

**Constructing a Refugee:
The State, NGOs and Gendered Experiences
of Asylum in the Czech Republic**

by

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Declaration

I declare that the contents of this thesis are my own work and that no material contained in this thesis has been submitted for a degree at another university.

Abstract

This study is an exploration of an institutionalised world that refugees inhabit in today's Europe. It argues that the institutional system that organises the reception of refugees and their settlement in a receiving country is based on historically and politically contingent constructions of "a refugee". The research was conducted in the Czech Republic – an emerging country of immigration and asylum at the semi-periphery of the European Union. It draws on qualitative empirical data generated in interviews and participant observations among state officials, intergovernmental and nongovernmental workers, asylum seekers and refugees from Armenia, Belarus and Chechnya. The thesis brings together the key actors that shape the construction of "a refugee" and examines the key sites of the refugee system where this construction takes place: asylum and immigration legislation, refugee determination process, refugee camps and nongovernmental spaces of assistance and public representation of refugees. "A refugee" is analysed as an idealised concept that underlies asylum policymaking; as an object of governance that shapes institutional practices; and as a lived and performed gendered experience that forms and transforms identities. The dominant view of refugees as people of little or no choice is challenged by presenting them as knowledgeable actors who act strategically in an unevenly contoured terrain of the refugee system. Also the view of institutions as operating in a consistent and unified manner is questioned. Their actions are described as often contradictory and dissenting voices are incorporated into the analysis. Moreover, the institutions of the refugee system are presented as tied together by mutually constitutive relationships in the context of unequal power relations.

Abbreviations

CEAS	Common European Asylum System
CEE	Central and Eastern Europe
CSO	Czech Statistical Office
DAMP	Department of Asylum and Migration Policy
ECRE	European Council of Refugees and Exiles
ERF	European Refugee Fund
EU	European Union
NGO	Nongovernmental organisation
RFA	Refugee Facilities Administration
SIS	Security Information Service
UNHCR	United Nations High Commissioner for Refugees

Introduction

“Asylum” and “a refugee” are powerful concepts that decisively structure people’s lives. They acquire different meanings depending on who employs them: for migrants, they are a ticket to enter; for governments, they are a reason to prevent their entry; and for intergovernmental and nongovernmental organisations (NGOs), they represent a means of subsistence and a *raison d’être*. To understand how these diverse meanings are put into practice and with what consequences, it is necessary to analyse “a refugee” and “asylum” as social relations. These relations are the subject of this study.

We live in a world where control over one’s mobility has become one of the major stratifying factors (Bauman, 1998). As if at the bottom of the social ladder, asylum seekers are the ones who are “doing a lot of physical moving, but who are not ‘in charge’ of the process” (D. Massey, 1994, p. 149). However, it would be simplifying to see their conditions as determined solely in a top-down manner. In this sense, the popular dualism between the “tourists” and the “vagabonds” (Bauman, 1998) can be misleading and overly homogenising. If we do not want to reproduce the dominant image of refugees as people of no choice and no voice, we have to situate them in social relations that constitute their position in everyday reality. They should be seen as strategic actors rather than pawns in the hands of large powers.

In theoretical terms, this study is an exploration of how the dynamics of structure and agency plays out in the context of the refugee system. This system is an interorganizational domain that includes the government, intergovernmental bodies, NGOs and refugee organizations. They are involved in the formation and

implementation of policies and practices that relate to the right to claim asylum, the procedure whereby asylum is awarded or denied and the organisation of the support to asylum seekers and recognised refugees in a receiving country (Hardy, 1994, p. 281). Some of the most basic aspects of refugees' lives are decided within the refugee system: Will they be allowed to claim asylum? Will their stories be considered trustworthy? Will they be allowed to stay? Will they have to live in the camp with limited privacy and strange people around? Will they be allowed to work and earn their own living? Will they receive support to adjust to the new environment? Will they be allowed to become citizens? Moreover, the refugee system has a tendency to depoliticise refugees and to turn them into voiceless and dependent objects of control and pity.

This study expands Hardy's (1994) understanding of the refugee system and also includes asylum seekers and refugees who do not act under a specific organisation. Despite their position of extreme dependency, their strategic actions and experiences are vital to our understanding of the system as a whole. Not only are refugee identities constituted through the operation of the refugee system, but so are the identities of the institutional actors involved. Therefore, their actions have to be seen in light of social relations that constitute this system. In short, the aim of this study is to explain how the refugee system operates, how it is experienced and how it is shaped by different actors involved.

Moreover, the refugee systems do not operate in gender neutral terms. Refugee women and men experience asylum differently as well as people of different nationalities, ethnicities, age groups and social classes (e.g. Bloch, Galvin, & Harrell-Bond, 2000; Buijs, 1993; Hajdukowski-Ahmed, Khanlou, & Moussa, 2008; Indra,

1999b; Kay, 1988; Kibria, 1993). Also their “refugeeness” is perceived in gendered terms: women tend to be constructed as blameless victims and men as dangerous intruders and potential impostors (Malkki, 1995a; Pupavac, 2008). This study shows how refugee policies and institutions operate in gendered ways, produce gendered layers of insecurity and prompt gendered representations and performances of refugeeness.

The key questions addressed by the research could be summarised as follows:

- How is “a refugee” constructed through the refugee system?
- How do state institutions, NGOs, asylum seekers and refugees shape this process?
- How are institutional, collective and individual identities constituted in the refugee system?
- How is the operation of the refugee system gendered?

Research Focus

Empirically, the study is situated in the Czech Republic and draws on the experiences of asylum seekers and refugees from Armenia, Belarus and Chechnya. Similarly to other post-communist states in Central and Eastern Europe (CEE) the Czech Republic is neither a traditional country of immigration nor does it host a large population of refugees. Nonetheless, it represents an interesting venue for the exploration of the refugee system for a number of reasons. First, although the majority of refugee situations are defined by extreme scarcity and humanitarian emergency, conditions in advanced welfare states such as the Czech Republic are more aptly described as that of “relative affluence” (Graham, 1999, p. 18). This

situation of lesser urgency allows a greater space for a detailed examination of more mundane features of the refugee system and its *modus operandi*.

Second, between 1990 and 2007 a previously non-existing refugee system has developed into a highly institutionalised and centralised domain which includes a number of state, intergovernmental and nongovernmental actors. Throughout this relatively short history, it has undergone a number of significant changes. A dominant view of “a refugee” has been redefined and the realities of refugee reception and settlement have also changed dramatically over time. Therefore, it offers an exciting case for the exploration of a dynamic and contingent character of the refugee system.

Third, similarly to the situation in other countries of CEE, the Czech refugee system could be characterised as a clear expression of a country’s acceptance of the international obligation to receive refugees. However, it has been carried out under conditions of insufficient economic and institutional means and lacking political will to bring it to the level offered by its Western European neighbours. Its membership in the European Union (EU) and recent inclusion into the Schengen Area have guaranteed the freedom of movement to its citizens but have also lead to the strengthening of barriers for people seeking asylum in Europe. They are the ones “getting stuck” in this semi-peripheral space. This is why the CEE region represents a specific space of asylum. For years, it has been perceived as a “transit zone” rather than that a destination by asylum seekers and refugees. However, this newly emerged space has rarely been studied so far.

Fourth, there is a lack of established immigrant or refugee communities in the Czech Republic. This increases incomers' dependency on institutions governed by the representatives of the majority population. That is why the Czech refugee system is particularly interesting for the study of refugee depoliticisation and for thinking about how asylum seekers and refugees could gain more power in influencing the operation of the system to better respond to their needs.

The situation of citizens of former Soviet republics seeking asylum in Central and Western Europe has rarely been examined in contemporary studies. That is despite the fact that, the Czech Republic as well as Poland, Austria and Germany have received large numbers of asylum seekers from the former Soviet Union in recent years. Armenians, Belarusians and Chechens have been among the most numerous groups of recognised refugees in the Czech Republic. While Armenian refugees have been coming mostly in the early and mid-1990s, Belarusians and Chechens represent more recent arrivals and have been the most common recipients of the refugee status since 2002. Their life stories illustrate how dramatic political and socio-economic transformations in the aftermath of the dissolution of the Soviet Union created violent and oppressive conditions and prompted people to leave their homelands. Their accounts of the Czech refugee system reveal the reluctance with which they were received how they were perceived differently as potential refugees. However, this study is not a traditional testimony of the settlement process of these refugee groups. Rather than focusing on their ethno-cultural specificities, it traces common patterns in their asylum experiences and thus provides a more general account of the system. Moreover, with regard to the experiences of life in refugee camps and

relations with NGOs, gender appeared to be a more significant structuring force than the ethno/national origin.

Research Process

The research process consisted of constant shifting between different actors and levels of analysis. Fieldwork was carried out in the period between 2005 and 2007 in Prague, Brno and several smaller towns of the Czech Republic. 29 semi-structured interviews were conducted with representatives of the two key state institutions of the Czech refugee system; five refugee camps in different parts of the country were visited for interviews and participant observation; fifteen current and former representatives of five key NGOs were interviewed together with two representatives of the United Nations High Commissioner for Refugees (UNHCR) office in Prague and in-depth interviews were carried out with 45 asylum seekers and refugees from Armenia, Belarus and Chechnya. A long-term contact was sustained with eleven refugee informants for a period of 1.5 to 3 years and they were interviewed a number of times. One or two interviews were conducted with the remaining 34 informants. The empirical data analysed also included asylum and immigration legislation of the past seventeen years, transcripts of parliamentary debates, policy documents, statistics, annual reports, websites and the media production of the institutional actors involved. Such a diversity of data, methods and levels of analysis enabled me to integrate the roles and discourses of different institutional actors and the impacts of their operation with and the perspectives and strategies of asylum seekers and refugees in different stages of the reception and settlement process. Long term engagement with a smaller group of refugee participants proved particularly useful for generating rich and complex narratives as well as for making the research process

beneficial and meaningful for both sides. Informed by feminist discussions of power and reflexivity in the research process (Stacey, 1988; Wolf, 1996a), I put special emphasis on maintaining the reciprocal character of my encounters with asylum seekers and refugees and, to some extent, also with state and NGO representatives. One of the main contributions of this study, and one of its original features, is that it brings together domains which are usually separated in the existing literature and shows how they are interconnected in social reality.

Intellectual and Personal Influences

Anthropological approaches to public policies (Shore & Wright, 1997a, 1997b; Wedel & Feldman, 2005; Wedel, Shore, Feldman, & Lathrop, 2005) offer a number of questions and perspectives that can be productively applied in the study of refugee systems. Shore and Wright asked (1997a): “How do policies construct their subjects as objects of power, and what new kinds of subjectivity or identity are being created in the modern world?” (p. 3). Drawing on their insights, I study the institutions of the refugee system always in relation to asylum seekers and refugees who constitute the objects of their governance. Moreover, the anthropology of public policy alerts us to the depoliticising and silencing potential of policies and institutional practices. It calls for deciphering of taken-for-granted assumptions and normative claims which are used to define and present problems in a specific way (Shore & Wright, 1997a; Wedel et al., 2005). Such definitions are usually presented as being the only possible in policy contexts but they should be seen as “enforcing closure or silence on other ways of thinking or talking” (1997a, p. 3). Therefore, in this study, refugees’ conceptions about the institutions of the refugee system will be highlighted as well as dissenting voices within these institutions.

There is an important distinction between the idealised conception of *what* a refugee is and a more individualised matter of *who* is and who is not a refugee (Phillips & Hardy, 1997, p. 160 emphasis original). Following this distinction, this study examines how the concept of “a refugee” is constituted within the complex institutional field of the refugee system and how “a refugee” is made into an *object* through more practical aspects of the refugee status determination process. Writing from the perspective of organisation and management studies, Hardy (1994; 2003) and Phillips (1999; 1997) examined the refugee systems in Canada, United Kingdom and Denmark. Their studies provide an analytical and conceptual framework for examining the relation between the level of (under)organization of the refugee system and the space it allows for different stakeholders (including refugees and their organizations) to intervene and shape the core values and practices of the system (Hardy, 1994). Moreover, their work has been instrumental in my analysis of the production of refugee identity as closely linked to institutional identities.

The processes of refugees’ identity formation, transformation and politicisation can be productively analysed by using the concept of the refugee label developed by Zetter (1988; 1991; 2007). He argued that bureaucratic interests and procedures are crucial determinants in the construction of the refugee label (1991, p. 41). His analysis explained why refugees often resist conforming to this label. In this study, I employ the notion of the refugee label as a materialised intersection between the *concept* and the *object* of “a refugee”. In his more recent work, Zetter critically assessed the proliferation of new categories of lesser statuses such as subsidiary protection in light of governments’ aim to institutionalize the fragmentation of the refugee label (2007). He emphasized that:

in the context of deterrence restrictionism and the fractioning of the refugee label, those claiming refugee status are more likely to be forced to transform or subvert the labels imposed on them because of the constraints and burdens which these labels may produce. (p. 183)

This observation is highly relevant to the situation of asylum seekers and refugees in the Czech Republic and Europe more widely. My emphasis on their strategic actions should be seen as situated in this environment of restrictionism and fractioning.

Finally, this research has been influenced by my personal encounter with asylum seekers and refugees in the Czech Republic. It started in the summer of 2000 when I visited a reception camp Vyšní Lhoty as an undergraduate student of social work. I still remember the mixture of fear and adventurous anticipation I felt when standing in front of the camp gate, not really knowing what to expect from the strangers locked up behind it. I also remember how my horizons were widened when I was leaving the camp after my ten-day stay. When I returned back to the university in the autumn, I found an advertisement of a local NGO looking for students to organise “leisure-time activities” for asylum seekers in a residential camp of Zastávka u Brna. I did not think twice and immediately applied for the position. For the following three years I commuted to the camp on a weekly basis and organised sports, trips and cultural events for asylum seekers. I returned to the camp in 2004 as a Master student and carried out research about the transformation of gender relations in families of Chechen asylum seekers who were then the dominant group of camp inhabitants (see Szczepanikova, 2005a, 2006a).

When retrospectively analysed, these experiences helped me to challenge some of the conceptions of the refugee camp and NGO assistance which I previously took for granted. For example, I rethought the contradictory behaviour of social workers

working in the camps. On the one hand, they acknowledged that the work NGOs did for asylum seekers in the camp was important, on the other hand, they often treated NGO workers and volunteers as unwelcome intruders into their realm of power. They did not like the fact that NGO's work in the camp gave us the image of "the good guys" while they themselves were more likely to be perceived as agents of control and subtle repression.

Looking back at my work in the camp, I have realised how the contractual relations between NGOs and the state administration pushed the former to take up the role of refugee pacifiers. I got into a number of arguments with the camp social workers over the nature of my activities there. For example, when I helped asylum seekers to write a petition against the quality of food in the camp canteen, my organisation was warned that it is not the kind of work for which it is paid. Once, I was openly told by a camp social worker that the ideal programme I should organise for asylum seekers is to do some sports with young men and make them tired so that they do not cause any trouble in the evening when most of the staff is not there.

Also my experiences with the world of NGOs offered some retrospective insights about their position in the refugee system. Despite realising the importance of the work being done for asylum seekers and refugees and the enthusiasm of my colleagues, I have recalled the impression that public presentation of our work was more important than its actual substance. For example, I remember that after I once forgot to take pictures on a trip with asylum seekers, the director of the NGO told me half-jokingly: "The pictures are more important than the event itself."

And finally, with regard to my encounters with asylum seekers, I have rethought my (and others') naive ideas about "helping refugees". I have better understood why they often did not show much interest and gratitude for the programs I organised. They saw better than I did that I only offered them a short-term and rather ineffective painkiller to their situation. I did not put enough effort to find out what was it that *they* wanted to do. Moreover, I could have used my energy and enthusiasm to do much more advocacy oriented work and to inform the camp inhabitants about their rights and practical alternatives to their situation.

Contributions

This research provides an original contribution to the refugee studies literature in a number of ways. First, it attempts to overcome dualism that characterises many approaches to refugee issues: either privileging the determining character of structural conditions engendered by laws and policies or examining refugees' daily realities with little attention to how they are structured by institutions and wider socio-political forces. The study uses an analytical and conceptual framework in which the institutions of the refugee system and the conditions they produce are seen as in constant interaction with the objects of their governance. At the same time, it incorporates their lived experiences and probes their potential to shape the system. The findings presented here will be relevant for analysing public policies in the making, for conceptual and empirical development of refugee studies as well as for practical policymaking and NGO assistance and advocacy.

Second, the refugee system is approached with gendered lenses. The study shows how the refugee label is constituted and experienced in gendered terms. As opposed

to most studies dealing with gender dimensions of displacement this analysis does not only focus on the situation of women but also discusses how the experience of being an asylum seeker and a refugee impacts on the construction of masculinities.

Third, the thesis scrutinises the institutions that have so far gained little attention in the studies of refugee situations in Europe: refugee camps and local NGOs. The former are analysed as a materialisation of an ambivalent approach towards refugees switching between compassion and control (Fassin, 2005) and at the same time as social spaces where refugees' identities are produced and reproduced in the process of socialisation. The latter are examined with regard to gendered performances of refugeeness which are nurtured through daily practices of assistance. The study shows how both refugee camps and NGOs contribute to depoliticisation of refugee issues.

Finally, this study discusses the potential of the CEE region to provide refugee protection in a wider European context – topics which have received only scant attention in the scholarly literature. The research also brings to the fore experiences of the refugee groups from the former Soviet Union which have not been extensively studied despite their increasing presence in Europe.

Structure of the Study

Chapter 1 provides an overview of how refugees have been conceptualised in refugee studies with regard to the interplay between structure and agency. The review focuses specifically on the literature examining gender, refugee camps, CEE region and the Czech Republic. A *strategic-relational approach* (Hay, 2002; Jessop, 1990) is proposed to the study of the refugee system. The refugee system is defined as

a constant interplay between the strategically selective context and strategies of individual and collective actors.

Chapter 2 explains the research methodology. Grounds for selecting different groups of informants, gaining access to them and the settings of the interviews and observations are explained. The process of data analysis is explained together with various forms of translations involved in this study. The ethical dimension of the research is highlighted with special attention paid to matters of power and reciprocity in research relationships.

Chapter 3 maps the main developments in the process of harmonisation of asylum and immigration policies of CEE candidate states and evaluates some of the changes in conditions of reception and settlement after accession. It also brings the stories of Armenian, Belarusian and Chechen informants to the forefront to demonstrate their migration routes and driving forces of displacement. The chapter concludes with an outline of the institutional structure of the Czech refugee system and the asylum procedure.

Chapter 4 scrutinises the legal-political construction of “a refugee” in the short history of the Czech Refugee system in the period between 1990 and 2007. The analysis points out the changing rationale lying behind legislative and policy changes. It connects developments in the asylum legislation with those in the sphere of immigration policies and demonstrates how a restrictive change in immigration law dramatically impacted on the refugee system and the underlying conception of “a refugee”. It also reveals how the change affected the work of refugee-assisting NGOs. The most recent restrictive changes in the asylum legislation and the

implications of the move towards Common European Asylum System (CEAS) are also debated.

Chapter 5 analyses refugee status determination and presents it in light of constituting “a refugee” as an object of the refugee system. By mapping different institutional and informal actors involved in the process it shows that although it appears as a highly centralised procedure, the state does not have full control over determining who will be recognised as a refugee. Next, different perceptions of Belarusians and Chechens are explained together with the consequences for their positions as future refugees and citizens. The chapter assesses the institution of humanitarian asylum which can be granted outside the framework of the 1951 Geneva Convention based on special consideration of asylum adjudicators. It is argued that despite its importance in the system, it individualises and depoliticises asylum claims. Finally, the role of gender in the refugee status determination procedure is discussed. The chapter explains why a seemingly progressive addition of “sex” as the sixth ground for persecution (alongside race, religion, nationality, membership of a particular social group and political opinion as indicated in the 1951 Geneva Convention) can mean very little in the actual practice of determination.

