were also incorporated. The government did not assist these migrants and international organisations began to provide minimal humanitarian services.

In recognition of the increased numbers of cross-border migrants arriving in Musina, the Department of Home Affairs (DHA) opened a Refugee Reception Office (RRO) in 2008. This has resulted in many migrants remaining in Musina for extended periods of time whilst waiting for asylum documentation; the town was – initially – ill-equipped to respond to this increasing migrant population. Recent years have seen increasing numbers of non-governmental (NGO) and inter-governmental organisations (IGOs) opening local offices in Musina; the International Organization for Migration (IOM) opened an office in 2007 and the United Nations High Commissioner for Refugees (UNHCR) established an office in 2008 (Elphick and Amit 2012). Since 2007, responses to understand and address the legal, humanitarian and medical needs of

migrants in Musina have developed. These responses have involved local, provincial and national government; a range of local, CBOs including FBOs; NGOs; IGOs, and research organisations. These responses have evolved to involve coordination and collaboration between governmental and non-governmental actors, including the development of bilateral responses between South Africa and Zimbabwe.





The response and forms of collaboration in Musina evolved in response to the changing context of migration in Musina. This evolving response was initially uncoordinated, and associated with sometimes conflictive relationships between government and non-governmental actors. The evolution of improved coordinating mechanisms – triggered by the 2008 cholera outbreak in Musina - have resulted in the development of partnerships and working relationships between government and non-governmental agencies, including with the IOM.

Drawing on criteria utilised in the SADC Best Practices Framework, previous research<sup>14</sup> identified six best practices which can be categorised into one of three types of response: (1) coordination and partnership; (2) research and technical input; and, (3) mobility-sensitive programming. Identified best practices include: the Vhembe District Migrant Health Forum; the Cross Border Migration Management Stakeholders Forum (CBMMSF); research projects funded by the IOM; technical input and capacity building by the IOM; programming for hard-to-reach and marginalised migrant groups; and, mobile health clinics. These best practices emphasise the role the IOM has played in working with both government and non-governmental actors to strengthen the evolving response to migration in Musina.

These findings suggest that it is possible to develop working relationships between governmental and non-governmental actors, including inter-governmental agencies such as the IOM. This takes time and requires engagement with the sphere of government closest to the ground. In this case, development of a relationship between the IOM and the Musina Local Municipality and the Vhembe District Municipality led to engagement and commitment from the Limpopo Provincial government. Critically, this relationship has led to the establishment of

<sup>14</sup> Vearey, J. and Anderson, J. (2013) EMERGING BEST PRACTICES : Unpacking the evolving response to migration in Musina, 2007 – 2012: *a focus on the South African government and the International Organization for Migration (IOM)*. Unpublished report.

several coordinating platforms that have led to improved responses to migration in the Musina Local Municipality, the Vhembe District Municipality and – increasingly – the Limpopo Province.

The key challenge initially faced by governmental and non-governmental actors responding to migration in Musina was the lack of coordination between government and non-governmental actors. Whilst this improved over time, and government and non-governmental actors should be commended for their commitment to developing coordinated responses to migration, on-going challenges requiring urgent attention from both government and non-governmental actors persist. These include: insufficient support from Provincial and National government to assist the District and Local Municipalities in implementing their developmental mandate and responding to mobility; on-going challenges faced by different groups of cross-border migrants<sup>15</sup> when attempting to safely cross the border from Zimbabwe; challenges faced by cross-border migrants when attempting to access documentation, safe shelter, food, water, sanitation, healthcare and the justice system in Musina; and, limited responses targeting key groups including survivors of sexual and gender based violence, unaccompanied minors and farm workers in the Vhembe District.

Using sentimental discourses, religious organisations sidestepped municipal and migration legislation, by opening transit shelters that served as islands of safety for thousands of undocumented Zimbabwean economic migrants. There is a shelter for men, women, and children. Initially, these migrants were allowed to stay for 72 hours, later extended to two weeks to accommodate bureaucratic delays, while applying for asylum. They were immune from arrest. Over time, these shelters have matured into categorical sites of containment, which relied on external humanitarian support as many travelling into South Africa stay for months in transit shelters with not an end in sight. Zimbabwean migrants who are no longer eligible for asylum cannot be arrested for as long as they are within the shelter.