Chapter 6 studies the roles of reception and residential camps in the refugee system. It describes the evolution of the camp as a policy tool between 1990 and 2007. Different institutional actors who come together in the camp are discussed together with their different yet sometimes converging agendas. This convergence is highlighted with regard to depoliticisation of the camp. Next, the social space produced in the camp is examined. The camps are described as nodes of the refugee system where people learn and negotiate the content of the refugee label. This, it is

argued, often leads to alienation and disenchantment not only with regard to the refugee system but to the system of local legal norms more generally. The camps are presented as an environment which nurtures illicit practices and has a strong gendered dimension. The impact on refugee men is highlighted in the context of the production of gendered layers of insecurity.

Chapter 7 focuses on the nongovernmental sphere of the refugee system and examines gender micropolitics of NGO assistance to recognised refugees. The production of refugee identities through assistance is analysed together with their performative elements. The argument draws on Butler's (1993) conception of performances as being produced by power relations. NGO assistance in the Czech Republic is described as a highly feminised sphere which creates specific gendered expectations. The chapter shows that NGOs differ in their conceptions of refugees and two ideal types of NGOs are distinguished: Refugees' Friends and Young Professionals. It concludes that through their informal and friendship-like assistance, Refugees' Friends type of NGO tends to depoliticise refugees by promoting their one-dimensional positive representation, by instrumentalising them for self-promotion and by instilling values of submissive "trusted clients" in exchange for services and benefits. Refugees' critical reflections of their relations with NGOs are privileged in the analysis.

The concluding chapter briefly examines how the construction of "a refugee" matters with regard to the construction of "a citizen". Besides, key findings and cross-sectional arguments are drawn together and some directions for further research are indicated.

Chapter 1: Conceptualising Refugees: Structure and Agency

Introduction

Exploring the relationship between the actors and the environment in which they find themselves is at the core of understanding migration and settlement processes. Refugee situations, by definition, involve some level of compulsion and when researched, external factors of displacement and organised settlement schemes have been privileged over individuals' active role in adjusting and shaping these structures. My overarching aim in this study is to present a more nuanced, relational approach to examining structure and agency in the context of refugee settlement.

In this chapter, I draw on studies of refugee situations from different contexts and disciplinary perspectives to develop a conceptual framework guiding the analytical thread of this study and to identify gaps in the existing literature. First, I discuss how structure and agency have been explored in the refugee studies literature and present the strategic-relational approach as a theoretical guideline for conceptualising the interrelation between the two. Second, I present examples of studies that are inspirational in rethinking the notion of "a refugee" with consideration of both structure and agency. Third, I debate some of the arguments about the gendered character of refugee reception and settlement processes that are particularly relevant for the construction of "a refugee". Fourth, I introduce the institution of a refugee camp and contrast its studies from an African and Asian context with discussions about refugee confinement in Europe. Finally, I briefly outline the scholarship about refugees and asylum in CEE and identify the main gaps in the literature that this study aims to address.

Conceptualising Refugees in the Refugee Studies Literature

Refugees have been largely excluded from attempts to theorise causes and consequences of international migration. Traditionally, these endeavours were preoccupied with describing and predicting “economic” – as opposed to “political” – forms of migration and focused on “voluntary” – as opposed to “forced” – movements of people across borders (e.g. Arango, 2000; D. S. Massey et al., 1993; Portes, 1997). Studies of refugee populations have always been closely connected with policy developments (Black, 2001, p. 58). Until the 1980s, descriptive and historical accounts of particular refugee movements and their political and policy consequences prevailed (Black, 2001; Malkki, 1995b). More theoretical studies tried to categorise causes and forms of forced migrations (Kunz, 1973; Zolberg, Suhrke, & Aguayo, 1986) or to incorporate refugees into general typologies of migration (Richmond, 1988, 1993). They problematized simplistic dichotomies of economic versus political by highlighting connections between economic conditions and political persecution and stressing that refugee movements are inseparable from the state of the economy (Richmond, 1988; Zolberg, Suhrke, & Aguayo, 1989).

A multitude of research into refugee issues has emerged since the establishment of refugee studies as an institutionalised field of research in the early 1980s.¹ It has been carried out within a number of academic disciplines ranging from anthropology,

¹ In Canada, the Refugee Documentation Project at York University in Toronto was established in 1981 and transformed into the Centre for Refugee Studies in 1988. In the U.S., Refugee Policy Group was started in Washington DC in 1982. In Europe, the most influential institution in the field of refugee studies has been the Refugee Studies Centre in Oxford. It was established in 1982 and in 1988 started publishing the *Journal of Refugee Studies*. By “refugee studies” I refer primarily to research published in the *Journal of Refugee Studies* or by authors who have been associated with the Refugee Studies Centre in Oxford or the Centre for Refugee Studies in Toronto. The series by Berghahn Books, 25 volumes on “Forced Migration” and five volumes on “Migration & Refugees” to date, can also be considered as part of this literature stream.

sociology, political science and international relations to psychology, history, law and geography. Not all of this wide-ranging literature explicitly identifies itself as within refugee studies and some authors have been rather sceptical about the institutionalisation of knowledge production about refugees (e.g. Malkki, 1995b). However, it could be said that most have given up on producing a “grand theory” of refugee movements or settlement. Rather a strategy of “mid-range theories” providing explanations of specific empirical findings has been advocated in migration studies more generally (Portes, 1997) and for sociology of forced migration (Castles, 2003).

In the 1990s a number of interesting debates about the use of the refugee category in social science literature emerged. For example, Hein (1993) distinguished between a realist and nominalist approach to sociological study of refugees. The realist approach treats refugees as fundamentally different from other groups of immigrants. Violence, flight and exile are their defining features, likely to produce specific group identities and behaviours to be studied by anthropologists and others. According to the nominalist conception “a refugee” is seen as meaningful only as a social construction and a bureaucratic label. It is through state interventions that refugees are produced and differentiated from immigrants; for example, by having different rules of admission, access to welfare system and other mechanisms of incorporation into host society (Hein, 1993, p. 55). Writing from an anthropological perspective, the work of Malkki (1995b; 1997) presents a penetrating criticism of the literature which could be categorised as belonging to the realist approach. She pointed out the risk of homogenising and depoliticising refugees as a group of “uprooted people” and emphasised that human displacement is always caused by a mixture of historical,

political and social forces that produce qualitatively different situations and predicaments (p. 496). That is why refugees should not be treated as “a naturally self-delimiting domain of anthropological knowledge” but rather as “a broad legal or descriptive rubric” (p. 496) or a “mixed category of people sharing a certain legal status” (p. 511). Similarly, Zetter, who was one of the founding figures of the emerging field of refugee studies back in the late 1980s, saw its main concern in examining how and with what consequences people become labelled as refugees through public policy practices (1988; 1991). His theory of bureaucratic labelling will be discussed later in this chapter.

Parallel to these theoretical debates has been an ongoing specialisation and practical orientation of refugee studies. This is why it has been seen as atheoretical and peripheral to major concerns in social sciences and criticised for its overdependence on policy definitions and concerns (e.g. Black, 2001; Castles, 2003). Castles warns us that such state of art leads to “reactive and narrow research that does not bring about the accumulation of knowledge” (Castles, 2003, p. 26). Thinking of more fruitful directions for the field, Black (2001) argues that the aim should be to “participate in the development of social science, rather than leading refugee studies into an intellectual cul-de-sac” (p. 66). Therefore, we should not dwell on highlighting the distinctiveness of particular refugee circumstances but try using them to illuminate more general theories. One such broad theoretical concern, which is particularly pertinent to sociology, is to examine refugee situations in terms of the dynamics of structure and action. As suggested by Castles (2007), the study of effects of migration laws and policies on migrant behaviour and vice versa offers a suitable venue for such explorations (p. 354). This study introduces the strategic-

relational approach to refugee studies as an analytical model for analysing the interplay of structure and agency.

But let me first go back to the existing literature and explain how it informs this research. I identify two general tendencies in the refugee studies literature and situate them in the context of the structure and agency debate: 1) empirically grounded studies accounting for the diversity of refugee populations, various strategies of settlement and stressing refugees' agency and 2) more conceptual studies concerned with definitions of "a refugee", and their treatment in politics, law, international relations and national policies. I argue that there is still some way to go towards a more integrated analysis of interconnections between agency and structure without privileging one or the other.

Empirically Grounded Studies: The Quest for Refugees' Agency

A number of authors have developed their empirical research about refugees in a critical dialogue with theories in their "home disciplines", most notably anthropology (Colson, 2003; Harrell-Bond, 1999; Harrell-Bond & Voutira, 1992; Indra, 1989; Malkki, 1995a; Marx, 1990; Voutira & Harrell-Bond, 1995). These studies are well suited to account for the complexity and diversity of refugee populations and capable of criticising previous models and typologies of refugee movements. Moreover, they have widened the scope of focus from causes and forms of refugee movements to refugees' experiences of being helped by humanitarian organizations and being turned into objects of control and care (de Voe, 1981; Harrell-Bond, 1986). Others have also made an advance in correcting the genderless

character of the dominant accounts of refugees (e.g. Ghorashi, 2004; Indra, 1996, 1999b; Kibria, 1993; Ong, 2003).

Given the urgent and policy relevant nature of their subject, empirically grounded refugee studies can resort to descriptive accounts of particular refugee groups in particular locations, criticising state and international responses to refugee movements and discussing refugees' difficulties of integration in host societies. While informative about specific realities of refugees' lives in various situations, these studies often remove their subjects from the wider structural contexts that gave rise to their displacement in the first place. They then become too specific to speak to wider social theories and too narrow to challenge or improve the conceptual apparatus of refugee studies. One of the problems is that the concept of "a refugee" is often treated as a given and uncontested starting point for the analysis. It acts as a somewhat natural selection criterion for individuals, communities, organisations, policies and representations to be examined, but is rarely approached as an ongoing construction shaped by both wider socio-political forces and strategic actions of the people concerned.

Based on the recognition that refugees have traditionally been deprived of voice and active decision-making both in the hands of humanitarian helpers and researchers (Rajaram, 2002) an increasing number of studies have focused directly on portraying refugees as active agents. The edited volume *Refugees and the transformation of societies: Agency, policies, ethics and politics* (Essed, Frerks, & Schijvers, 2004b) is representative of this trend. The editors set off by putting the question of refugees' agency into the centre of refugee studies:

Agency forms a sharp contrast to the more established approaches where refugees are pictured as passive victims of violence and disaster, or as mere recipients of relief aid. Making agency central is helpful to avoid undue generalisations. There are regional, gender, age and other differences in experiences and there are differential responses to forced displacement. (p. 2)

Following this approach, chapters in the volume provide an important revision of some concepts and categories of forced displacement traditionally used in the literature and in policies. They also “gender” the analysis of changing identities in the process of displacement and stress women’s active engagements. Flight and life in refugee camps is described not only in terms of losses and traumas but also as creating new opportunities. Refugees are presented as active agents capable of self-determination having the potential to forge social change. Although such an approach rectifies some of the entrenched assumptions about refugees as passive victims, preoccupation with agency as an end in itself has problematic implications.

As I have argued elsewhere (Szczepanikova, 2005b) this trend can be exemplified on studies that intend to stress women’s agency. For example, Rajasingham-Senanayake (2004) advocates women’s agency by describing “the new roles that women, displaced and affected by the war, perform in their everyday activities in the north and east of Sri Lanka” (p. 152). Also Sinha-Kerkhoff (2004) describes how women living in camps in Bihar “do not use their agency on behalf of the religious, caste or male community but rather on their own behalf as widows” (p. 92). In these and other similar studies, various examples of people’s coping strategies in the situation of the war and displacement are lumped together under the heading of “agency” and described as something inherently good, equal to notions of empowerment. Agency is seen as an attribute that one either has or has not. However, by being subsumed under the optimistic label of “agency” refugees’ strategic actions are obscured rather

than illuminated. Moreover, there is a danger that employing “agency” in refugee studies becomes a kind of a convention or a token keyword even though it may not enhance the conceptual and explanatory framework. Showing that refugees are “somewhat active” should not be a primary aim of research, because agency has no autonomous existence in itself; it should always be conceptualised as socially and materially grounded.

A number of studies explicitly articulate the concept of agency in relation to the notion of structure using Giddens’ (1984) structuration theory as a reference point (e.g. Al-Rasheed, 1994; Korac, 2003; Richmond, 1993). It has inspired authors to consider refugees as individuals acting strategically to further their interests while being both limited and enabled by the social structures in which they are situated. However, a review of these studies indicates that they do not entirely succeed in transcending the dualism of structure and agency and rather switch between putting the emphasis on one of the two perspectives. Therefore, more is still to be done to understand how refugees “appropriate their context and the consequences of that appropriation for their development as agents and for that of the context itself” (Hay, 2002, p. 113).

Refugees in Laws, Policies and International Society

More conceptual studies have been preoccupied with discussing the concept of “a refugee” from various disciplinary perspectives, most commonly political science, international relations and law. These are very useful for situating “a refugee” in international society, vis-à-vis the concept of the nation state and sovereignty (e.g. Haddad, 2008; Loescher, 1993; Weiner, 1996); evaluating various impacts of

asylum and migration policies on people searching international protection (e.g. Guiraudon, 2004; Joly, 1999, 2002); discussing moral dimensions and possibilities of asylum and the refugee status (Carens, 1997; Gibney, 2004) and trying to advocate a definition/interpretation which would facilitate and improve protection (Goodwin-Gill, 1996, p. 4). With their broad focus and general conceptual aims, these studies inevitably draw on secondary empirical accounts and rarely explore the living connections between the person and the category, between structures of law, policies and international relations and the people who become its subjects.

Thus, the tension between the concern for wider societal structures that shape refugee movements and experiences and the diversity of their human consequences persists. That is why many of these accounts do not incorporate the perspectives of refugees themselves and do not provide spaces for their critical interventions (Soguk, 1999).

As Nyers (2006) points out:

The prevailing attitude in conventional analyses of refugee movements is one that provides no place for refugees to articulate their experiences and struggles or to assert their (often collectively conceived) political agency. Refugees are silenced by the very discourses that attempt to provide solutions to their plight. This silence is not natural or inevitable but something that is produced by power relations that require explanation and critical analysis. (p. xiv)

What seems to be missing is a perspective or a framework which would allow us to see displaced people as embodied and diverse actors who continuously strive to adopt the rules of the game to their own goals, yet are always already constrained by these rules. That is, to see them not only as objects of political violence back home and restrictive policies in their destinations but to take account of their strategic

actions and decisions in the sense that they continuously challenge and transform the content of the refugee category.

Towards a Strategic-Relational Approach to “a Refugee”

As already noted above, Giddens’ theory of structuration (1984) has been a popular framework in studies explicitly addressing the question of structure and agency in refugee situations. However, its use has rarely gone beyond stating the need to overcome the macro versus micro dichotomy in research and reiterating that social structures not only constrain peoples’ actions but also enable them (Al-Rasheed, 1994; Korac, 2003; Richmond, 1993). This theoretical framework has encouraged the study of *both* structure *and* agency as separate elements of refugee situations rather than analysing them as intertwined and mutually constitutive. Similar observation has been made by critics of the structuration approach who point out that it does not provide guidelines on how to capture the agential and structural aspects of a given situation simultaneously (Hay, 2002). Rather, by employing the notion of “methodological bracketing”, the structuration approach suggests that analysis of the former is to be temporarily suspended (bracketed) while the latter is examined and vice versa (Hay, 2002). Thus, there is a danger of a “simple alternation between structuralist and intentionalist accounts which can only belie the sophistication of the structurationist ontology” (Hay, 2002, p. 120).

Therefore, I find the strategic-relational approach developed by Jessop (1990) and Hay (2002) more promising and applicable to empirical research. The authors draw on a critical realism perspective but propose to treat the distinction between structure and agency as a purely analytical one, arguing that in reality both are present

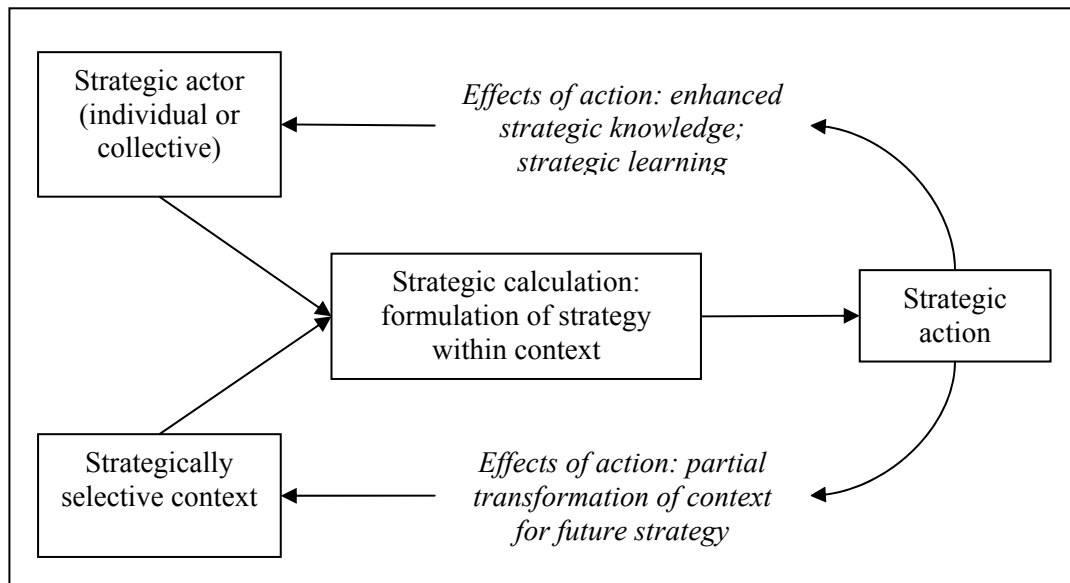
simultaneously in any given situation (Hay, 2002, p. 127). In an attempt to differentiate from structuration theory, Hay (2002) draws on a simple analogy: while Giddens seems to conceptualise structure and agency as “flip-sides of the same coin”, the strategic-relational approach perceives them as “metals in the alloy from which the coin is forged” (Hay, 2002, p. 127). To overcome the structure-agency dualism, both concepts are reformulated as always already mutually implicated in each other. Thus, rather than speaking about structure and agency, the authors link the two from the outset and refer to “a strategically selective context” and “a strategic action”. The strategic-relational approach is schematically outlined in Figure 1.

A) Strategic Selectivity of the Context

The strategic selectivity of the context highlights the fact that every environment “is an unevenly contoured terrain” which “favours certain strategies over others as means to realise a given set of intentions or preferences” (Hay, 2002, p. 129). This strategic selectivity has a wider impact because over time a certain distribution of outcomes can exhibit regularity and produce systematically structured outcomes. For example, there was a long-term tendency among some Western states during the Cold War to prefer granting asylum to refugees fleeing from the communist countries in Eastern Europe or from Cuba rather than to those escaping right-wing dictatorships. Although it was possible that the latter groups of refugees, such as Chileans, Haitians or Salvadorans could be recognised as having a “well founded fear of persecution” as indicated in the 1951 Convention, outcomes of refugee applications were strategically selected by the countries’ inclination to utilise refugees in their anti-communist agendas. This tendency is best exemplified and well

documented in studies of the influence of U.S. foreign policy on refugee admissions between World War II and the late 1980s (e.g. Loescher & Scanlan, 1986; Zolberg et al., 1989; Zucker & Zucker, 1989).

Figure 1 Structure, Strategy and Agency in the Strategic-Relational Approach



Source: Hay (2002, p. 131)

B) Strategic Action

The notion of *strategic actions* signals that actors are “capable of devising and revising means to realise their intentions” (Hay, 2002, p. 132). They both “internalise perceptions of their context and consciously orient themselves towards that context in choosing between potential courses of action” (p. 129). *Strategy* is a key concept here because it conditions the conscious and reflexive action of an actor. It is not only informed by an assessment of the relevant context but it also impinges on it (p. 129). Strategies are not necessarily explicit in the sense of being products of a rational choice; they can be intuitive, routine or habitual. Besides, they are not always based upon accurate understandings of the context. The point is that they are always oriented towards the context and once formulated they are being

operationalised in action (p. 133). As Figure 1 shows, strategic action yields 1) *direct effects* on the structured contexts and produces transformation however minimal or unanticipated and 2) *strategic learning* on the part of the actors; i.e. it enhances their awareness of structures and the constraints and opportunities they produce. Subsequently, their next strategy is likely to be informed by this awareness.

An example from the refugee studies literature can illustrate this. People coming to Europe in search of asylum have always made strategic decisions about where to launch their asylum application. Various factors have been documented as playing a role: geographical, cultural and linguistic proximities, social networks, existing migrant or refugee communities, family ties, anticipated chances to be granted asylum, types of rights or economic opportunities available to refugees (Crisp, 1999; Middleton, 2005). Some of these factors already reflect the selectivity of contexts. Due to various factors, such as a lack of travel documents, financial resources or information, asylum seekers often do not succeed in getting to their preferred destinations straightaway or they reassess and modify their migration strategy along the way. Some consciously apply for asylum in one country in order to gain time and resources to be able to make a later move to another country and reapply there, others are rejected and have no choice but to move further. These strategic actions are reflected in European asylum policies as the governments are trying to jointly develop better control mechanisms to prevent refugees from choosing a country of destination, based on the fear that this will make some countries “overburdened” with asylum claims while others will only serve as a transit.

Pejorative terms like “asylum shopping” have found a stable place in policy discourses. In order to prevent the secondary movement of asylum seekers around

Europe policy measures at a European level were devised; most notably the Dublin Convention of 1990, later revised into the Dublin II Regulation of 2003. The regulation introduces a rule that only one Member State is responsible for examining an application for asylum and this decision should be respected in the whole of the EU. If negative in one Member State, an asylum application will not be considered in other states. The implementation of this regulation produces new constraints for asylum seekers. As they learn about the transformation of the context a new set of strategies emerges. Many do not claim asylum at the peripheries of the EU and try to pass unnoticed on their way to countries with higher recognition rates (UNHCR, 2006a) or they prefer to remain illegalised rather than entering an asylum procedure in fear of being transferred elsewhere under the Dublin II Regulation (ECRE, 2007a). Others resort to self-mutilation in order not to be identified by the authorities enforcing the Dublin II regulation. For example, Swedish officials have claimed that five percent of the 26,000 sets of fingerprints they recorded since the system for the digital identification and comparison of asylum-seekers' fingerprints (EURODAC) started operating in January 2003 were illegible, due to asylum seekers having deliberately cut or burned their hands (Van Selm, 2005, p. 14).

“A Refugee” as a Relational Category

Drawing on the strategic-relational approach, I adopt a notion of “a refugee” as a relational category that encompasses *both* a strategically selective context and a strategic actor. At the level of the context, the abstract notion of “a refugee” guides the operation of the complex institutional field of the refugee system. At the level of the actor, refugees as individuals or a group negotiate constraints and entitlements stemming from the institutionalised concept of “a refugee”, while at the same time

transforming it with their strategic actions. The aspect of change is important because it indicates that being a refugee or an asylum seeker can differ greatly in different periods of time even within one nationally defined refugee system. Finally, the idea of an actor as a situated agent who interacts with an environment that is already pre-selected to favour certain strategies over others stimulates an analysis of embodied characteristics based on which refugees are positioned in hierarchies and power relations. In this study, I am particularly interested in gender as a structuring mechanism. Women and men are differently situated in the refugee system due to their socially constructed positions both within their families and societies of origin and because of the “gender selectivities” (Jessop, 2004) of the refugee system, which tends to favour certain – gendered – expressions of refugeeness over others.

Bringing Structure and Agency Together: Refugee as Concept, Object and Label

Below, I discuss two theoretical approaches applied in empirical studies which represent inspiring moves towards conceptualising “a refugee” as a relational category. They proved the most inspirational for my own approach; also because of the questions they raised but left unanswered. While the first one comes from the field of organisational and management studies and has gained little attention within the refugee studies literature, the second has been one of the few theoretical approaches firmly situated in this field of research.

Organisation Studies Perspective: Refugee as Concept and Object

In a series of articles published between 1994 and 2003, Phillips and Hardy present their empirical research carried out in the United Kingdom, Canada and Denmark

and develop a conceptual apparatus for the study of the social construction of “a refugee” in the complex policy domain of the refugee system (Hardy, 1994, 2003; Hardy & Phillips, 1999; Phillips & Hardy, 1997). Although they put more emphasis on the context, which they analyse through institutional discourses, than on refugees as actors, their approach is useful for the study of highly institutionalised systems of refugee reception and settlement in Europe and North America.

As noted in the Introduction, Hardy (1994) describes the refugee system as *underorganised* because it tends to lack a clear, negotiated order and convergence around key values; different actors pursue competitive rather than collaborative strategies. She points to the fact that there are various levels of underorganisation. On the one hand, there is the system in Denmark, which appears to be most organised in terms of centralisation, convergent values, collaboration and demarcation of roles between the government and NGO sectors. On the other hand, the systems in the UK and Canada are characterised by the high heterogeneity of stakeholders with different values who are more often in confrontational relations to each other. It is in the two highly underorganised domains that less powerful actors such as refugee organisations and forums can find more opportunities to influence the institutional field. The Danish system appears to be most disenfranchising towards refugees because it constructs them as clients rather than active constituencies (Hardy, 1994).

Phillips and Hardy (1997) propose a distinction between “a refugee” as a *concept* and “a refugee” as an *object*. The concept answers the question: *what* is “a refugee”? in its idealised sense (p. 167). It is constituted through discursive collaboration and conflict among various bodies of the refugee system and has a direct effect on the formation of an *object*, i.e. on the process in which the question *who* is “a refugee”?

is addressed. The authors situate the constitution of “a refugee” as an object in the refugee status determination process where the state has the last word. However, they argue that it is always informed by “a refugee” as a concept. This is where the less powerful actors can intervene through participation in discursive struggles: “by creating new knowledge and new identities” (Hardy, 2003, p. 483).

Interorganizational relations in the refugee system are conceptualised as power relations in a Foucauldian sense (Hardy, 2003), i.e. power is not perceived as held by a single entity over others. Power relations have a productive effect on the identities and subject positions of actors. This applies to refugee as well as organisational identities as both are constantly being negotiated. For example, discursive struggles are fought over whether refugees are “genuine” or “economic/bogus”; and whether they should be treated as “helpless clients” or “capable constituencies” (Phillips & Hardy, 1997). These concepts are likely to influence the refugee status determination procedure, the kind of protection accorded and the services provided to asylum seekers and refugees. Not only is the position of refugees at stake but so are the identities of immigration officers, asylum decision-makers, members of NGOs, media and the public, who become defined through their relations to refugees (p. 169). For example, NGOs’ organisational identities as helpers of the weak could be threatened if refugees were not seen as “genuine”. On the other hand, the state’s actions to restrict access to asylum could provoke unfavourable reactions if they did not present themselves as protecting the refugee system from “economic or bogus” applicants.

In combining these different levels of analysis, the authors make an original contribution to our understanding of the construction of “a refugee”. However, their

depiction of the state agendas seems somewhat simplified. The argument that: “governments are primarily in the business of defending sovereignty by erecting barriers to entry and reducing the number of asylum seekers” (Hardy, 2003, p. 482) has been made by many over the years. Nonetheless, such a view does not keep up with the emphasis on the complexity of the refugee system as complex, contested and contingent.

Moreover, an organizational point of view that prioritizes the perspective of state administration, NGOs or refugee organizations leaves little space for the examination of refugees’ strategic actions as situated individuals and does not account for the diversity among refugees that plays an important role in guiding the determination practices and the application of the refugee concept in practice. In particular, the gender dimension of the refugee system has been omitted by Phillips and Hardy. Refugee women and men are not only being subjected to practices employed by institutions dealing with them, but are themselves producers and performers of ideas about what and who “a refugee” is in a given context. In this study, I will try to demonstrate that this performance needs to be seen as linked to asymmetrical distributions of resources and relational power. In the course of everyday practices of the refugee system, “a refugee” is constructed along the lines of class, gender and ethnicity and these constructions have an impact on their lived realities.

Labelling Theory in Refugee Studies

In the editorial introduction to the very first issue of the *Journal of Refugee Studies* back in 1988, Zetter argued that: “‘Refugee’ constitutes one of the most powerful labels currently in the repertoire of humanitarian concern, national and international

public policy and social differentiation” (1988, p. 1). He then went on to outline the complexity of meanings that the label conveys and focused most prominently on its potential to stereotype and institutionalise the status of displaced people and to create and impose the state of institutional dependency upon them (p. 1). Accordingly, Zetter argued, it is “exploration, analysis and definition of the label which establish the *raison d’être* of JRS” (p. 5). Therefore, it should be situated at the centre of the emerging field of refugee studies.

As the title of his widely quoted study *Labelling Refugees: Forming and Transforming a Bureaucratic Identity* (1991) indicates, Zetter’s main concern is with the question of refugee identity and how it is being shaped and reshaped in the context of public policy and, in particular, through bureaucratic regulatory practices. He is interested both in how refugees are socialized with certain identities and what the impacts of these identities are in terms of control, regulation and the opportunities they engender. Importantly, he analyses the formation of the label as a set of “bureaucratically assumed needs” (p. 39).

Compared to Phillips’ and Hardy’s discussion of “a refugee” as a concept and an object (1997), Zetter (1991) puts more emphasis on the materialistic meaning of the label. He is concerned with people’s needs and how they are being defined in the context of a distributional apparatus set up by governments, NGOs and intergovernmental agencies. In the empirical application of labelling theory in his study of a re-housing programme for Greek-Cypriot refugees in the southern part of Cyprus that started in the 1970s (1991), he looked at its impact on refugees’ identities over an extended period of time. Zetter examined the rationale for government-organised selective re-housing of refugees, which was based on their

material and family situation. He highlighted the programme's long-term consequences for urbanisation and faster economic development of the country as well as for the self-perception of the refugees. On the one hand, the project was a success because it provided large groups of people with good quality housing in a relatively short time while targeting first those identified as having the greatest need. On the other hand, Zetter showed that the refugee label generated a set of ambivalent attitudes among the beneficiaries. The programme was based on non-participatory allocation of housing, guided by stereotyping the identity of a diverse group of mostly rural populations. They were resettled in large government estates which, over time, turned out to be stigmatising urban spaces that alienated them from the rest of the population. At the same time, the wider political significance of the refugee label is also considered. Opposition to the division of the island on the part of the Greek-Cypriots translates into emphasis on retaining refugees' difference from the local population. In other words, preserving their status of temporary guests to be eventually repatriated to their homelands rather than permanent residents had important political implications both for the refugees' identities and for the Greek-Cypriot government. Thus, Zetter demonstrated that the refugee label can generate a highly politicised identity (p. 55). In sum, the label has a potential to form, transform and politicise refugee identities.

Zetter's application of labelling theory is useful because it combines a focus on the world of institutions with its regulatory practices with the analysis of the impacts they have on the social world of refugees. It creates space for a more nuanced debate about issues that have always preoccupied scholars and policymakers dealing with refugees: why does humanitarian intervention so often have divisive impacts? Why

do refugees refuse to conform to the image constructed of them by humanitarian agencies? Why do certain forms of assistance produce (learned and imposed) dependency? It also generates a number of new questions: How can labels be subverted, transformed or exploited by refugees and other actors? Can they also be empowering? The author himself recently restated the contribution of labelling theory to refugee studies:

As opposed to other terms, for example, ‘category’, ‘designation’ or ‘case’, the word ‘label’ better nuances an understanding which: recognizes both a process of identification and a mark of identity; implies something independently applied, but also something which can be chosen and amended; has a tangible and real world meaning, but is also metaphorical and symbolic. (2007, p. 173)

The concept of the refugee label represents a step towards analytical linking of structure and agency. In light of the discussion above, it could be redefined as a materialised outcome of the interaction between “a refugee” as a concept and an object.

However, in order to facilitate its empirical application, the approach would benefit from some systematization. Moreover, despite the authors’ emphasis on refugees’ potential to challenge and work through the label, the notion of “labelling” implies a unilateral classification of refugees “from above” rather than a dynamic process of negotiation and interaction. Thus, it risks being interpreted as a one way action by powerful institutions over a powerless refugee population. The refugee labelling approach also begs for a more nuanced treatment of embodied diversity which is a crucial factor in refugee identity formation, transformation and politicisation. Being applied differently to refugee men and women, the label produces a set of gendered constraints and opportunities as well as varied attitudes towards the label on the part of refugees.

Gendering Refugee Systems and Labels

The notion of “a refugee” as a relational category accounts well for refugees as gendered actors situated in selectively gendered structures. Building upon feminist developments in studies of migration and asylum, I focus on two areas that have been somewhat underdeveloped in the refugee studies literature: production of gendered identities in institutional practices and the theme of masculinities and their interaction with the refugee label.

There is now a substantial body of research showing that migration processes more generally as well as individual migrants’ experiences are shaped by gender ideologies in countries of departure and destination (e.g. Hondagneu-Sotelo, 1994; Kelson & DeLaet, 1999; Kofman, Phizacklea, Raghuram, & Sales, 2000; Phizacklea, 2003; Phizacklea, 1983; Willis & Yeoh, 2000). A number of studies have also shown that migrant notions and practices of gender and gender relations in families, households and social networks are likely to be renegotiated in the process of migration and settlement and result in the transformation of identities (e.g. Boyd, 1989; Brettell, 2002; Buijs, 1993; Curran & Saguy, 2001; Hagan, 1998; Lutz, 2004; Pessar, 1994, 1999).

It is the latter body of literature that has been most likely to focus on refugees. The experience of a radical redefinition of gender identities prior to and after the flight has been recognised as an integral part of displacement and settlement (e.g. Abdulrahim, 1993; Al-Ali, 2002; Eastmond, 1993; Franz, 2000; Indra, 1999b; Kay, 1988; Kibria, 1993; Nolin, 2006; Ong, 2003). These studies have pointed to the fact that outcomes of displacement can be very different for men and women, creating

spaces for emancipation in some areas while isolating and disenfranchising them in others. Women have been the prime subjects of these analyses which consequently led many to emphasize that gender should not be treated as standing for women but rather as a relational category signifying power relations (Indra, 1999a, p. xiv). Others have exemplified that the diversity of refugees' experiences, including social and spatial mobility and security, cannot be captured by looking at gender only but rather by examining how it intersects with different identities such as class, ethnicity or nation (Franz, 2003; Hyndman & De Alwis, 2004; Kay, 1988; Pittaway & Bartolomei, 2001).

Gender in Refugee Policies and Institutional Practices: Critical Consequences

The importance of gender in the refugee determination process has been established in a number of legal analyses (e.g. Anker, 2002; Crawley, 2001; Oswin, 2001; Spijkerboer, 2000). Women in particular have been seen as facing difficulties in accessing protection. First of all, they are less likely to reach developed countries due to the expectation of various gendered dangers connected with the journey and socio-cultural constraints on women's mobility in their societies of origin (Bhabha, 2004). Second, gendered forms of persecution that are more often suffered by women, such as sexual violence, punishment for transgression of social norms or oppressive patriarchal practices like domestic violence, forced marriage or genital mutilation, are not always recognised as persecution in asylum procedures (Bloch et al., 2000). Moreover, women do not have the same chance to be recognised as political actors in the more traditional sense of the 1951 Convention, even when they face the same types of persecution as men. This is because they tend to be associated with a depoliticised private sphere and their engagements in politics are less visible and

less obvious. In other words, perpetuation of gender inequality on the basis of public/private distinctions is central to gender bias of refugee status determination (e.g. Bhabha & Shutter, 1994; Crawley, 1999, 2000, 2001; Freedman, 2008). Besides, the institutional practices of refugee status determination often produce or heighten the dependency of women on their male family members when their cases are treated as that of dependants rather than principle applicants and they therefore have little control over the proceedings (Bloch et al., 2000).

Critical legal scholars warn against propagating refugee women's access to asylum through an essentialist notion of "gender persecution" because it is likely to be relegated to the "Third World" and explained by culture differences. Such an approach risks producing dehistoricised images of women as victims who are being saved by the "civilised West", thus affirming western hegemony and moral superiority over culturally different and inferior "others" (Crawley, 2001; Razack, 1995; Spijkerboer, 2000). This critique is aptly expressed by Razack (1995):

Women's claims are most likely to succeed when they present themselves as victims of dysfunctional, exceptionally patriarchal cultures and states. Hence the successful applicant must be cast as a cultural other. [...] it is through various orientalist and imperialist frames that women's gender based persecution becomes visible in the West. (p. 50)

There is some evidence that in the 1990s and 2000s, refugee women who made it to developed countries such as Sweden, Canada, Switzerland or the Netherlands and claimed asylum there had greater chances to succeed than men (Bhabha, 2004; Spijkerboer, 2000). A number of factors could explain this: they tended to come from countries that already had high overall recognition rates and they often had strong cases (Bhabha, 2004, p. 237). Although discrimination that prevents women from applying for asylum should not be forgotten, Spijkerboer (2000) shows that gender

stereotypes may also have some positive effects for women. They are more likely to be recognised as refugees because they tend to be perceived as more vulnerable, dependent and less adventurous than men (p. 194). This analysis of legal practices encourages a view of law as more than a pre-given framework for the distribution of rights and entitlements; it is also a field for the material production and reproduction of identities and representations (Spijkerboer, 2000, p. 9). Thus, it is of crucial importance to consider “the potential effects of our constructions and therefore ask whether the identities we create are actually inhabitable by the people we create them for” (p. 7). While Spijkerboer addresses this call to legal representatives in asylum cases, the same caution applies to researchers and activists who work on behalf of refugees.

Another related yet unintended consequence of a particular embrace of “gender” in legal and policy discourses is when it becomes detached from other bases of identity and social relations that produce inequality. In its most simplified form, gender is simply added to policies and practices without posing any challenge to their overall logic. Consequently, it becomes a part of organisations’ parlance and loses its critical and analytic potential as well as salience in everyday organisational operations and their potential to transform the situation of refugees. This has been exemplified by Hyndman and de Alwis (2003) in their examination of humanitarian responses to conflict and displacement in the North and East of Sri Lanka.

Gender is treated as a portable tool of analysis and empowerment that can be carried around in the back pockets of both international humanitarian and development staff. It has become part of the development and humanitarian lexicon, to be employed when preparing proposals and evaluating programs. (p. 213)

Indeed, similar emptying of the concept of gender and a certain level of tokenism in its policy application have been observed with regard to processes of gender mainstreaming in the EU and its implementation in CEE (Fodor, 2006). Moreover, as pointed out in the legal scholarship, compartmentalization of gender can stereotype women as culturally “othered” victims of patriarchal oppression in their “backward” countries of origin. It also risks creating a dichotomy of “normal cases” versus “gender or women’s cases” thus losing sight of the fact that gender permeates the whole process of refugee determination (Spijkerboer, 2000) as well as settlement assistance.

It is in this context that refugee women become constructed epitomes of vulnerability and exploitability (Pittaway & Pittaway, 2004). Advocacy groups also perpetuate this stereotyped image when trying to elicit sympathy towards refugees and re-balance the overwhelmingly negative public image of refugees as abusers of the system and as potential criminals. It is not by accident that women and children predominate in refugees’ visual representations. This imagery associates refugeeness with powerlessness and neediness (Malkki, 1995a, p. 11). Their identities are abstracted into a positive image of blameless ethnical figures who seem to be the only ones worthy of public attention and support: as traumatised, depoliticised, feminised subjects (Pupavac, 2008, p. 272).