All humanitarian organisations assisting migrants at the Zimbabwe-South Africa border together with DHA, SAPS and the local municipality developed **a migration cluster** to help coordinate their humanitarian efforts. The observation that humanitarian organisations were increasingly replicating each other's work as non-governmental actors had not yet developed effective coordination and information-sharing mechanisms was the basis for this decision (see Polzer, 2008). The cluster holds meetings once every month in the boardroom of the field office of the Secretariat - the UNHCR (NB: this changed with the closure of the UNHCR field office). Several key actors in the local humanitarian space such as Future Families, IOM, MLAO, and Lawyers for Human Rights (LHR), the UNHCR, the RCWS, the IJRC and SARC participate.

The efficiency of this collaboration is highlighted by Future Families who collaborate by working in networks. This social worker feedback what she is finding on the ground to legal partners, which is an approach in which assessments can be turned into advocacy:

*And looking at now when it comes to migrant children whose they have the South African father, you know there's a judgment, but that judgment is not being implemented so who are these families. Have they approached the Department of Home Affairs to try and have their children documented? Where are the [bottom leads? 11.25]? What can we do? What feedback can we give the relevant stakeholders, such as maybe Lawyers for Human Rights, Centre for Child Law, so that they can approach the government so they can implement those policies. So that's basically what I do, other than, you know when people talk about social*

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<sup>15</sup> In this report, the term 'cross-border migrant' refers to various categories of migrants including documented refugees and asylum seekers, undocumented migrants, and migrants with various categories of temporary resident permits.

*work, and provision of the basics but there is more to social work because I have to communicate what I am finding on the ground. I can feed a person but if they remain undocumented if I don't tell them to go back and maybe go back and have a childbirth record so that you can enrol your child to school. For instance, assessing those who need to be enrolled in school and they are not documented and if then if I go through the assessment and if I find that the school don't even know about the [inaudible 12.15] that undocumented children can be registered but in the interim the parents are doing something towards documentation. So that's what I do. It's not just assessment its probing and advocacy at the local level (Social Worker, Future Families, 2 November 2021).*

By working in collaboration, Future Families are also able to conduct referrals. For example, they can refer people who get raped along their migration journey to South Africa way victims of torture in war from war-torn countries like DRC to Thuthuzela Care Centres, where they are in turn referred to hospitals. Thuthuzela Care Centres are mainly urban based and attached to public hospitals and their main aims are to reduce secondary victimisation, increase convictions and reduce the time taken to finalise prosecution (VAWC, 2). The mental health support provided at the TCCs is largely by non-governmental organisations (NGOs). Referral also takes the form of directing migrants seeking shelter to the respective transit shelters in Musina. Collaboration is also an effective strategy for Musinal Legal Advice Office, whose work warrants this approach because it brings together three aspects of protection, namely physical protection, legal protection and case management. Because these aspects require a concerted response, collaboration is important for an organisation that has limited funding and staff.

Like Future Families, collaboration also ensure that the advice office can refer migrants to respective actors who can offer the services that they cannot. The office works by referring migrants on the issue of cheap labour, which came into play in Musina because the farmers and the community would employ them, exploit them by not giving them what is in line with the basic conditions of employment in as far as the Department of Labour was concerned. They assisted many by giving them advice and referring those that need to the small claims court in Musina and CCMA. Where the farmers were violating their rights, they would engage with the police to ensure referrals are assisted. The office would also run workshops with the community to reach out to employers, and Departments like Social Development, police, Home Affairs, the army, and local government representatives because 'they had little knowledge of what was happening'. In other words, collaboration with state actors enabled the advice office to carry out advocacy that would raise awareness to the state on the issues of migrant rights.