The present study follows this line of analysis and strives for a gender analysis in yet understudied arenas of refugee situations. Rather than focusing on families and households that have commonly been examined with gender lenses, I look at the role of gender in the formal set up of refugee status determination and scrutinise its role in the nongovernmental assistance structures of the refugee system.

Focus on Masculinities

The feminisation of refugee populations in media representations, legal and organisational practices goes hand in hand with insufficient understanding of refugee masculinities. The topic has started to be problematized in refugee studies only recently. Although many accounts of refugee situations have treated refugees as implicitly male, they have not addressed masculinity as such. Spijkerboer (2000) is critical about the fact that articles on gendered forms of persecution or gender-sensitivity in asylum law are almost exclusively about women (p. 194). He stresses that men's access to protection can also be elucidated through a gender perspective:

concepts of masculinity may be used to dismiss claims of men because, like female applicants, they are perceived as deviating from the male norm of the classical refugee. (p. 195)

For example, especially non-white men may be seen as not being “manly enough” and thus lacking the intellectual capacities needed to have dissident political ideas (Spijkerboer, 2000, p. 195). Men are also more likely to be suspected of abusing the system. As Pupavac (2008) demonstrates in her study of refugee representations, the stereotype of a victimised refugee woman has its counterpart in a “threatening young male” (p. 286). Indeed, in reports of “illegal” entries on European soil, we see mostly men, being intercepted on boats in the Mediterranean or captured on the borders while being smuggled into the country. They are the embodiment of a threat and the uncontrollability of migration.

There seems to be an agreement that while emigration and exile have the potential to offer new venues for constructions of femininities, masculinity is most likely to be constrained and under threat (e.g. Kibria, 1993; Ong, 2003; Ui, 1991). In contrast to the expanded opportunities and responsibilities for women, men's spaces are being

reduced (Matsuoka & Sorenson, 1999, p. 235). Men are described as losing their role as breadwinners together with their dignity and self-esteem. It is argued that downward social mobility hits men harder than women because they have more difficulties in adapting to new roles and in temporarily accepting lower occupational positions than they used to have in their countries of origin. In her study among Bosnian refugees in Vienna and New York, Franz (2003) concludes that men's identity seemed to be more intrinsically linked to their places of origin and the social status they had lost than was the case for women (p. 101). Kay (1988) introduces a class perspective in order to understand "the politics of gender in exile" among Chileans in Britain. She differentiates between the classed experiences of men's powerlessness: middle class exiles lost a degree of personal influence and autonomy and manual workers lost collective power which had arisen from the political and organizational context of their labour in Chile (p. 6).

Describing men primarily through what they have lost, these studies are mostly focused on refugee households or refugees' participation in the labour market, community and political life. In what follows, I will shift the focus and look at what kinds of masculinities are constructed in interactions between refugees and the institutions of the refugee system; refugee camps being the most fruitful areas of such exploration.

Conceptualising the Refugee Camp

Studies of refugee camps are extremely diverse in terms of disciplines, methodological approaches, geographical locations, the level of theorization and interest in making policy recommendations. Most of them are located in the

developing world where the majority of the world's refugees reside: in Africa and Asia. A number of insightful studies have used detailed empirical data about life and social relations in camps to critique practices of humanitarianism from the very places where they seem to be unquestionably needed. For example, some authors have demonstrated the gender dimension of displacement and insecurity (e.g. Harrell-Bond, 1986; Hitchcox, 1993; Hyndman, 1998, 2000; Turner, 2004). Others analysed camps as spaces where rich personal and collective histories are brought together and/or as spaces of refugee resistance (Horst, 2006; Malkki, 1995a; Peteet, 2000, 2005).

Studies of refugee camps in Africa and Asia are characterised by a strong ethnographic dimension while research of camps in Europe shows predominance of theoretically driven analyses at most drawing on secondary accounts of life in refugee camps and detentions.² European camps are not treated as case studies for empirical research but rather as a motif or an abstract venue for theorising about borders, sovereignty and the state of exception or biopolitics. Refugees are talked about as figures or bodies (e.g. Agamben, 1997, 1998; Diken, 2004; Diken & Laustsen, 2003; Laustsen & Diken, 2005; Raj, 2006; Tyler, 2006). More detailed and empirically grounded accounts from Europe are mostly about the dismal and brutal conditions of European detention centres, where asylum seekers and rejected applicants are kept indefinitely in prison-like conditions, often leading up to their deportation (Bloch & Schuster, 2005; Fekete, 2005; Hughes & Field, 1998; Jackson, 2003; Steel et al., 2006). However, we know little about camps which represent more

² Here I do not refer to a number of policy and NGO reports about detentions and refugee camps in Europe but rather to studies that speak to wider academic audiences.

open and also more humane spaces where refugees reside “by choice” while waiting for their asylum claim to be decided.

Studies of refugee camps located in Africa and Asia are useful in understanding the social fabric of places where refugee populations are concentrated for extended periods of time. Although rarely quoted in the “European studies”, they offer detailed evidence of more general characteristics of refugee encampment that are also to be found in European contexts. For example, they explain why one of the omnipresent features of the camp life is widespread distrust by refugees of administration and vice versa (e.g. Hyndman, 2000; Inhetveen, 2006; Voutira & Harrell-Bond, 1995). A number of studies examine refugees’ dependency as produced and nurtured by the camp environment yet often blamed on the individual refugees rather than the system of assistance (Hyndman, 2000; Kibreab, 1993). When discussing the connection between dependency and the high occurrence of mental health problems among refugees in camps, Harrell-Bond (1999) asks an important question whether “one of the major sources of debilitating stress is the very structure of the aid regime for refugees?” (p. 139). The relevance of this knowledge about camp situations is not bound to African or Asian contexts. Some of the features can be heightened by large numbers of people living in camps for many years or even generations, but numbers are not a prerequisite for the above observation to be applicable elsewhere, notably in Europe.

Recent theoretically driven literature about refugee camps in European contexts has been influenced by the writings of Italian philosopher Giorgio Agamben. He sees a camp as an expression of the state of exception from the normal juridical order of the sovereign nation-state (Agamben, 1997, 1998). In this line of reasoning, the

realities of refugees' isolated lives in the camps can be seen as "at once excluded and included, removed and at the same time captured" (1998, p. 110). In other words, refugees are captured in a given political order of migration control and national sovereignty but remain outside of the political community and outside the framework of rights. Generalising the camp as "the biopolitical paradigm of the West" (1998, p. 181) has inspired some authors to think about practices such as the detention of asylum-seekers as gradually becoming "the normative conditions of 'our' political present [that] forewarn 'us' of 'our' securitized futures" (Tyler, 2006, p. 198). Theorising refugee camps as spaces of exception and indistinction, Diken (2004) goes on to describe them as "non-places". He draws on Augé (1995) to argue that both more open "accommodation centres" and closed prison-like detentions can be considered as "non-places" because:

they do not integrate other places, meanings, traditions and sacrificial, ritual moments but remain, due to a lack of characterization, non-symbolized and abstract spaces (p. 82). As non-places, most refugee spaces are spaces of indistinction: 'a person entering the space of non-place is relieved of his usual determinants'. (p. 103, cited in Diken, 2004, p. 91)

While it is important to situate refugee camps in wider processes of biopolitics designed to govern and contain the lives of undesired "others" (Fassin, 2005), treating refugee camps as "non-places" is a concrete example of what these theoretical exercises risk: they fail to take account of the heterogeneity and materiality of the social world of the camp.³ In this study, I consider these features as essential to understanding how these institutions can function at all and how they

³ The fact that the authors commonly and consistently refer to a refugee as "he" is one of the expressions of this simplified view of the camp (e.g. Agamben, 1997, 1998; Diken, 2004).

reproduce the refugee label. Refugee camps can be seen as nodes of the refugee system where people learn and negotiate what it means to be “a refugee”.

Refugees and Asylum in Central and Eastern Europe

Scholarly literature about post-1989 refugee movements into CEE and the Czech Republic specifically is scarce. Similarly, refugees from the former Soviet Union coming to Central and Western European countries in the 1990s and the 2000s have gained little attention in refugee and migration studies. I will refer to these specific bodies of literature in Chapter 3 when I map the developments in more detail. Here, I shall outline the main trends in the existing research about the region and then focus specifically on the literature about refugees and asylum in the Czech Republic.

Central and Eastern Europe in Migration and Refugee Research

Since the early 1990s, there has been some interest in assessing the position of CEE countries as a new and distinct migration space in relation to both West and East of Europe. Two interconnected themes have dominated the literature: describing emerging migration patterns in the region and assessing the development of asylum and migration policies in the context of CEE countries’ integration into the EU.

Within the first theme, the region has been most commonly described as a transit zone and a space of short-term circulatory movements of migrant workers from neighbouring countries of Eastern Europe (Laczko, Stacher, & Klekowski von Koppenfels, 2002; Okolski, 2004a, 2004b; Wallace & Stola, 2001b). The transit characteristic is particularly important for conceptualising refugee movements. It depicts a pattern of using CEE countries as a point of entry to Western Europe by migrants and asylum seekers. Studies describe how CEE became a transit zone for

migrants from the former Eastern Bloc, some of whom could make use of visa-free entry. Larger transit refugee movements came especially from the former Yugoslavia in the early 1990s and from Chechnya in the early 2000s. Alongside these migrations, more organised undocumented movements of migrants from Asia and Africa have taken place (Stola, 2001). The argument about CEE countries being “just a transit zone” where migrants do not really intend to stay has been politically manipulated. Recently, Düvell (2006) provided a critical analysis of this “transit discourse” in CEE and demonstrated how it has become “a code word for ‘illegal immigration’ and for unwanted refugees, and as such has acquired a criminological profile” (p. 24).

Macro-level characterisations of migration flows in the region are useful in situating it geopolitically vis-à-vis Western European countries and their expectations towards developments of policies of migration control in CEE. This is the topic of the second broader body of literature about CEE. In this context, it has been described as a “buffer zone”. The term refers to its geopolitical role in absorbing inflows of people – both asylum seekers and other categories of migrants – from East and South and thus protecting Western Europe from feared excessive influx associated with the regime change in CEE, dissolution of the Soviet Union and relaxing border controls in the early 1990s (Geddes, 2003; Guiraudon, 2004; Wallace, 2001; Wallace, Chmouliar, & Sidorenko, 1996). The position of CEE countries vis-à-vis the old Member States and the processes of policy transfer and harmonisation in the spheres of asylum, immigration, visa and border controls have gained considerable interest in the scholarly community, especially within political science and legal studies (Anagnost, 2000; Byrne, 2003; Byrne, Noll, & Vedsted-Hansen, 2002; Geddes,

2003; Grabbe, 2006; Lavenex, 1998, 1999, 2001b, 2002; Lavenex & Ucarer, 2002; Vachudová, 2000). I will draw on this literature in more detail in Chapter 3, here I shall briefly characterise it as addressing two themes: First, the implications of the harmonisation process for the rights of asylum seekers and immigrants have been examined (Byrne, 2003; Byrne et al., 2002; Lavenex, 1998, 1999, 2001b, 2002). Second, the dynamics of transfer of policy, experience and responsibilities between the “old” Member States and CEE have been discussed including to what extent the new policy instruments were imposed on CEE countries and how much space they had to prioritise their policy agendas (Anagnost, 2000; Geddes, 2003; Grabbe, 2006; Vachudová, 2000). While the area of pre-accession negotiations and influences has been widely discussed, comparatively little has been written about developments in the CEE region after obtaining EU membership.

Overall, the studies in both thematic groups have mostly relied on the official statistical data and policy documents. Refugees and asylum seekers are dealt with as one aspect of diverse migration flows and a policy matter where a common EU approach has been pushed forward and required sometimes unilateral accommodation on the part of CEE countries. Dealing with a rapidly changing field of inquiry, the majority of studies tend to be more descriptive than explanatory. Few draw on more detailed empirical findings about the lived realities of migrants and asylum seekers and therefore, much less is known about their perspectives on the region as a potential space of immigration and asylum and about their strategies of seeking protection as asylum seekers and about the process of settlement.

Asylum Seekers and Refugees in the Czech Republic: What Do We Know?

The existing literature about the situation of asylum seekers and refugees in the Czech Republic can be classified into four groups. First, research solicited by Ministries that provides important empirical data – mostly based on surveys – but in its instrumentality lacks any analytical and theoretical contribution which would make it more than a snapshot into the situation of refugees at a given time (MLSA, 2007; Uherek et al., 2005). As aptly characterised by Castles (2003), these policy-driven and narrowly-focused projects are designed to provide answers to immediate bureaucratic problems rather than to look for their fundamental causes and offer more challenging solutions because “the recommendations that emerge are chosen from a narrow range of options acceptable to the commissioning body” (p. 26).

Second, NGO reports, analyses and guidelines based on day to day experiences of working with refugees and asylum seekers have been more incisive in their critique of the system. Most are concerned with legal matters and their implications for refugees (e.g. Čížinský, 2006; Hradečná, Honusková, & Rozumková, 2008; Hronková, Hradečná, & Hejná, 2002; Kučera, 2007; Pořízek, 2004; Pořízek & Skalková, 2005; Riglová & Dastlík, 2006; Uhl, 2006; Větrovský, 2006b). This literature is very useful for understanding the details and intricacies of the asylum procedure but is understandably purpose driven and sometimes strategically selective in argumentation. A smaller body of NGO studies deals with issues of social work with asylum seekers and refugees and attempts to professionalise this underdeveloped field in the Czech Republic (Dymešová, 2003; Riglová & Dastlík, 2006). Others tried to mediate refugee experiences and acquaint the wider public with the conditions of asylum seekers and refugees in the Czech Republic (Centre for

Migration, 2001; Roubalová, 2003, 2005; Roubalová, Günterová, & Kostlán, 2005; Szczepanikova, 2006b).

Third, a small group of younger researchers, among whom I would also include myself, are interested in various aspects of refugee movements and settlement and in exploring different methodological and theoretical approaches to their study (Janků, 2007; Klvaňová, 2009; Szczepanikova, 2005a; Tollarová, 2008; Topinka, 2006a). Unlike the government-solicited reports (often carried out by academic institutions) where quantitative analyses of one-off survey data predominate, these emerging studies are based primarily on qualitative data generated over longer periods through interviews and participant observation. It is largely due to the initiative of these scholars that migration and refugee issues are becoming established as a subject of social science research in the Czech Republic.⁴

Fourth, rare accounts of refugee experiences are produced by refugees themselves as magazine or electronic articles (Edilbieva, 2007; Simonyan, 2003) and as literary works (Boroda, 1999). In many respects, these are more apposite and telling than any of the mediated narratives. Rather than tailoring stories to the objectives of NGO advocates and journalists, people with first-hand experience of the asylum procedure and the system of nongovernmental assistance have a unique opportunity to bring out a more nuanced and complex account of what it means to be an asylum seeker or a refugee in the Czech Republic. Narratives that move beyond a display of suffering, thankfulness for being accepted and/or readiness to become a good member of the society, and are able to combine writers' position as insiders to the system built

⁴ Within Law Studies, a number of analyses of refugee law – both international and the EU – have been published in recent years and the topic has certainly raised more interest there than in any other academic discipline (Honusková, 2006; Jilek, 2005; Jilek & Šturma, 1997).

around them yet outsiders to the society they enter are particularly valuable. This is what Boroda (1999) so skilfully achieved in his tragicomic book about his time in a Czech refugee camp in the mid 1990s. However, the scarcity of such penetrating testimonies may indicate that the Czech public sphere is not yet sufficiently supportive and welcoming of these voices.

Although asylum seekers and refugees in the Czech Republic are being written about, there persists a dearth of in-depth analyses that would interconnect their experiences with the analysis of structural conditions of their reception and settlement. Simply put, discourse about refugees is divided between politicians and NGOs. The former know rather little about the matter and depend on the expertise of appointed policymakers from the Ministry of Interior, who persistently defend themselves from criticisms by NGOs and human rights advocates for being too restrictive with regard to asylum seekers and too negligent with regard to recognised refugees. The two sides build their own institutional identities on differentiating themselves from each other by pointing to the other side's deficiencies and incompetence. Yet, there is very little inward criticism and reflection. The representatives of the state see themselves as too significant and powerful for that and the NGOs as too vulnerable. Thus, a more holistic and balanced analysis of the institutional (both governmental and NGO) structures of the refugee system is needed and this study should be seen as a step in this direction.

Conclusions

Although the dynamics of the structure and agency lies at the heart of understanding and theorising of refugee situations, the above discussion of the literature indicates

that there is still room for advancement in this area. The present study addresses a number of gaps in the existing literature.

The study introduces the strategic-relational approach (Hay, 2002; Jessop, 1990) to the refugee studies. By presenting the notion of “a refugee” in relational terms it emphasizes that the study of refugee situations should involve both an analysis of the strategically selective context (i.e. the institutional field of the refugee system) and the actions of those who constitute it or are constituted by it (i.e. refugees, representatives of the state and NGO sectors). Rather than stressing refugees’ agency as an essentially positive attribute, it presents refugees as strategic actors who struggle to overcome various constraints stemming from the present politics of asylum and migration control in Europe, while at the same time accommodating to this context and transforming it. Such an approach provides a more nuanced view of the circumstances that shape their social position.

This research contributes to debates about the relationship between institutions and human agency in the context of refugee settlement. It examines the process of social construction of refugees in the context of the refugee system. The analysis draws on two approaches. First, Phillips and Hardy (1997) made an important distinction between “a refugee” as a concept and an object. Hardy (2003) stressed that the two are being constructed in interaction with each other and shaped by power relations in the refugee system. However, the authors miss out the importance of individual refugees’ contributions to what and who is “a refugee” as well as the deeply gendered character of these interventions. Although the refugee system is depicted as a complex institutional field (Hardy, 1994), less attention is paid to the extent to which the state itself is fragmented in its approach to asylum and migration. Second,

Zetter's labelling theory (1991) is particularly useful in assessing how bureaucratically assumed needs constitute refugees' identities and how they can be transformed and politicised in concrete situation of settlement. His notion of the refugee label can be studied as a materialised intersection of the processes that construct "a refugee" as a concept and an object. Rather than privileging the bestowing of the label in the context of top-down relations in which asylum seekers and refugees' are situated vis-à-vis the institutions, I will highlight their active roles in transforming and shaping the label.

The study advances the literature about the gendered character of refugee status determination and settlement. It stresses the need to examine gender as more than a synonym for women and to study it outside the context of refugee households and families. The analysis scrutinises the role of the institutions of the refugee system in sustaining particular gendered performances of refugeeness.

This research contributes to the scarce literature about refugee camps in the European context. It shifts the attention from detention centres to more ambivalent spaces of "voluntary" confinement and reveals their social and material diversity. Moreover, refugees' gendered experiences are discussed and the camps are presented as materialised examples of refugees' treatment in today's Europe.

Finally, this study charts a new terrain in research about asylum and refugee settlement in CEE and the Czech Republic specifically. It combines a detailed empirical study informed by refugees' perspectives and critical interventions with conceptual debates and innovations.

Chapter 2: Making Choices in the Field and in the Analysis

Introduction

Following the theoretical framework outlined in the previous chapter, I now address the methodological concerns of this study. I explain its interdisciplinary character and discuss the research process as a set of choices that were made with regard to generating empirical data, managing research relationships and adopting the language of the analysis. I pay particular attention to questions of power and reciprocity in research relationships.

The Appeal of Interdisciplinarity

As a complex and multifaceted social phenomenon, migration has provoked scholarly interest in a wide range of disciplines. However, it has been widely acknowledged that this research often remains segmented by disciplinary boundaries rather than engaging in a more integrative and interdisciplinary enterprise (e.g. Brettell & Hollified, 2000b; Castles, 2007; D. S. Massey et al., 1993). Speaking more specifically about the sociology of forced migration, Castles (2003) emphasized that the field must understand itself as “a component within an interdisciplinary undertaking” (p. 22). This is obviously not a new proposition. The idea of bringing together different disciplinary approaches to produce a more general understanding of refugee situations and behaviour lied at the heart of the refugee studies project back in the 1980s (see Zetter, 1988). The reiteration of calls for interdisciplinarity indicates that this remains to be more of an objective than a reality. Clearly, it is easy to proclaim but difficult to carry out and there are few guidelines and examples on how it can be done productively. In an introduction to a recent edited volume

International Migration Research: Constructions, Omissions and the Promises of Interdisciplinarity Bommers and Morawska (2005) argue that interdisciplinary efforts should aim at:

the acquisition, exchange, and expansion of mutual knowledge about particular disciplines' epistemological assumptions, theoretical positions, primary research concerns, and methods of gathering and analysing evidence. (p. 3)

More concretely, Brettell and Hollifield (2000a) suggest that an interdisciplinary and more comprehensive approach to migration can be achieved by a combination of different units of analysis, such as laws and state policies, institutions, individuals, families and households (p. 10).

Drawing on these appeals, this study presents an interdisciplinary and multi-level exploration of the workings of the refugee system in the Czech Republic. As a system designed to carry out reception and integration of refugees in the host society it is more than a set of institutions and individuals or groups affected by their actions and policies. In line with the strategic-relational approach outlined in the previous chapter, I approach the refugee system as a dynamic process in which various actors engage in strategic actions that affect the context of the system and also shape the future actions of those who are involved. In other words, to understand the refugee system in its complexity, it is not only necessary to include the perspectives of different players – in this case state institutions, NGOs and refugees – but to explore mutually constitutive relations between them as they develop over time. Therefore, I am primarily interested in how asylum seekers and refugees are constructed by the institutions designed to control and assist them and how they reflect and act upon these constructions. I also explore relations of power and interdependency among the actors.

Having these broad questions in mind, I began by asking myself how to approach the topic in a holistic manner, which would be within my capacities as a single researcher. Rather than applying a ready-made theoretical and methodological toolkit, this research requires an interdisciplinary approach realised through a variety of methods. Because I was interested in social processes lying behind the formulation of laws and policies, their interconnection with the construction of meanings and practices (individual and institutional) and different actors' understanding of their actions, my first choice was to employ a mainly qualitative methodology. Within sociology and anthropology, qualitative empirical research about refugees in European and North American contexts has predominantly focused on the processes of settlement and community formation (e.g. Franz, 2005; Hopkins, 1996; Kibria, 1993). While such studies provide important insights about refugees' gendered experiences, the roles of institutions in the refugee system are often sidelined. On the other hand, studies examining institutions and asylum policies rarely include refugees as active participants in the research and treat them more as objects of these policies rather than relevant subjects of knowledge production (e.g. Tazreiter, 2004). It is also due to the fact that this topic has been commonly examined within political science and law where participatory research methods are less common.

This study attempts to render institutions, their representatives, asylum seekers and refugees as the key participants in the research process. The combination of methodological approaches is well suited for unpacking the dual nature of the social reality of the refugee system. The use of ethnographic methods attends to individuals' agency, their abilities to be reflective and to challenge the conditions they are in (Hammersley & Atkinson, 1995). More structured methods of

interviewing representatives of institutions, analysing policies, legal documents and statistics enable me to see actors in constant interaction with structural opportunities and constraints on their actions.

Selection of Research Participants and Methods of Generating Empirical Data

Fieldwork was carried out (with some interruptions) between 2005 and 2007, the most intensive research period being the summer of 2006 and the first nine months of 2007. In line with the above outlined holistic multi-level approach to the study of the refugee system, I studied three groups of actors:

A) Key state institutions responsible for refugee reception and integration, both operating under the Ministry of Interior:

1) Department of Asylum and Migration Policy (DAMP) responsible for formulation of asylum and migration legislation, decision making in the asylum procedure, allocation of the European Refugee Fund (ERF), allocation of integration flats to recognised refugees within the State Integration Programme and supporting selected activities of NGOs from the ministerial budget

2) Refugee Facilities Administration (RFA) responsible for running refugee camps and the integration programme for recognised refugees residing in integration centres

B) Main NGOs assisting asylum seekers and refugees throughout the asylum procedure and the integration process and local representatives of the UNHCR office in Prague

C) Asylum seekers and recognised refugees from three national groups: Armenians, Belarusians and Chechens

Let me now briefly describe each group of actors with regard to the selection of interview partners, the research setting, the generation of empirical data, gaining access and the strategy of preserving anonymity. My interviews with state, NGO and UNHCR representatives had a similar structure: each of them had a set of general questions followed by a set of questions covering specific topics related to the interview partner's position and spheres of responsibility. A general interview guideline which I used is outlined in Appendix 1. The interviews lasted from 45 minutes to 2.5 hours. In most cases, the interview partners agreed for them to be digitally recorded. The process of generating empirical data with asylum seekers and refugees is described further on.

State Institutions

I conducted 29 semi-structured interviews with the representatives of DAMP and RFA. Table 1 summarises the interviews conducted with the representatives of DAMP and RFA. I started off by interviewing five DAMP officials in their headquarters in Prague. They represented the following sections of the institution: integration of recognised refugees, the asylum procedure, country of origin information, asylum legislation and the EU and International Law section.⁵ In general, I was interested to find out about different roles of DAMP in the refugee system, officials' self-presentation, sources of legitimacy for their actions, relations with other institutions of the refugee system, attitudes to NGOs and the UNHCR as

⁵ I conducted an internet search about the interview partners prior to each of these interviews, looking for what statements they have made in the media, what reports they have written or in what national and international meetings they have participated.

well as their views of asylum seekers and refugees as objects of their work (for a more specific interview guideline see Appendix 2).

Table 1 Overview of DAMP and RFA Informants Interviewed, 2005-2007

Name of organisation	Positions of informants	Women (17)	Men (12)
DAMP (11)	Heads of sections – Prague	4	1
	Asylum adjudicators and interviewers – camps	1	5
RFA (18)	Heads of refugee camps	2	3
	Social workers	6	-
	Receptionists	1	3
	Art centre workers	2	-
	Former employees	1	-

Next, I wanted to capture the everyday nature of DAMP’s and RFA’s work and therefore I visited five refugee camps run by RFA where I conducted the remaining interviews and participant observation (see Table 2). The setting of a refugee camp is important not only for its specific functions in the refugee system and a particular social fabric (see Chapter 6), but also because it is the only space where different actors come together and interact with each other. While in the camps I interviewed DAMP interviewers and adjudicators to learn more about the practice of the asylum procedure (see interview guideline in Appendix 3). As for the RFA representatives, I spoke to camp directors as well as to RFA workers, who were in the most intensive daily contacts with asylum seekers such as social workers, art centre workers and receptionists, who provide 24-hour services ranging from lending sports equipment to dealing with medical emergencies and conflicts among the camp inhabitants.⁶ I inquired about the everyday running of the camp, services provided to its inhabitants,

⁶ Prior to each visit to the camp, I searched for information about instances of asylum seekers’ protests or controversies regarding the relations with the local Czech population.

relations between the workers and asylum seekers/refugees as well as about workers attitudes towards NGOs operating in camps (see interview guideline in Appendix 4). When in the camps, I was accommodated in RFA guest rooms which are part of, or in the close vicinity of asylum seekers'/refugees' accommodation. Thus I had almost unlimited access to the informants at different times of the day. I could also observe the dynamics of social life in the camps as it changed in working hours, during evenings and over weekends when there were only few RFA workers.

Table 2 Overview of Refugee Camps Visited, 2006-2007

Type of refugee camp	Length of stay
1. Reception camp Vyšní Lhoty	6 days – 2006
2. Residential camp Kostelec nad Orlicí	6 days – 2007
3. Residential camp Zbýšov u Brna	4 days – 2007
4. Residential & Integration centre Havířov	4 days – 2007
5. Integration centre Jaroměř	2 days – 2007

The semi-structured character of the interviews with state officials provided some level of comparability of the responses but also gave room for the interviewees to talk about their experiences in terms of their own frames of reference and to air their current preoccupations. Thus, it made the interview process more meaningful to them and generated rich empirical data. The most interesting responses relating to how asylum seekers and refugees were perceived and talked about were elicited in discussions of various dilemmas encountered while pursuing the aims of organisations. For heads of various sections of DAMP it was mostly the tension between the existing shape and capacities of the Czech refugee system and the constant inflow of requirements of the EU as translated into various regulations and

directives that had to be transposed into the Czech asylum legislation and implemented on the ground. As opposed to the common assumption that European states primarily aim at reducing the entries of asylum seekers, some DAMP and RFA representatives were rather worried about the ongoing decline in the numbers of asylum seekers coming to the Czech Republic, which resulted in the pressure to downsize the number of employees in their sections. For asylum adjudicators working in the camps the key dilemma was the tension between the limited and uncertain character of information about asylum seekers on the one hand and various external pressures, such as political demands for a particular response to a given group of asylum seekers, on the other. For those facilitating integration by allocating flats to recognised refugees, their central concern was a constant shortage of municipalities willing to make their apartments available to DAMP and what was seen as “unrealistic” expectations of refugees towards state assistance with accommodation. RFA representatives were, in most cases, well aware of the negative effects of asylum seekers’ and refugees’ long-term stay in the camps. On the other hand, they were confronted with the experience of people entering the asylum procedure and the refugee camps for various purposes lying outside the framework of the 1951 Geneva Convention. Thus their dilemmas were: whom are we serving in the camps and with what consequences? Most of my interview partners both from DAMP and RFA saw NGOs either as their unjust critics and problem-makers or as potential subcontractors of services that the state cannot or does not want to provide. As to the relation between DAMP and RFA, some reflected on differences with regard to the approach to asylum seekers, who were seen as “cases to be sorted out” by DAMP and “clients to be assisted” by RFA.

Despite my initial worries about potential obstacles in gaining access to informants and camps, I experienced only a few minor limitations and in general a welcoming and open attitude to my research. I believe that my affiliation to a British university might have added some respectability to my research project. Although state officials and camp workers were not always able or willing to independently reflect on their actions, they were rather generous with time allocated to our interviews. While the majority were willing to be named, some preferred to be described only in generic terms by their position in the organisation. I therefore decided to adopt this method of identification for all the interlocutors quoted in the study.

NGOs and the UNHCR

As with the state institutions, I approached NGOs⁷ with a number of broad questions in mind: What do they actually do for asylum seekers and refugees and how do they see their role in the system of reception and integration? How do they construct refugees and asylum seekers as objects of their assistance? What are their relations with the state and to what extent are they independent actors of civic society? (see interview guideline in Appendix 5). I conducted thirteen semi-structured interviews with NGO workers including mostly lawyers and social workers as well as two interviews with former NGO employees now working in academia (see Table 3). These interviews were carried out either in their work place or outside in cafes. The latter location proved to be better in terms of concentration – our conversation was not disturbed by co-workers or clients – but due to their tight schedules, it was sometimes more suitable to carry out the interview within the organisation.

⁷ There are also a number of NGOs associated with Roman Catholic and Evangelic churches in the Czech Republic that provide a wide range of social and educational services to a variety of clients including refugees. These organisations were not the subject of this research.

Our interviews predominantly focused on NGOs' activities and their capacities to influence the refugee system, both in terms of everyday treatment of asylum seekers and refugees and with regard to asylum and alien legislation. NGO representatives expressed frustration and powerlessness in relation to state actors. They saw them as dominating the legislative sphere and rarely entering into a dialogue with civic society. A number of concerns were raised regarding the distribution of finances, be it from the national budget or from the EU. At the moment, these resources are controlled by the Ministries and distributed under conditions of increased administrative burden for NGOs and pressure to collaborate rather than oppose and criticise state actions. As for the construction of asylum seekers and refugees, a dilemma of helping them to become more independent while avoiding sustaining their dependency on institutional assistance was often voiced by NGO representatives. Needless to say, NGOs are not a homogeneous group. They have internal differences and conflicts; they compete for funding and do not always share each others' visions of working with refugees and collaborating with the state. Discussion of some of these differences proved useful in shedding light on each organisation's self-presentation and position in the nongovernmental section of the refugee system.

Table 3 Overview of NGO and UNHCR Representatives Interviewed, 2006-2007

Name of organisation	Women (14)	Men (3)
Berkat	3	1
Centre for Integration of Foreigners ⁸	1	1
Counselling Centre for Refugees	3	-
Organization for Aid to Refugees	2	-
Society of Citizens Assisting Migrants	1	1
UNHCR	2	-
Former NGO workers now in academia	2	-

I also conducted participant observation at various public events organised to present refugees' and migrants' presence in the Czech Republic in a positive light, to inform the public about NGOs' work with these groups and thus to improve their public image for fundraising. These took the form of cultural events consisting of music, dance and theatre performances and tasting of food prepared by refugees and other migrants. I was primarily interested in the kinds of refugee images and figures presented to the public and in the level of asylum seekers' and refugees' involvement in organising these events.

As for the UNHCR, two semi-structured interviews with Prague representatives proved to be useful in gaining a "third" perspective on the operation of both state institutions and NGOs. We discussed their present (diminishing) roles in controlling the standards of refugee protection in the Czech Republic as well as past developments (see interview guideline in Appendix 6).

Gaining access to NGO and UNHCR informants was relatively easy.⁹ It was facilitated by the fact that I was not a complete newcomer to the field. As mentioned

⁸ While the other four organisations work with both asylum seekers and recognised refugees, this NGO only deals with recognised refugees.

in the introduction, I worked for the Society of Citizens Assisting Migrants for three years prior to this research and have been publishing articles and studies on the topic since 2004. Compared to the representatives of state institutions, the NGO and UNHCR interview partners were more relaxed about expressing their personal views about their organisation's work and impacts.

While Table 3 indicates the real names of NGOs, using them when quoting from their representatives in the text could compromise the anonymity of the workers who wished to remain anonymous. I have therefore decided to allocate each organisation a pseudonym in the form of a letter ranging from "A" to "E".¹⁰ The two UNHCR representatives did not request anonymity; I refer to them by the position they occupy in the office.

Asylum Seekers and Refugees from Armenia, Belarus and Chechnya

Why did I choose to focus on the three different national groups? Research about refugees is dominated by single national group studies. While such focus is beneficial for detailed accounts of patterns of settlement, adaptation or community building, it is less advantageous with regard to unpacking more general features of asylum seekers' and refugees' relations with the institutional structures of reception and integration. Including different national groups enables a comparison of how different groups are constructed, based on the politics in their countries of origin, ethnicity or religious affiliations. I included three national groups from the former Soviet Union because it is the region that has, so far, been rarely studied as a source of contemporary refugee flows. Yet, large numbers of its inhabitants have chosen to

⁹ Only one of the addressed NGOs refused to participate in the research.

¹⁰ The order of letters does not match the order of organisations listed in Table 3.

settle in the CEE region or “got stuck” there on their way to Western Europe, either as immigrants or asylum seekers. In the Czech Republic, citizens of all fifteen republics which once constituted the Soviet Union¹¹ have been represented among asylum seekers between 1990 and 2007. Altogether, 37,867 persons from the region have applied for asylum (DAMP, 2008b) and they constitute 44 percent of all asylum seekers. Also 44 percent of all asylums granted went to this group. Armenian, Belarusian and Russian (majority Chechens) asylum seekers were the three biggest groups of recognised refugees from the former Soviet Union and among the five most numerous groups of recognised refugees in total.

How did I select the research participants? In order to capture people’s experiences in the different stages of refugee reception and settlement, I included both asylum seekers and recognised refugees in the study. It was difficult to involve those whose asylum claim was rejected because they often leave the country or go underground. However, I managed to contact some rejected refugees who later gained permanent residency and settled in the country. Constructing a representative sample of asylum seekers and refugees in the Czech Republic would be a difficult task since there are few data available about their characteristics other than nationality, gender and age and therefore an appropriate sampling frame is missing. Apart from the aim to include a similar number of people from each of the three national groups, my selection of research participants was guided by two criteria: 1) I was looking for diversity in terms of social class, age, family situation, employment status, place of residence in the Czech Republic and experiences of reception and settlement; 2) I

¹¹ The former republics of the Soviet Union are: Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

searched for people who were interested to share their experiences with me and from whom I could therefore expect richer data. The latter indicates that the final group of research participants was generated through a process of mutual selection. Such an approach was beneficial for gaining depth and complexity of information.

How did I gain access to refugees migrants? To ensure greater heterogeneity of the research participants, I utilised five different channels: 1) meeting them in the refugee camps visited during fieldwork (fifteen people); 2) refreshing contacts with people I knew based on my previous NGO work and my journalism activities (ten people); 3) recommendations by NGO workers or getting to know people at various events organised by NGOs (ten people); 4) recommendations by other informants (i.e. snowball technique) (eight people) and finally 5) recommendations by other researchers (two people). These particular points of access generated a specific group of people who tended to have stronger connections with the institutions of the refugee system (NGOs and refugee camps). It was only through the two latter channels that I managed to meet people with a history of little institutional exposure. This is another reason why my informants do not represent the larger asylum seeker and refugee population in the country. However, this “bias” was beneficial or even necessary for the focus of this study, which is the relationship between institutions and their refugee “objects”. Ways of gaining access to informants are also reflected in the slight overrepresentation of Chechen asylum seekers and refugees and the slight underrepresentation of Armenians. The former were among the most common asylum seekers in 2003 and 2004 and also highly represented among the few who were granted asylum between 2005 and 2007. They were also more present in refugee camps and more likely to seek NGO assistance during my fieldwork.

Armenians, on the other hand, represent an “older” and more settled group of refugees who were not only more likely to avoid close links with refugee institutions due to the availability of social and family networks (see more on this topic in Chapter 3) but they were also less likely to see themselves as refugees.

To better characterise my empirical data, I divide the informants into two groups: core and standard interlocutors. As Table 4 indicates, there were eleven core informants (seven women and three men) representing six households with whom I sustained long-term contact (between 1.5 and 3 years) and whom I met and interviewed a number of times (3 to 18 times). Spending time together in their flats/camp rooms or accompanying them in their various activities, I also conducted participant observation and engaged in informal conversations. Six of the core informants had university education, four completed secondary school and one had primary education. Four resided in two small towns in the northern and south-eastern part of the country; seven remaining participants lived in Prague. The remaining 34 interlocutors were interviewed either once or twice. The rationale for this division was that long-term contact would provide a longitudinal perspective on how people cope with being asylum seekers and refugees, how their position in the society changes and how their views evolve over time. These prolonged relationships generated more in-depth and complex narratives than one-off interviews. They also gave me an opportunity to extend the research encounter into a more ordinary interpersonal relationship built on mutual trust and reciprocity. For obvious reasons, these relationships could only be maintained with a limited group of people – those who were willing to share their experiences with me in more depth and who were accessible for multiple meetings.