*And you are aware that this is why some government departments did not understand what Home Affairs were doing. Like you had the police getting an asylum permit and tearing it up saying this is not a legal document. Your army personnel, they will get those asylum seekers' permits and they will tear them up, saying this is not a document. It is because we did not quickly empower them because they were grappling with issues. You know, they are coming in and the issues were coming to the fore themselves, and then you react but we tried as an organisation to be proactive because we didn't want to be reacting always because then a lot of things will have been damaged. So, the government departments, civil society organisations, came together, workshops were carried out, that's where our organisation, your Lawyers for Human Rights, United Nations High Commissioner for Refugees, your IOM, played the pivotal role in terms of empowering government departments, in terms of*

*what does the law say, how are they supposed to be the migrants, how are they supposed to be handled and how are we supposed to be collaborating on those issues of protection. And it went well because then a few months down the line, there was a lot of understanding. We created a lot of platforms for civil society organisations, for government departments to come together in order to work together. Where there are challenges, then they are meted out within those platforms where we would meet and discuss issues of protection and all sorts of issues. So, we played a pivotal role in terms of education and getting government departments and civil society organisations collaborated with us and it was all relating to issues of legal protection, physical protection, and case management (Legal Advocate, Musina Legal Advice Office, 18 November 2021).*

Musina Legal Advice Office was also engaged at provincial, national and regional level by collaborating with CoRMSA and its member organizations in Johannesburg. The organization representative believes that these kinds of collaborations allow the office to remain in touch with parliament as they seek to influence legislation that they are seeing as undermining the protection of the rights of migrants while on the ground. In the long run, they hope that this collaboration can also translate to influence on policies at the regional level.

### **Orientation of actors in governance networks**

Our analysis of orientation of actors is based upon a mapping of relevant actors. The UNHCR is an international organisation that uses a human-centric orientation albeit it distinguishes asylum seekers and refugees from migrants. UNHCR established a field office in Musina in 2008 and closed in December 2019. In 2008 it provided humanitarian aid to the Zimbabwean migrants residing at the two transit shelters for men and women and shelters for children (food and remuneration for staff such as security, matrons and managers). The UNHCR's humanitarian focus then shifted to Congolese and Burundian asylum seekers whose vulnerability and political persecution was relatively accepted by the state. UNHCR had gone through a process of regionalisation and decentralisation, leading to the closure of the field office; leaving only the multi country office and the regional bureau. The multi country office is responsible for South Africa and countries that UNHCR has no presence in while the bureau provides technical support to country offices and field offices across Southern Africa and countries that UNHCR does not have a presence. The multi country offices deal with nine countries as far as refugees' protection issues are concerned, so Musina was taken out of the equation. However there remained a focal point office responsible for Limpopo in addressing protection issues. Decentralisation allowed the UNHCR to individualise its services. When the UNHCR only provided ad hoc relief-oriented material assistance, it insisted that it was not mandatory or guaranteed but based on an 'assessment of needs. Implementing partners: a budgetary mechanism that would, according to UNHCR, increase UNHCR's efficacy by maximising the organisation's grassroots coverage. This was purportedly a 'grassroots approach' that the organisation was using to bring more legitimacy and relevance to its work at the Zimbabwe-South Africa border. This is questionable because as pro bono lawyers, LHR are hardly 'grassroots' organisation. Secretariat of the humanitarian cluster (until it's eventual field office closure in December 2019).

Future Families has a human-centric, entitlement and solidarity orientation. Focus of FF is to provide services to Orphans and Vulnerable Children (OVC) and people infected and affected by HIV/AIDS in South Africa. In Musina, they are an implementing partner of the UNHCR who offer social assistance (food vouchers and transport subsidies) to newly arrived asylum seekers

and refugees and psychosocial services to all migrants. While their material aid is reserved for UNHCR's persons of concern, they also provide blanket aid to 'economic migrants' in the shelters in exceptional circumstances like Covid-19 once they have provided motivation to their funder. They are also able to address the needs of migrants, specifically women and children, through other projects with UNICEF and the Catholic church.

Lawyers for Human Rights (LHR) has a human-centric, entitlement and solidarity orientation. LHR provides legal services through its law clinics and advice offices, located in Johannesburg, Pretoria, Musina, Durban, Cape Town, and Upington. It provides legal aid – strategic work in human rights law through strategic litigation, advocacy, law reform, human rights education, and community mobilisation and support. It also runs community-based outreach, advocacy, and rights education to amplify the impact of critical legal outcomes while proactively seeking out and building partnerships with other civil society actors and communities for which we act as legal representatives and advisors. LHR were providing legal assistance to asylum seekers and refugees such as writing appeal letters, while participating in various community outreach activities and the humanitarian cluster.

Musina Legal Advice Office has a human-centric, entitlement and solidarity orientation. Musina Legal Advice Office is an NGO that generally deals with human rights issues. It was set up as a volunteer operation providing pro bono legal services to Africans who were arrested by the apartheid regime. Its trajectory shifted in 1994 as there was a change in the way the organisation had been operating before since there was no longer apartheid issues. It changed from dealing with those victims towards giving advice and support to issues that are related to labour and socio-economic issues in the community. When the Zimbabwean crisis hit its apex in Zimbabwe in 2008 the organisation began to look at issues of migration, moving away from dealing with particular issues around citizens. The organisation received a generous Atlantic grant in 2007 which was to fund a response to an anticipated influx of Zimbabwean migrants to Musina. At the time, it had a staff of 14, working on the refugee situation as the grants indeed set a new course of stability for MLO. Most of the description of its work captures this time when the office was in peak operation. Before then, migration issues were not amplified but the crisis raised the need for physical protection, legal protection and case management. These three became the cornerstone of the work of the advice office.

However, in 2019-2021, the organisation had no stable funding stream and had a smaller staff contingent, while operating from a home office in the high-density residence of Nancefield. Regardless, it remained open to assisting any category of migrants while vehemently challenging LHR for following the DHA's dictate on how to write appeal letters for 'manifestly unfounded' asylum cases.

Médecins Sans Frontières (MSF) is a global network of principled medical and other professionals who specialise in medical humanitarian work, driven by their common humanity and guided by medical ethics. Working together in teams, they respond to the medical needs of people affected by conflict, disasters and epidemics and people excluded from healthcare. MSF started providing medical and humanitarian assistance for Zimbabweans seeking refuge in Musina and Johannesburg in 2007-2013 by providing both emergency and primary health care to migrants (Médecins Sans Frontières, 2009). Many of these migrants were newly arrived and having both chronic health conditions and more immediate health care needs stemming from abuse experienced during the border crossing (Elphick and Amit, 2012, p. 29). They were also living in deplorable conditions and became dependent on food aid from organisations such as the UN, Save the Children and the South African Red Cross (SARC) (IOL News, 2008). MSF had no field presence

in Musina 2019-2020, although it funded various interventions such as the building of the new corrugated iron structure at the IBJC men's shelter. MSF returned for several months in 2020.

The Department of Social Development has a public sector, identity-centric, entitlements orientation. Department of Social Development started by providing funding to the URC Boys and Girls Shelters for unaccompanied minors. But administrative issues mean that funding stopped in March 2021.

Save the Children UK (SCUK) SCUK is an international charity organization that aims at creating a better world for children. SCUK set up the Musina Response Programme with to establish effective coordination and service delivery mechanisms to protect children on the move and other vulnerable children from harm, abuse, exploitation and neglect (Mahati, 2015). SCUK's response in Musina can be categorised into three operational phases:

- 2003 and 2008 – SCUK worked through a local NGO called the Centre for Positive Care, resulting in the setting up of Children's Advisory Councils. It also facilitated a number of stakeholder meetings (Mahati, 2015).
- June 2008 – June 2009 – This was an emergency phase whereby SCUK intervened directly through direct services to children (for example, protection, food, psychosocial support, tracing and re-unification), capacitating local service providers and coordinating child focused responses in the Musina municipality (Mahati, 2015). SCUK distributed food and created 'child-friendly spaces' to help serve the needs of mothers and young children (Fritsch et al., 2010).
- July 2009 – July 2010 – This is the post-emergency or transition phase whereby SCUK pulled out from direct intervention to working with local service providers (necessitated by the termination of funding from the Department for International Development) (Mahati, 2015).

The organisation returned to its original mandate of working through local partners, capacitating their partners' systems and monitoring these organisations' interventions (Mahati, 2015). However, SCUK continued to provide support to the Uniting Reformed Church's Boy's Shelter, in spite of not having any field presence.