Table 4 Overview of the Eleven Core Informants and Their Characteristics, 2005-2007

Pseudonym	Nationality	Age	Gender	Arrived in the CR	Residence status*	Family status	No. of meetings/interviews	Period of contact (years)
Gayane	Armenian	40-50	Female	1999	Czech citizen	Married – 2 children	16	2
Hasmik	Armenian	18-20	Female	1999	Czech citizen	Single	10	2
Katya	Belarusian	20-30	Female	2003	Asylum seeker→Rejected (appeal)	Married – 1 child	7	1.5
Olga	Belarusian	20-30	Female	2000	Recognised refugee	Married – 2 children	8	2
Anna	Belarusian	30-40	Female	2003	Recognised refugee	Married – 3 children	7	1.5
Ilja	Belarusian	30-40	Male	2001	Recognised refugee	Married – 3 children	3	1.5
Salman	Chechen	20-30	Male	2006	Asylum seeker→Refugee	Married – 2 children	9	2
Lolita	Chechen	20-30	Female	2006	Asylum seeker→Refugee	Married – 2 children	8	2
Rustam	Chechen	20-30	Male	2004	Asylum seeker→Rejected (appeal)	Married – 1 child	6	1.5
Kheda	Chechen	30-40	Female	2004	Recognised refugee→Czech citizen	Married – 3 children	18	3
Aslan	Chechen	30-40	Male	2004	Recognised refugee→Czech citizen	Married – 3 children	10	3

* “→” indicates change of status during the period of contact.

In order to achieve more diversity in terms of social class, age, place of residence and asylum experience, I have also included a larger group of “standard” informants (see Table 5). Their age ranged from 18 to 73, they resided in ten different cities and towns and represented of all education levels. The group comprised of people with stable jobs, casual workers, unemployed, students and pensioners. Some of the themes recurring in my discussions with the core informants were consequently explored with this wider group of informants and vice versa. I was trying to confirm whether these were experiences shared by others as well as looking for dissenting voices. In this way, I believe that I managed to achieve both diversity and depth of information.

Table 5 Summary of the 34 Standard Informants (1-2 Interviews), 2006-2007

Residence status	Armenians (11) Households: (7)		Belarusians (11) Households (7)		Chechens (12) Households (9)	
	Women (6)	Men (5)	Women (5)	Men (6)	Women (8)	Men (4)
Recognised refugees (19)	2	2	4	4	6	1
Asylum seekers (10)	1	1	1	2	2	3
Rejected asylum but obtained permanent residency (5)	3	2	-	-	-	-

The kinds of questions asked are listed in an interview guideline in Appendix 7. This guideline was followed both in the case of core and standard informants but in the former case, many of the questions were debated in a more extensive way. I always encouraged informants to go deeper into issues of greater concern and to highlight what was important to them. Despite the fact that occasionally I might have had

a better idea of the official structures and procedures of the refugee system, I tried not to act as “an expert” and continuously stressed the importance of my informants’ knowledge and experiences. I emphasized that their definitions and interpretations of these structures were crucial for understanding how the system *actually works*. The themes which I was most interested in were different aspects of asylum seekers’ and refugees’ experience of the asylum procedure and reflections on its functioning; their time spent in refugee camps; and relations with state institutions and NGOs. The ambivalent roles of institutions in asylum seekers’ and refugees’ lives were best illustrated when they described various struggles to be recognised as a refugee, to find accommodation outside the camp, to learn the Czech language, to find employment and to be treated as equal members of the society.

Most of the interviews and meetings with the research participants took place in their households or their rooms in refugee camps. All interviews were carried out by me, either in Russian, the language in which most of the informants were fluent, or in Czech (based on participants’ preference). Most of the interviews were digitally recorded and transcribed, together with field notes from participant observations carried out in refugee camps, people’s households, during NGO events and on various other occasions.

Approaching the process of reception and settlement as fundamentally gendered, I was determined to spend equal amounts of time with both men and women, to analyse constructions of refugees as gendered figures and scrutinise gender as a key factor in asylum seekers’ and refugees’ interactions with institutions. Although the gender ratio of my informants is relatively balanced with 19 men and 26 women interviewed altogether, the actual “doing of gender” (West & Zimmerman, 1987)

throughout the fieldwork made my interactions with women, with a few exceptions, more intense and unreserved than those with men. I see two possible reasons for this; first, women were usually my entry points to asylum seekers and refugee households. As I will discuss in more detail in Chapter 7, women of all three national groups were more likely to be in close contact with NGOs and social workers in refugee camps and therefore were the first ones to be recommended to me by them as research participants. Second, when entering their households it seemed more “comfortable” for everyone that I developed some contact with the women first. However, it was not always possible to transfer the same kind of openness to interviews with their husbands. The contact with five single men represented among the informants proved to be easier in this respect. Therefore, it has to be acknowledged from the outset that women’s views are somewhat privileged in my account because I got to know more about them.

Thus, being a woman was one of the crucial influences on the production of knowledge in which I have been engaged. Also my double location – being Czech yet living and studying in the United Kingdom – impacted on how I was perceived by my informants in at least three ways. First, as an educated Czech person with good knowledge of the working of the refugee system and contacts to people within various institutions of the system, I was perceived as a potential source of information and connections. I was also often asked about the conditions of migrants and refugees in the United Kingdom and whether it was worth trying to search for work there. Second, despite the fact that my position in my host country, i.e. the United Kingdom, differed in many respects from theirs, the informants sometimes addressed me as someone who knows how it feels to be a foreigner, to live in

a strange environment and far away from the family. Third, the fact that I had to leave the Czech Republic after finishing my study, which I had announced at the outset of the research, made my departure from the field somewhat easier because it was part and parcel of the expectations my informants had.

Due to the fact that many informants had close links with institutions of the refugee system, namely the NGOs, I decided to pay particular attention to preserving their anonymity. With the exception of Chapter 3, I refrained from naming asylum seekers and refugees with pseudonyms because, if put together, bits and pieces of information about their lives and the resonance of their voices could make them identifiable in the “small world” of the Czech refugee system. I also decided not to identify quotes in terms of the nationality of the speaker unless it was of particular importance to my argument in order not to create grounds for potentially false generalisations about the characteristics of the groups. As mentioned above, my aim was to filter out the impacts of ethnicity and nationality rather than to dwell on the specificities of each group because these would make problematic generalisations due to the relatively small number of participants.

Other Sources of Data

Interviews were complemented with the study of various reports, policy documents and statistics produced by DAMP and RFA. Besides, I studied NGO websites, annual reports and contributions to the media. With regard to political discourses about asylum and refugees, I analysed transcripts of parliamentary speeches in which legislative changes in the Asylum and Alien Acts were debated.

Throughout the text I refer to various statistics documenting the numbers and nationalities of asylum seekers and other migration flows. I cite recognition rate as a measure of asylum seekers' success in being accepted as "genuine" refugees. The reliability of these data should not be taken for granted. In the case of the Czech Republic, DAMP and the Alien Police – institutions whose main aim is to control migration – are the key sources of migration and asylum statistics and they tend to be selective in what they decide to publish. As argued by Wallace (2001a), such data may reflect administrative priorities more than actual migration (p. 38). The same applies to ministerial policy reports where these statistics are interpreted and put into the context of policies. Apthorpe (1997) reminds us that the language of policy functions as an exercise of power; "often the primary aim of policy language is to persuade rather than inform" (p. 43). Indeed, migration and asylum statistics are presented in a way which tends to legitimize past and new policy measures. Therefore, my approach to them is that of critical scrutiny rather than accepting them at face value.

My own fieldnotes represented another important source of data. I recorded my observations, thoughts and feelings after each meeting and interview and after attending NGO events. Not only were these notes a means of preliminary analysis of the data and a way of making connections between different observations, they also guided my next steps in generating empirical material.

Data Analysis

Rather than leaving the transcription of the interviews till the end of the fieldwork, I tried to transcribe all the interviews as soon as possible. Due to time constraints, some

of the interviews carried out in Czech were transcribed with paid assistance of a local anthropology student. This practice of ongoing transcribing proved very valuable. Transcribing or reviewing the transcripts proved to be a good opportunity to reflect on the data, look for emerging patterns and regularities and produce first analytical and conceptual memos. Thus, the analysis of data was not a distinct stage of the research but rather an ongoing endeavour.

Once fieldwork was finished, all the interviews transcribed and fieldnotes typed, I read them a number of times and tried to come up with a set of descriptive as well as analytical codes indicating key themes, views and patterns related to my broader research questions. Next, I coded the texts by using the Atlas.ti software. To avoid an abundance of codes, I divided the data into three groups: state, NGOs & UNHCR and refugee migrants. Each of the groups was coded separately.

The process of coding helped me to look for recurrent themes in the data and enabled me to quickly bring together and compare views and experiences of different informants. However, to maintain a holistic account of individuals' narratives, I found it important not to see the data as fragmented into attached categories but rather as situated testimonies. Therefore, I reread unmarked transcripts as a whole time and again in different stages of the analysis and related them both to my emerging analytical framework and to the relevant literature. As I progressed with analysing and writing, I kept finding new aspects and relations in the data.

Language and Translations

The question of language and translation requires a note of its own. In this text, I figure both as a researcher and a multiple translator. At a more general level, the

research itself could be seen as a translation of different people's strategic actions and experiences into a coherent academic narrative (Temple, 1997, p. 612). When translating the words of my informants from Czech or Russian to English I aimed at capturing what I considered as closest to the respondent expressions rather than insisting on the literal meaning of the words used. Russian played a special role throughout the research process. For many years, it has been the prime language used among asylum seekers in refugee camps and elsewhere. The legacy of the Soviet education system allows people from diverse countries like Chechnya, Armenia, Georgia, Belarus, Kazakhstan or Ukraine to communicate with each other without major problems. For Chechens and Armenians, whose languages are highly specific and not akin to the Slavic family of languages, their knowledge of Russian was particularly important as a facilitator when communicating with others and when learning Czech.¹² With the exception of my Belarusian informants, many of whom adopted Russian as their primary language, interviews in Russian meant that we were both using a second language. This helped to equalise the communication.

However, there is more to translation in the research process than moving between different languages. For me, it was also about moving between groups of actors who employed language in a very different way. For example, government officials often adopted the language of laws and policies to avoid formulating and disclosing more personal views. They spoke about how things should be, according to the rules set out by them, rather than how they actually were. Also NGO workers often described their actions in the language of policies which they have adopted when writing up grant applications and annual reports. Terms like "labour market integration", "self-

¹² Both Belarusian and Czech are Slavic languages.

sufficiency” (versus dependency) or “community” were rarely discussed or problematized by them. Asylum seekers and refugees also operated with a distinctive terminology when describing their journey through the asylum procedure. According to Tollarová (2008), numerous neologisms used by refugees reflect their lack of information and orientation in the legal procedure and their widespread use points to the fact that people’s information sources are other refugees and migrants rather than official structures of the refugee system (pp. 99-100). Throughout the fieldwork, I encountered terms like “first” and “second negative”, which indicated rejections in different stages of the asylum procedure, or “yellow passport” that referred to subsidiary protection.¹³ Many asylum seekers rarely mentioned the word “asylum” but rather used the term “positive” or “passport” as a desired outcome of their application. In the course of the research process I found myself “translating” between these languages when making sense of people’s narratives and when attempting to mediate the views and experiences of one group of actors to another.

The Use of Policy Terminology

Black (2001) warns us that by conveying academic respectability to the term “refugee” in scholarly literature, one contributes to the false perception of the naturalness of the category (p. 63). The language used to categorise foreigners and locate them in society is neither neutral nor apolitical. With regard to those seeking protection abroad, it has been widely documented that in Europe and elsewhere the term “asylum seeker” has become increasingly associated with costs and burdens on

¹³ Subsidiary protection is a measure of protection that was implemented in the Czech legislation in 2006 based on an EU directive. It describes a temporary residence permit that is granted to those who are not identified as refugees yet cannot be returned back to their countries of origin due to various insecurities. As opposed to those who are granted asylum, subsidiary protection implies lesser support and does not provide permanent residence.

the part of receiving states and with abuse and fraud on the part of those seeking protection. This association has pushed aside the right for protection and assistance, let alone the international human rights obligations of receiving countries lying at the heart of the international refugee system (e.g. Nicholson & Twomey, 1999). When studying the conditions of people labelled as asylum seekers and refugees, the field of inquiry is inevitably constructed by policy (Schmidt, 2007). Thus, one must be particularly cautious about adopting the policy language without critical reflection because it can have a normalising effect and inadvertently collude with forces of exclusion and criminalisation. On the other hand, inventing new “unladen” terms may lead to confusion. My approach here is to treat bureaucratic categories as sites of exploration; they gain a life of their own as people try to fit into them, expand or subvert them by their strategic actions. Below I wish to clarify my use of some of the key politicised terms in this study.

I use the term *asylum seeker* for all those who arrived at the borders of the Czech Republic or made themselves visible on its territory and claimed to be in need of protection. Asylum seeker is a narrower category than a refugee because people within this category have not yet been recognised or rejected as such. Their status is defined by waiting, examination and uncertainty. When writing about *refugees*, I refer to those who have been granted asylum through the administrative process of the asylum procedure. Their refugee status implies that they receive permanent residence permit and access to the State Integration Programme which assists them with learning the Czech language, finding employment and accommodation outside the camps. Thus, in line with the official asylum discourse, I see asylum seekers and refugees as those who conform to legal requirements of the statuses. To bring the two

groups of people together in the analysis, I use the term *refugee migrants*. This indicates that although both groups go through the asylum procedure, some will be rejected and treated as migrants to whom the state has no protection responsibilities. Many of those rejected asylum seekers will then move to the category of *illegalised persons*. I deliberately use this expression rather than more common terms such as *illegal*, *undocumented* or *irregular migrants* in order to stress the process of legal production of migrant “illegality” and the creation of the conditions of deportability (De Genova, 2002).

Finally, the notion of a *refugee camp* that I use in the text requires some qualification. I remember being corrected at times by colleagues at academic conferences saying that in the European context we do not speak about camps, because these are located in developing countries where they house thousands of people for extended periods of time, often in harsh living conditions. In Europe, I was told, we have reception or accommodation centres. Indeed, this is also the language currently used in legal and policy documents both at the national¹⁴ and the EU level. For example, the Council Directive laying down minimum standards for the reception of asylum seekers¹⁵ defines an accommodation centre as “any place used for collective housing of asylum seekers”. I see two main reasons for not adopting the language of policies and legal documents.

¹⁴ Interestingly, the first Refugee Act of the Czech Republic from 1990 used the term “refugee camp”. As the legislation became more complex and also integrated into the EU structure this wording disappeared, and in the new Asylum Act from 1999 it was substituted by “asylum facility”, “reception”, “accommodation” and “integration centre”.

¹⁵ 2003/9/EC of 27 January 2003

First, the use of the term “refugee camp”¹⁶ corresponds with the everyday discourses of refugee migrants, some lower-rank camp employees, NGO workers and the general public. It is an expression that is comprehensible to almost anyone, although different actors think about the institution and its function differently. The camp (*lager*) as a particular social and material space and “camp life” (*lagernaya zhyzn’*) as a particular stage of the asylum procedure figured prominently in the narratives of my informants. It was often modified to refer to various aspects of their experiences. For example, some younger informants compared their stay in the reception camp to “summer camps” where they used to go as children and meet their peers from all around the Soviet Union. Indeed the main reception camp in the Czech Republic – Vyšní Lhoty – is located in the mountainous area of Northern Moravia and it encompasses a volleyball court, a football pitch, children’s playground, kindergarten, art centre, woodcarving workshop and library. Those who enter the centre for the first time are often still hopeful that their asylum claims will soon be recognised and that this temporary confinement is a necessary and short-term measure towards a better life. Others, especially in times of depression and disillusionment in the later stages of the asylum procedure, likened their experiences to those in “concentration camps”. While this is obviously an exaggerated comparison, it reflects the level of frustration accumulated during the stay in the camp, feelings of degradation and a sense of being stripped of former identities and reduced to a camp inhabitant. Finally, some younger asylum seekers, mostly men, likened refugee camps to “criminal camps”, referring to illicit activities that were taking place there and the kinds of underworld social networks being established.

¹⁶ In Czech it is *uprchlický tábor* and in Russian *lager dla bezhencev*.

Second, by strictly differentiating between “refugee camps” in the developing world and “accommodation centres” in Europe one risks casting the “refugee problem” and practices of mass encampment as a “Third World phenomenon” that has no place in the developed and “civilised” world. As a consequence, the commonalities that these technologies of managing mass displacement (Malkki, 1995b) and confining undesired foreigners have – despite vast difference in scale and material conditions – can easily be overlooked. Besides, it should not be forgotten that the origins of “a refugee camp” are rooted in European history. As Malkki (1995b) describes, refugee camps emerged during and in the aftermath of World War II as “a standardized, generalizable technology of power” that made it possible to expose groups of people to medical and hygienic programmes and quarantining, perpetual screening and the accumulation of documentation (p. 498); in other words, refugee camps became institutionalised as practices of care and control. Since today’s refugee camps in Europe still fulfil most of these functions, I consider it appropriate to keep using the term.

Research Ethics

In this section I will discuss how relationships with research participants were enmeshed in ethical considerations. The choices made in the research process are also that of clarifying and maintaining standards of ethical conduct and considering the possible effects of our involvement in people’s lives. My decisions have been guided by the Statement of Ethical Practice of the British Sociological Association and, at a later stage, I have also consulted the Ethical Guidelines for Good Research Practice of the Refugee Studies Centre published in *Refugee Survey Quarterly* in

2007 (Refugee Studies Centre, 2007). Moreover, the proposal for this research was subject to the ethical scrutiny of the University of Warwick.

I have already referred to the question of guaranteeing confidentiality to most of the research participants. I decided to take special care to preserve refugee migrants' anonymity because the sphere of refugee issues in the Czech Republic consists of people who know each other. Therefore, some refugee migrants who have had closer relations with NGOs could be identified even based on generic identifications such as gender, ethnicity or age should the pieces of their narratives be put together. However, the issue of privacy in refugee or migration context is a more complex one. By approaching people as strategic actors and revealing some of their individual strategies to access rights in a restrictive environment of migration control one risks servicing the agents of surveillance and providing them with "ammunition" to fight these "subversive actions". Rather than revealing migrants' actions for the sake of showing them (De Genova, 2002), my aim was to situate them in the context in which they were seen as the only possible way to go.

Below, I address two issues that emerged as most salient throughout the research: securing informed consent and relations of power and reciprocity in the research process.

Informed Consent

I have not sought written consent from the research participants. In the case of more formal one-off interviews with state, NGO and UNHCR representatives, their willingness to be interviewed served as a sufficient expression of consent. To obtain permission for my visits to refugee camps, I was always asked by RFA to provide

an outline of my schedule there and a rationale for the research. I spent more time introducing myself and explaining the nature of the research to standard refugee migrant informants and then I asked for verbal agreement. This seemed more appropriate than a written consent because, at the same time, I guaranteed their confidentiality. It could be easily misinterpreted if I would subsequently hand out the form and ask for their signature.

With regard to the core informants whom I met for a number of times, I was aware that obtaining consent could not be seen as a once-and-for-all question to be sorted out at the beginning of the contact. During periods of prolonged fieldwork research participants can easily forget that they are being studied (BSA, 2004, p. 3). Therefore, I saw their consent as a process and a subject to ongoing renegotiation. Referring specifically to research among refugees, Mackenzie et al. (2007) write about the difficulties of constructing an ethical consent process and obtaining genuinely informed consent. One of the key obstacles they identify is refugees' mistrust of the motives and independence of a researcher and a worry about how any information they provide will be used. Moreover, participants may have unrealistic expectations of the benefits of the research, believing that researchers can have the power to influence legal or resettlement processes (Mackenzie et al., 2007, p. 303). To mitigate these risks, the authors advocate an iterative model of consent arguing that:

ethical agreements can best be secured through a process of negotiation, which aims to develop a shared understanding of what is involved at all stages of the research process. (p. 307)

Even though my approach might not have been as thorough as suggested above, I carefully explained the nature of the research and my expectations from the

participants as well as their freedom to withdraw from the process any time they wished. As our relations became more informal, I would occasionally remind them that apart from being a friend or a good listener, I was also in a position of a researcher. I did this by rephrasing some of the information they shared with me in the form of a more general observation which could appear in my study. I would also sometimes present them with my interpretations of their (or others') experiences and ask what they thought about them. This technique proved useful and some of these discussions also generated particularly interesting data.