While South Africa Red Cross Society (SARCS) has a permanent field office in Nancefield and participates in the humanitarian cluster, its presence in the area of migration is negligible. In 2016, SARCS launched a special programme the Restoring Family Links (RFL) to reunite refugees with their family members and help vulnerable migrants to make contact with their families. It also sometimes donated clothing items to the IBJC men's shelter. SARC has been active during the lockdown period by providing meals at the men's shelter once or twice a week, depending on availability.

The transit shelters are human centric but they are categorised according to gender and age. DHA abruptly shut down the RRO in response to the 'intense media attention' on the living conditions and abuse of those waiting for permits (Rutherford, 2011). Therefore, thousands of Zimbabweans began to move from Musina to Johannesburg, with the majority headed to the Central Methodist Church in inner-city Johannesburg with the help of humanitarian organisations. Those that would remain found refuge in two 'transit shelters' for men and women, namely the I Believe in Jesus Church men's shelter (IBJC) and the Roman Catholic Women's Shelter (RCWS). Meanwhile, two shelters providing services to unaccompanied minors, the Uniting Reform Church (URC) and the Concerned Zimbabwe Citizens Campbell Shelter began accommodating children.



At first, the churches ran the transit shelters with the support of organisations like SARC, IOM, MSF and the UNHCR who took care of their daily needs like food, clothes, mattresses and water. However, a lot of this funding has since dwindled.

IBJC is in Matswale and is run by the IBJC and accommodates men over the age of eighteen. It has a capacity of 350 people (Elphick and Amit, 2012), but its population is generally more than that per night as stranded Zimbabwean migrants and asylum seekers from DRC and Burundi arrive on an ad hoc basis. The men were initially allowed to stay for 72 hours, but the shelter has relaxed these rules because of changes at the refugee reception offices that restricted applications to certain days based on nationality (Elphick and Amit, 2012). In 2019, Zimbabwean migrants stayed for as long as they needed to raise money to travel further south into the interior. The shelter is managed by the church pastor who participates in the humanitarian cluster and runs on donations. Residents receive no meal so they have to fend for themselves. The exception has been during the lockdown where they have been receiving a meal once to twice a week.

Roman Catholic Women's Shelter (RCWS) is housed in an old church in Nancefield. It provides short-term food, housing and safety to newly arrived adult women and their children (Elphick and Amit, 2012). With a maximum capacity of 50 women, some of whom may share a bed with their children, it often houses as many as 100 residents per night thus the tent on the outside of the church building to allow for the overflow (Elphick and Amit, 2012). Residents receive one daily meal, although pregnant and breastfeeding women are fed twice. The shelter is supported by two faith-based charities: Catholic Relief Services and Thoyondou Diocese.

### **Impact of GCR / GCM on collaboration patterns and orientations of actors**

Our research does not provide evidence of the Compacts changing collaboration patterns or networks, nor do the Compacts appear to be introducing new governance actors.

### **Impact of COVID**

In some cases, the pandemic has provided opportunities for improved – or renewed – collaboration, such as the Researching Migration and Coronavirus in Southern Africa project (MiCoSA) (see text box). In other ways, the pandemic has further disrupted existing – but weak – collaborative structures, such as the Vhembe District Migrant Health Forum. Members of the forum have lamented the missed opportunities for coordinated responses in the context of Covid-19, attributed to moving the forum online and only meeting twice in the past two years. Whether the forum would have been responsive is debatable.

#### **Text Box: New Collaboration: the Research Migration and Coronavirus in Southern Africa (MiCoSA) project**

The Researching Migration and Coronavirus in Southern Africa Coordination (MiCoSA) project is hosted by the Migration and Health Project Southern Africa (maHp) at the African Centre for Migration & Society (ACMS), Wits University, Johannesburg. MiCoSA coordinates an informal network of migrant-led organisations, non-governmental organisations, international organisations, civil society, activists, lawyers, researchers, government officials and policy advisors. Through an online platform and virtual meetings under Chatham House rule, MiCoSA brings together national and SADC regional partners who are concerned with the health and well-being of asylum-seekers, refugees and migrants during the current Coronavirus pandemic. To date, MiCoSA has over 150 members.