Power and Reciprocity in Research Relationships

I agree with Bommers and Morawska (2005) that the recognition of researchers' "creative impact" on the investigated subjects has the capacity to enhance scholarly work by "making it more trustworthy and [...] more amenable to accurate interdisciplinary 'translations'" (p. 4). The research methods used in this study call for continuous reflection on the character of power relations with the research subjects. Feminist debates about qualitative methodologies provide some guidance about how to grapple with these issues (e.g. Stacey, 1988; Wolf, 1996b). Stacey (1988) emphasised that despite its many advantages and particular suitability for feminist research, an ethnographic research process based on close human relationships places research subjects at risk of being manipulated and betrayed by the ethnographer. The potential for the exploitation of power disparities is especially pertinent with regard to studying groups that are considered underprivileged, marginalised or have lesser rights in society. Asylum seekers and refugees are one such group and a number of researchers have called for more participatory and reciprocal methods of researching them and "with them" (Dona, 2007; Huisman,

2008; Temple & Moran, 2006). Others stress that the danger of exploitation and power abuse should not be exaggerated because it strengthens the construction of refugees as powerless victims (Lammers, 2007; Uehling, 1998). It is therefore necessary to reflect on the structural inequalities and the kinds of positionalities they produce and to ask how they can be mitigated rather than reinforced through the research process.

The issue of reciprocity figured prominently in my research. Tazreiter (2004) describes how the asylum procedure compels people to make their intimate worlds public:

A person seeking protection must in a sense lay bare a personal history in a public confessional: first in a formal legal process, and less directly in various public settings such as NGO forums held to facilitate public awareness and to gather support, or in media interviews. (p. 214)

Researchers are just another category of investigators who seek access to these personal histories. Refugees are often described as a group that has no voice in the public sphere. However, I find it very problematic when researchers adopt a view that when researching refugees they are “helping them” by the very act of being interested in their stories and “making their voices heard”. Because of their close links with NGOs and their visibility and accessibility in refugee camps, some of my informants had previous experiences of being interviewed by the media or taking part in various research projects, mostly carried out by students. Many of these experiences were described as a disappointment. Refugee migrants felt they were being used with no benefit and they had no control over how their information was utilised (see also Mackenzie et al., 2007).

Therefore, my concern was not to make the interlocutors feel that I take their agreement to share their experiences with me for granted. In the case of one-off encounters, I usually offered some form of material compensation for the interview time.¹⁷ In the case of the core participants, I made it clear from the beginning that I was ready to “give back” the same amount of time that they spent talking to me in whatever form of assistance they chose. This offer was not always utilised, but after some time I was occasionally asked for little favours such as finding specific information, providing a piece of advice, translating or lending money. I was aware that giving can exacerbate inequalities if the informants see themselves constantly on the receiving end. Therefore, I took efforts to explain that these were not unilateral acts of help and stressed what are the actual and potential benefits I gained by doing the study, which would have been impossible without their participation. For example, I told my informants about my conference presentations where I quoted from their narratives in front of international audiences and about the stipend I was receiving to carry out this project. I also continuously discussed with them my general observations and arguments as they developed in the course of the research. Although more could have been done to increase their active participation in the research, my experience of building relationships based on reciprocity concurs with Lammers’ (2007) observation that readiness to enter into a personal relationship based on sharing and giving is a necessary precondition for the generation of trust and thus also for an open conversation (p. 77). I also plan to go back to the core informants, discuss some of the arguments of the thesis with them and think about

¹⁷ For example, I copied a book of Chechen fairytales and gave it to Chechen families, most of whom had small children and were worried about them losing the command of the Chechen language. To others, I brought other small gifts and occasionally assisted with search for information or contacts.

their implications and possible benefits for asylum seekers and refugees more generally. I will ask them to highlight those issues which should, in their view, be communicated to state institutions and NGOs.

The question of reciprocity also resonated in my encounters with state officials and NGO representatives. With regard to the former, I was asked to provide the general results of my study. Rather than simply sending in the dissertation (in English) which would likely not be read, I will offer DAMP and RFA a personal presentation of the findings. For that purpose, I will try to translate and select those observations and arguments that could be of a practical relevance to their work.

NGO workers not only reserved their time for our interview but they also helped me to establish contacts with some of the asylum seekers and refugees. When formulating some of the critical arguments about their role in the refugee system (especially in Chapter 7), I was well aware that this might be interpreted as ingratitude or even betrayal. It is rarely mentioned that by depending on NGOs as mediators to informants, researchers risk placing themselves under a pressure not to critically scrutinise their operation. My way out of this dilemma is to organise a meeting for those who will be interested in the results of my study and to phrase the criticisms in the most constructive way possible and be available for their reactions. In this way, I hope to initiate a discussion about the questions of refugee active involvement in NGO work, their representation, and some of the unintended consequences of “helping”. Due to time constraints these meetings could not be accomplished prior to submission of this dissertation but will be pursued shortly after.

Conclusions

As this chapter aimed to demonstrate, the analysis presented in this study is a product of an interdisciplinary and multi-layered research process. It involves different groups of research participants and multiple sources of data. I tried to demonstrate that the empirical data generated for this study were not treated as neutral or transparent representations of the reality; rather I see them as produced socially (Hammersley & Atkinson, 1995).

Research into refugee situations is inevitably framed by policy discourses and considerations. Rather than taking them as a given framework, this study treats them as objects of scrutiny. Such an approach requires reflexivity about seemingly objective sources of data such as statistics and policy reports as well as conscious use of language that has been appropriated by policymakers.

A number of ethical questions emerge from research among refugee migrants as well as when “studying-up” more powerful players in the refugee system. Apart from the “standard” theme of confidentiality and consent, I highlighted the question of reciprocity as a crucial aspect of building a research relationship based on trust and mutuality. As I demonstrated above, this can have different implications for different groups studied. However, there is one ethical duty that applies across these differences: feeding back the findings of research to participants in a meaningful way. Therefore, I have recognised that my responsibilities to research participants have not ended with the fieldwork and I have outlined how I plan to communicate the research results back to them.

Chapter 3: Former Soviet Citizens Seeking Asylum in Central and Eastern Europe

Introduction

Having described the theoretical framework and methodological strategy of this study I now turn to its geopolitical location, i.e. the CEE region, and discuss it as a space of immigration and asylum. To do so, I bring together debates about the development of European asylum policies, statistical accounts of refugee movements and the perspectives of asylum seekers from the former Soviet Union. The first section looks at the process of harmonisation of CEE asylum and migration policies with the EU approach and the subsequent impacts of EU accession on the four CEE countries: Czech Republic, Hungary, Poland and Slovakia. The second section takes a different perspective and examines the forces of displacement and migration routes of three selected groups of asylum seekers and refugees: Armenians, Belarusians and Chechens in the Czech Republic. It is through their life stories that the differences within and between the groups are best examined. The last section introduces the complex institutional structure of the Czech refugee system and the asylum procedure thus providing essential background information for the analysis to come.

Central and Eastern Europe as a Region of Asylum and Immigration

A brief look at the map of Europe (see Picture 1) shows that the four Central European countries that used to be part of the Eastern Bloc, Poland, Czech Republic, Slovakia and Hungary, constitute a dividing line between the geopolitical West and

East of Europe.¹⁸ When considered as a whole, the region has a 2,958 km long border with the East and South European states of Belarus, Ukraine, Romania, Serbia and Croatia and a 2,200 km long border with the Western European countries of Germany and Austria. The Czech Republic occupies a specific geographical position because it does not have borders with any Eastern European states while it covers over half the western border.¹⁹ Its geographical location makes it the most likely transit area for those moving East to West. To enter the Czech Republic, most migrants from the East have been coming through a relatively porous border with Slovakia, established as an international border after the division of Czechoslovakia in 1993. Poland, with its long border with Ukraine and Belarus, represents the most likely entry point for migrants and refugees from the countries of the former Soviet Union. Hungary was the key destination for migrants and refugees from Romania – mostly ethnic Hungarians – and from the former Yugoslavia during the wars in the early 1990s.

¹⁸ I refer to the situation after the reunification of Germany in 1990.

¹⁹ A 466 km long border with Austria and an 810 km long border with Germany.

Picture 1 Map of Central and Eastern Europe



Source: Adapted from <http://geology.com/world/europe-physical-map.shtml>

A large increase in refugee movements in the region in the early 1990s has been discussed widely in the literature (Fullerton, Sik, & Tóth, 1995; Joly, 1996; Vachudová, 2000) and are attributable to a number of interconnected factors. First, after the end of the Cold War, border controls were relaxed (exit visas were abolished and restrictions on issuing passports removed) and opportunities to migrate increased dramatically in the countries of the former Eastern Bloc. Besides, on their way towards a market economy, a number of countries experienced economic and political crises and substantial sections of the population plunged into poverty and insecurity. Second, violent aftermath of the political changes displaced large numbers of people, most notably from former Yugoslavia and different parts of the

former Soviet Union. Third, the dire economic situation combined with political instability often heightened discrimination and repression of various minorities (national, ethnic, religious) and compelled them to make use of the increased freedom of movement and seek protection elsewhere. With the end of the Cold War, these incomers from the East have lost their political appeal and have become increasingly seen as an unwanted burden in Western Europe.

The process of European integration started soon after the regime changes in the region and dominated most of its policy developments in the area of migration and asylum influence. The next two sections look at this process in more detail.

Heading Towards the European Union: Asylum and the Harmonisation Process in Central and Eastern Europe

When CEE countries set off to join the EU in the early 1990s, immigration and asylum were no longer “strictly the preserve of the national state” (Overbeek, 1995, p. 30). The intensification of cooperation among members of the Organisation for Economic Co-operation and Development (OECD) and member states of the Council of Europe started in the mid-1980s (Overbeek, 1995), but it took until the late 1990s for questions of free movement, immigration and asylum to become central to the “European project” and so shape much of the preparations for its enlargement. Following the 1997 Amsterdam Treaty (in force since May 1999),²⁰ asylum and immigration were moved from the intergovernmental “third pillar” to the “first pillar” where EU institutions play a larger role. In a subsequent meeting of the European Council held in Tampere a first set of binding laws establishing minimum standards were agreed, together with the aim of establishing CEAS (ECRE, 2005d).

²⁰ Treaty of Amsterdam, Official Journal C 340 of 10 November 1997.

Since then, the EU has been operating as a supranational bloc, jointly working to control mobility of migrants and asylum seekers within and beyond their territorial borders (Leitner, 1997, p. 124).

How were the capacities to provide international protection in CEE influenced by the process of European integration? While the promise of EU accession pushed CEE countries to adopt asylum legislative measures in line with international law and to gradually improve its reception conditions (Grabbe, 2006) a less promising side of harmonisation has included adherence to the lowest possible standards. This feature lies in the adoption of restrictive measures limiting access to asylum and not doing enough to secure fair and efficient standards of asylum procedure or to improve conditions for refugee integration. The unilateral incorporation of CEE countries into mechanisms of “burden sharing” has been particularly criticised. Soon after 1991, a number of readmission agreements²¹ were concluded between Western European states and CEE countries. This led to the creation of “a series of ‘nets’ to catch and send back illegal migrants” (Stola, 2001, p. 91). According to many, the international readmission system has become the basis for CEE’s role as a buffer zone (Boer, 1995; Guiraudon, 2004; Stola, 2001; Wallace et al., 1996). Moreover, the introduction of the so called “safe third country” rule, which was implemented in all CEE countries by the end of the 1990s, allowed for the return of asylum seekers to a country they crossed prior to entering the state where they applied for asylum – if it was considered to be “generally safe”. All CEE countries were considered as safe even though there was not sufficient assurance that asylum seekers’ claims would be

²¹ These intergovernmental agreements allow for those migrants caught crossing the border undocumented (or captured within the country after crossing the border in such a way) to be sent back to the last country through which they came.

adequately decided there. Because CEE countries also concluded readmission agreements with their eastern neighbours, immigrants and asylum seekers could be, in some cases, moved even further east to more precarious conditions. Lavenex (1998) has called this a practice of “passing the buck”. In other words, she argues that the aim of this policy was not to share the responsibility for asylum seekers but rather to shift it away. She summarised the result of EU-CEE cooperation in the following terms:

The aim of co-operation in refugee matters has not been to establish a common European asylum system, but to reduce immigration pressure and to compensate for the perceived losses of internal security in the wake of the full freedom of movement inside the Union. (2001a, p. 868)

In the meantime, a number of other measures to prevent the entry of asylum seekers and other groups of immigrants have been introduced in CEE, in line with EU developments of the 1990s and early 2000s. These have included: introduction of visas for a number of countries from which refugees originated, carrier sanctions,²² improved border surveillance and increasing use of detention (Hughes & Liebaut, 1998). Thus, the impact of EU integration on the capacities of CEE countries to offer protection to refugees has been rather ambivalent, as summarised by Levy (1999):

Candidates for membership in the EU are receiving a crash course in the ambiguities of European and global asylum policy through their signing of the Geneva Convention of 1951 and the human rights legislation of the Council of Europe while concurrently integrating the *acquis communautaire* of the European Union which may threaten their recent adherence to these solemn commitments. (p. 18)

But how were these policy changes negotiated between the prospective CEE members and the “old” EU Member States? While Geddes (2003) argues that asylum

²² Under this provision, carriers which transport a passenger who does not have a proper passport or authorization to enter the country have to pay a fine, and also have to assume responsibility for accommodation, repatriation and other related costs (AI, 1997, p. 1).

policy in CEE has arisen almost entirely as a result of the requirements of EU accession and that EU policy models dominate, Grabbe (2006) provides a more nuanced view. She emphasises that the EU often set only broad parameters for its asylum and immigration agendas and that rather than directly specifying a policy model or institutional solution, issues and problem areas were called to CEE policymakers' attention (p. 185). Her analysis encourages more attention to interactions between policy formations at a national level and the EU or intergovernmental negotiations.

When discussing the process of harmonisation it is important to acknowledge the parameters of this context from the perspective of CEE countries. What stakes did they have in negotiating their migration and asylum policies with the "old" Member States and bringing them to EU standards? First, the EU framework was filling in the lacunae in the sphere of migration and asylum policies and institutions, underdeveloped prior to 1989 (Grabbe, 2006). Inexperience and uncertainty was matched with determination to avoid the negative externalities of increasingly restrictive Western policies (Lavenex, 2002, p. 717). Importantly, policy transfers in the areas of border control and migration and asylum policies were accompanied by financial transfers from the "old" Member States.²³ Second, harmonisation with the immigration and asylum policies of EU Member States was discussed in the context of a promise of unrestricted access of CEE nationals to the EU territory. At that time the freedom of movement was seen as an immediate positive result of the political change and thus of great political importance to CEE transition

²³ For example, in the case of the German – Czech agreement, 60 million Deutschmarks was transferred to improve the country's ability to "fight against illegal immigration" (Lavenex, 1998, pp. 133-140).

governments. Third, the prospect of EU membership had a symbolic and persuasive value for CEE policymakers – both convincing them to adopt the changes and helping them to convince politicians and the general public that they are legitimate and necessary. As I will demonstrate in Chapter 4, the EU framework has proven to be a useful tool of persuasion and silencing (especially with regard to NGO opposition) even when rather indigenous changes in asylum and migration legislation were made.

While asylum has had a rather low political profile in CEE, visa policies turned out to be a more contentious area where CEE countries resisted imposition of the EU agenda (Grabbe, 2006). EU Member States demanded that CEE countries comply with common visa policies, especially with regard to Eastern Europeans such as Russian and Ukrainian citizens. But in CEE a visa regime with its eastern (non-candidate) neighbours was seen as potentially breaking vital socio-economic and political ties (Grabbe, 2006). While the Czech Republic and Slovakia started requiring visas from Russians and Ukrainians in 2000, Hungary and Poland resisted the EU's demands for visa restrictions, and imposed such requirements only shortly before accession in 2003 (Grabbe, 2006, p. 168).

After the Accession: What Were the Impacts on Asylum Policies in Central and Eastern Europe?

What did joining the EU bring to the CEE region in the area of refugee protection? As of May 2004, the provisions on asylum that stemmed from the Amsterdam Treaty became directly applicable in CEE. These were:

- a) Dublin II Regulation²⁴ established criteria and mechanisms for determining which Member State is responsible for considering an application for asylum submitted by a national of a third country in one of the Member States;
- b) Reception Conditions Directive²⁵ defined minimum standards of the reception of asylum seekers in Member States;
- c) Qualification Directive²⁶ set minimum standards with respect to the qualification of nationals of third countries as refugees;
- d) Asylum Procedures Directive²⁷ specified minimum standards on procedures in Member States for granting or withdrawing refugee status.

Besides, the Treaty also outlined the establishment of minimum standards for giving temporary protection to displaced persons who cannot return to their country of origin, which was later formulated into the Temporary Protection Directive.²⁸

While the Dublin II Regulation applied to CEE countries from the first day of their membership, each of the directives set a deadline for its incorporation in national legislation. The main areas of regulation covered by the directives concern the following: decision-making procedure to launch, extend or end temporary protection and conditions of stay of displaced persons including access to the normal asylum procedure; provision of housing, education and health for asylum seekers awaiting their decision; introduction of subsidiary protection for those who are seen as falling outside the scope of the 1951 Geneva Convention but nevertheless still in need of international protection (for example victims of war); access to legal aid during the asylum procedure and the conditions of effective judicial scrutiny of asylum decisions. The deadline for the implementation of the directives was December 2007. However, it is already clear that a number of Member States, including some CEE

²⁴ Council Regulation (EC) No 343/2003 of 18 February 2003

²⁵ Council Directive 2003/9/EC of 27 January 2003

²⁶ Council Directive 2004/83/EC of 29 April 2004

²⁷ Council Directive 2005/85/EC of 1 December 2005

²⁸ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons

countries, have not transposed even the earlier directives in time.²⁹ This uneven development, together with persisting differences in conditions for asylum seekers in the EU Member States (e.g. Pro Asyl e.V., 2005), indicates that completing the construction of the CEAS by 2010 – as set in the Hague Programme of 2004 – remains a challenge.³⁰

As indicated above, the most immediate effect of EU accession in CEE – both for asylum seekers and policymakers – was the implementation of the Dublin II Regulation in 2004. It was designed as a mechanism for allocating responsibility to process an asylum claim to a single Member State. The underlying (albeit erroneous) presumption behind the Regulation is that an asylum seeker will receive equivalent access to protection in whichever Member State a claim is lodged. The state is identified as responsible for examining an asylum application (in order of priority): 1) when it hosts an asylum seeker's close family member who was recognised as a refugee or whose application for asylum is being examined; 2) when it has previously provided the applicant with a residence permit or a visa; or 3) when the applicant enters the territory of a Member State waiving the visa requirement (ECRE, 2007c, p. 11). In practice, the Regulation applies as follows: if state A arrives at the conclusion that state B is responsible for the claim, it will send a request to the latter to take charge of or to take back the asylum seeker. If, after considering the request, state B agrees to take over responsibility, the asylum seeker will be transferred there.

²⁹ For example, a year after the deadline for transposition of the Qualification Directive expired, UNHCR (2007) reported that thirteen Members States (among them Hungary and Poland) have not finished its legislative implementation (p. 21).

³⁰ In July 2007 the European Commission adopted *The Green Paper on the future Common European Asylum System*. It was designed as a starting point for a consultation process with a number of institutional actors including both governments and NGOs on what form the next stage of the CEAS construction should take.

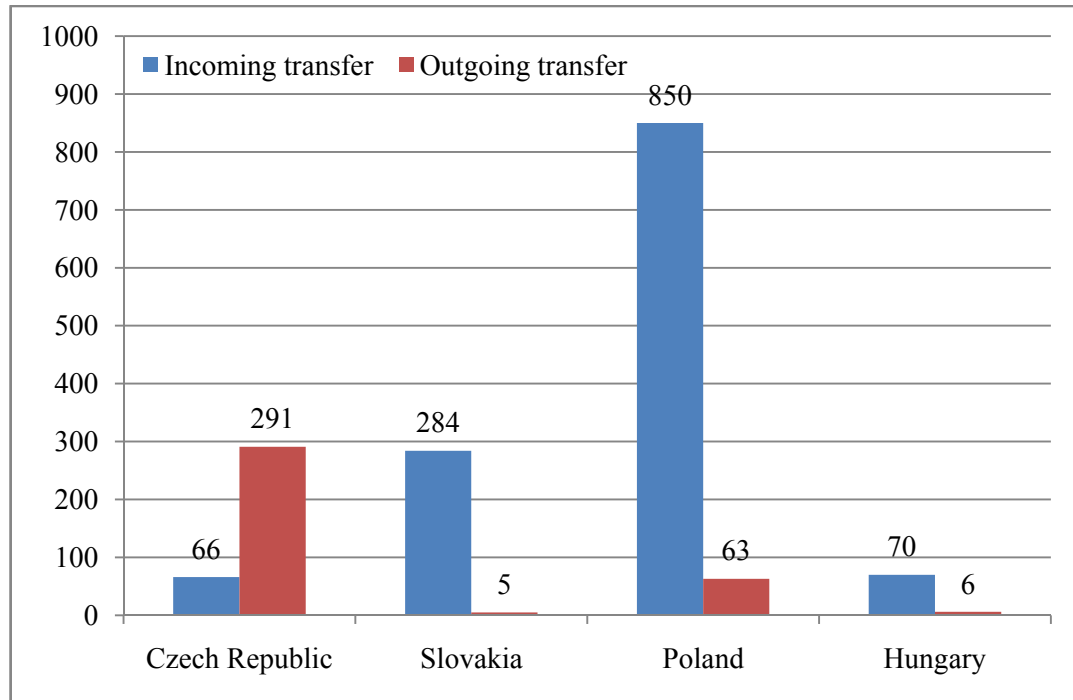
Time limits are set for all these proceedings. However, each Member State may decide to examine the application even if, under the above criteria listed, it is not its responsibility (ECRE, 2007c, p. 11). Broadly speaking, the Regulation has three aims: 1) ensuring that every asylum claim within the EU is examined; 2) preventing multiple asylum claims within the EU; and 3) preventing secondary movements of asylum seekers within the EU. Thus, it imposes a “one-chance-only” principle and significantly limits refugees’ ability to choose a destination according to their own preference.

The assumption about the equal treatment of asylum seekers across the EU is false because the implementation of the Regulation took place in the context of highly diversified asylum regimes and integration capacities for recognised refugees both within the “old” Member States and within CEE (see ECRE, 2005b; Pro Asyl e.V., 2005). Accompanied with restrictions on the movement of asylum seekers within the EU, these discrepancies result into what has been dubbed a “protection lottery” (ECRE, 2005a, p. 6). In other words, the outcome of one’s asylum application largely depends on the country in which it happens to be processed.

When looking at the numbers of people who were actually transferred under the Dublin II Regulation to or from CEE in the first six months of 2005 (see Figure 2), it seems clear that there has been significant diversification among the countries: Poland and Slovakia have been the largest receivers of Dublin cases while the Czech Republic was the only country that sent away more people than it received. As indicated by the report of the Czech Ministry of Interior (MI), the majority of asylum seekers sent from the Czech Republic were Russian nationals (mostly Chechens) and they were sent to Poland and Slovakia (MI, 2006, p. 85). Although there are not

enough data available to see whether this is going to be a long term trend, it could be an indication of moving the “buffer zone” towards the eastern border of the EU through which the majority of asylum seekers have been coming since the early 2000s.

Figure 2 Asylum Seekers Transferred to and from Central and Eastern Europe under the Dublin II Regulation, January - July 2005



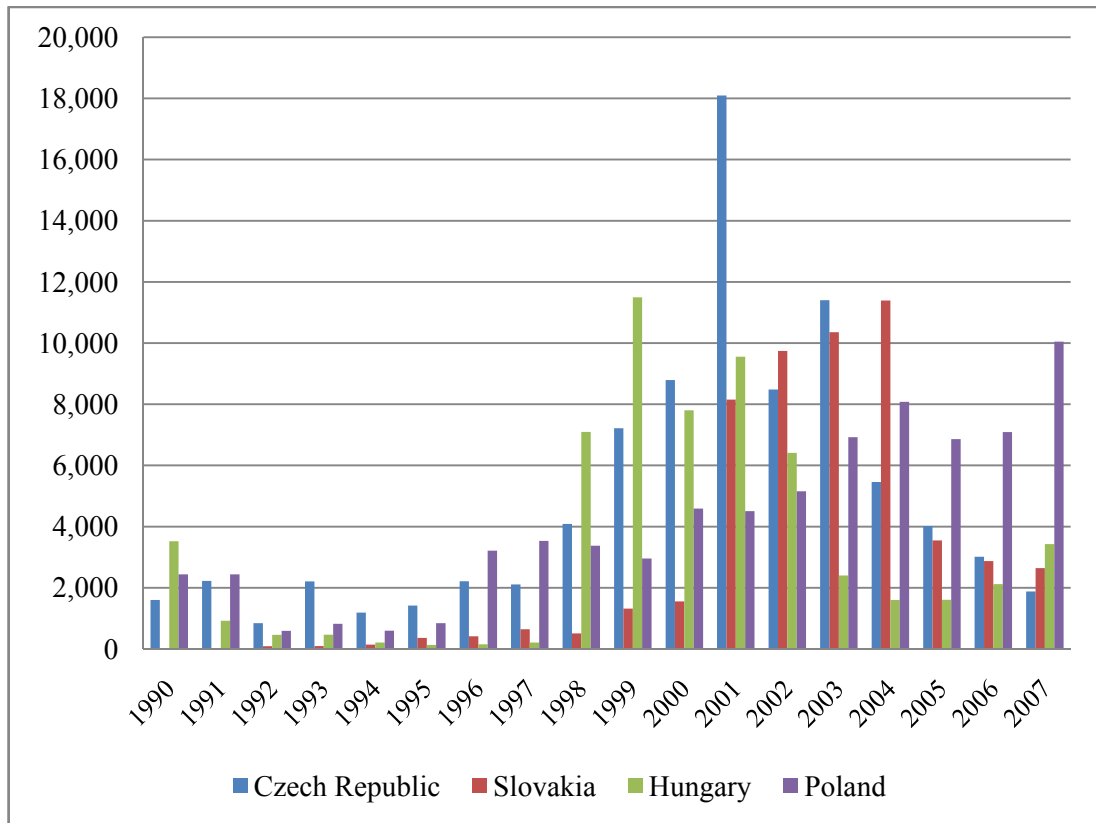
Source: Based on data from UNHCR (2006a, pp. 71-72)

In practical terms it means that an ongoing decrease of asylum applications in the Czech Republic and some Western European countries can be at the expense of overburdening the Polish asylum system.³¹ For an overview of numbers of asylum seekers in CEE between 1990 and 2007 see Figure 3. Thus, rather than sharing responsibilities, the impact of the Dublin II Regulation seems to be their shifting towards the outer borders of the EU. Moreover, a report of the application of the

³¹ For example, at the beginning of January 2005, 3,132 asylum seekers were living in fourteen facilities in Poland which, according to UNHCR, were designed to hold only around 2,750 people (Esser & Gladysch, 2005, pp. 13-14).

Dublin II Regulation in 20 Member States published by the European Council of Refugees and Exiles (ECRE) demonstrates that the Regulation acts as an incentive for states to increasingly use detention when securing the transfer of the so called “Dublin cases” (ECRE, 2007c, p. 169). From the point of view of asylum seekers this indicates that they are getting stuck at the margins of the EU. Since most Russian nationals who are being transferred to and from CEE under the Dublin II Regulation are from Chechnya, they represent the group that has been most severely affected by its application in the enlarged EU. Despite trying to continue to other European countries – most likely to those with better conditions for reception and integration – their movement is being restricted (Esser & Gladysch, 2005; Maciejko & Olszewska, 2007). The conditions to which Chechens have been exposed in Europe as a consequence of the Dublin II Regulation have been strongly criticised by a number of reports (ECRE, 2005c, 2007b, 2007c; Esser & Gladysch, 2005; Norwegian Refugee Council, 2005). Their plight signals how rather than “harmonised,” Europe has turned out to be a highly uneven place to be.

Figure 3 New Asylum Applications in Central and Eastern Europe, 1990-2007



Source: Based on data from DAMP (2008b) and the UNHCR (2002; 2006b; 2008b; 2008c)

Data about numbers of new asylum applications launched in CEE countries show that each of them has had slightly different ebbs and flows. For example, the increase in Czech asylum applications in 2001 was disproportionate to the developments in other countries; it will be explained in detail in Chapter 4. The Czech Republic is now the country with the lowest number of new asylum applications but Slovakia has experienced the most significant fall of applications after entering the EU. It is most likely to be attributed to asylum seekers' accommodation to the Dublin II Regulation – i.e. trying to cross the country without being intercepted and apply for asylum where there is greater chance to be recognised. Only in Poland, have the numbers of asylum seekers been growing significantly since 2005, due to arrivals and returns of asylum seekers from Chechnya and increasingly other parts of the Northern

Caucasus. Hungary experienced a peak in applications towards the end of the 1990s due both to the conflict in Kosovo in 1998-1999 and because it lifted the geographical limitation in its asylum law that allowed only reception of refugees generated by events in Europe (Hárs, Sik, & Tóth, 2001). As Table 6 indicates, various groups of asylum seekers resort to different paths into and through the CEE region. This is especially clear with regard to the predominance of Ukrainian asylum seekers in the Czech Republic – a group that has not topped the list in any other CEE country. As I will discuss in Chapter 4, this indicates that when acting in the context of limited opportunities, migrants and asylum seekers adapt their strategies to the differences in refugee and immigration systems and these strategies can develop into relatively stable patterns of behaviour over time.

Table 6 Main Countries of Origin of New Asylum Applicants in Central and Eastern Europe, 2000-2007

Year	Czech Republic	Slovakia	Hungary	Poland
2000	Ukraine	Afghanistan	Afghanistan	Russian Fed.
2001	Ukraine	Afghanistan	Afghanistan	Russian Fed.
2002	Ukraine	China	Afghanistan	Russian Fed.
2003	Russian Fed.	Russian Fed.	Afghanistan	Russian Fed.
2004	Ukraine	India	Georgia	Russian Fed.
2005	Ukraine	Russian Fed.	Vietnam	Russian Fed.
2006	Ukraine	India	Vietnam	Russian Fed.
2007	Ukraine	Pakistan	Serbia-Montenegro	Russian Fed.

Source: Based on data from UNHCR (2006b; 2008b; 2008c)

To sum up, the body of literature describing and analysing asylum and migration policy developments in CEE prior to and after they joined the EU provides an essential background for thinking about the region as a whole and the overall influence of EU harmonisation and accession on its policy orientation towards more restrictive measures. Asylum statistics, together with more detailed reports about the situation in individual countries and impacts of particular policy measures such as the Dublin II Regulation, indicate that alongside the harmonisation process there is ongoing differentiation of CEE countries as spaces of asylum. Thus, I argue that more attention should be paid to CEE policymakers' and politicians' utilisations of the concept of "a refugee" – situating it firmly within the EU framework yet often putting through more indigenous policy agendas based on specific geopolitical and institutional objectives. Also more attention needs to be paid to migrants' and asylum seekers' accommodation to changing conditions of mobility in CEE.

Migration Routes and Driving Forces: Armenians, Belarusians and Chechens in the Czech Republic

Almost half of my informants – refugees, asylum seekers and the representatives of the Czech refugee system – were in their late thirties or older at the time of our encounter. This means that at least up until their early adulthood, they lived in the system of so called "really existing socialism" be it in one of the Soviet Union's republics or in the satellite communist regime of Czechoslovakia. While their lives might have differed in many respects, there were also a number of similarities, in particular the prevailing conditions of political and social stability controlled by the state. For some, this stability was stifling and oppressive, for some it was reassuring and prosperous, while others simply tolerated it. However, different developments

after the collapse of communist regimes in CEE and the dissolution of the Soviet Union set these conditions worlds apart.

The Czech Republic peacefully separated from its Slovak neighbour in 1993 and its citizens have not been hit by the transition to market economy as hard as in other post-communist countries. While the independence of other socialist republics that constituted the USSR, such as Armenia or Belarus, seemed inevitable, Russia was determined not to allow changes in its own territory. Three years after declaring its independence, Chechnya – formerly an autonomous republic of the Russia Soviet Federative Socialist Republic – came under heavy bombing by Russian forces at the end of 1994. Tens of thousands of Chechens lost their lives in two subsequent brutal wars with Russia that raged until the 2000s and were followed by the establishment of an authoritarian state installed by Moscow. Meanwhile, Armenia – formerly one of the most prosperous and educated societies of the USSR – was hit by a disastrous earthquake in 1988, plunged into severe economic crisis in the early 1990s and entered into ethnic conflict with neighbouring Azerbaijan. Of the three countries, Belarus seems to be closest to the situation in the Czech Republic. Under the authoritarian government of President Alexander Lukashenka, some level of economic and political stability has been preserved and the society has been spared of an armed conflict. However, in terms of deficient political and civic liberties, it is probably more similar to communist Czechoslovakia in the 1980s.

Before I describe some of the driving forces that have brought asylum seekers from Chechnya, Armenia and Belarus to the Czech Republic, it is important to acknowledge that various links between the societies could have played a role in influencing asylum seekers' decisions about their destination. For example, a number

of former Soviet citizens who later filled Czech refugee camps as asylum seekers previously visited Czechoslovakia as tourists. They cherished their memories of excursions to Prague or vacations in the spa town of Karlovy Vary. Had they been told under what circumstances they would return a few years later, they would probably have laughed in disbelief. One of my Chechen informants underwent his military service in Czechoslovakia³² in the 1970s and his memories of the country and society he got to like made him chose it as a destination when fleeing war-torn Chechnya with his family in 2003. Some asylum seekers – women in particular – still recalled the names and addresses of their childhood Czechoslovak pen-friends with whom they exchanged letters within the framework of an organised socialist friendship (*druzhiba*). These anecdotal examples indicate that the Czech Republic, as a country of asylum, was not necessarily an entirely new and unfamiliar place. In their new roles as people on the run, some asylum seekers chose to flee to the Czech Republic because they saw it as a democratic European country which, although not as economically advanced as neighbouring Austria or Germany, speaks a Slavic language similar to Russian. They also hoped that its people would better understand their plight based on a shared experience of the culture and politics of the Eastern Bloc. Some of the recognised refugees argued that this “common ground” makes them feel more at home than in the advanced capitalist countries of Western Europe. However, the kind of reception they experienced in the Czech Republic was not always very welcoming. Dark haired Armenians complained about being taken for Gypsies and treated with disrespect. Chechens were being addressed as *Rusáci*³³ and

³² The Soviet army occupied Czechoslovakia from the suppression of the Prague Spring in 1968 until 1991.

³³ *Rusáci* is a pejorative word for Russians.

referred to as the followers of Russian occupants in Czech lands. Belarusians, who are the least distinguishable as foreigners due to their Slavic appearance, recounted being looked down at by Czechs as a cheap labour force from the East. The next section introduces each group's driving forces for migration based on the examples of the life stories of my informants.

Armenians

When Gayane, now in her forties, decided to leave her medium-sized hometown in 1999, emigration had become a common response to political instability and economic hardships in post-Soviet Armenia. Prior to the collapse of the Soviet Union, Armenia experienced a tragic combination of a disastrous earthquake in 1988³⁴ and an outburst of interethnic violence that followed from a dispute between Armenia and Azerbaijan over the Nagorno-Karabakh border region. The violence later turned into a full scale war lasting until a ceasefire in 1994 but not being resolved until today. It left about twenty thousand dead on both sides while creating a refugee crisis with hundreds of thousands of people displaced (Waal, 2004, pp. 194, 285). After the earthquake, Metsamor Nuclear Power Station was closed. Alternative energy and other supplies were in intermittent supply due to an Azerbaijani and Turkish territorial blockade as a consequence of the military confrontation. Cut off from energy, most Armenian industries ceased to function. As put by Dudwick (1997): "By 1993, economic life in Armenia had hit rock-bottom" (p. 82). For example, according to a report commissioned by the United Nations International Children's Emergency Fund (UNICEF), by mid-1993 as many as one million out of a 1.7 million strong labour force were either formally unemployed or

³⁴ The earthquake killed over 25,000 people and left some 500,000 homeless (Dudwick, 1997, p. 106).

on involuntary leave (Dudwick, 1995). Accompanied with relaxed border controls, this situation led to widespread emigration. By 1995, it is estimated that over 800,000 people had left Armenia, as much as one fifth of its population. The majority have settled in Russia and other countries of the former USSR and some fifteen percent have moved to Western Europe and the United States (Freinkman, 2002, p. 32). Despite an ambitious economic programme sponsored by the International Monetary Fund, which resulted in positive economic growth rates between 1995 and 2003, emigration of Armenians has steadily continued although not at such a dramatic rate (ICMPD, 2005). Remittances sent by migrants have become a substantial source of income support (Gevorkyan, Gevorkyan, & Mashuryan, 2008).

Gayane left her home together with her younger brother Artur and travelled to the Czech Republic, where their older brother had already lived and worked for three years. She was a divorced mother of two children of school age. A number of factors compelled her to make the move. She was harassed by her ex-husband and did not feel protected by the local police who considered his violent behaviour towards her and the children within the norm. She was also frustrated by a small-town mentality and a high level of social control, particularly imposed on women like her; she had surpassed local gender norms by divorcing her husband and leading an independent life outside her family house. Gayane dreamed about giving her children good educational opportunities and realistically estimated that she could hardly afford to do so from her single income. Besides, her brother who was already “in Europe” seemed to be doing alright and promised to help her get started. It was not until a year after she arrived that she claimed asylum. Legislative changes in the new

Alien Act of 1999 made her residence precarious and temporarily illegalised her status in the country. Since she was determined not to return back home, she sought help from an NGO who advised her to apply for asylum.

There was this change of law and I had to pay health insurance for me and my children for the whole year and also I needed to show a lot of money in my bank account. When I came here, I did not want to apply for asylum, I did not even know what it was. I thought I could simply work and live. I did not want any help from anybody. I am a hardworking person; I just wanted some peace for myself and my children. With the help of my brother, I started my own business; it was a cleaning firm. I got my trade license and started working. It went well but then I suddenly needed to show more money in my account, my children were going to school and needed a lot of things and that health insurance was very expensive. So when I could not show the money, I was worried that I would have to return back. That's when I applied for asylum. [Gayane, private accommodation, September 2006]

After an asylum procedure of over a year, Gayane and her children were granted asylum based on humanitarian considerations in 2001. She has become one of 8,542 Armenian asylum-seekers who were granted refugee status or other kind of humanitarian protection in 31 industrialised countries throughout the world by 2002. This group represented eleven percent of all Armenians who applied for asylum between 1993 and 2002 (UNHCR, 2003, p. 28). Germany received the largest share of asylum applications in this period, followed by the U.S., Belgium and the Netherlands (UNHCR, 2003, p. 27).

In a few years time, Gayane managed to bring over her mother and also Artur was joined by his Armenian bride. After four years of being recognised refugees, Gayane and her children successfully applied for Czech citizenship. This finally gave her an opportunity to invite to the Czech Republic her long-term love from Armenia, a former neighbour Edgar. After seven years of separation and fourteen years of an unfulfilled relationship, they got married in 2006. Even after more than a decade

in the Czech Republic, Gayane has not been able to obtain employment in line with her professional qualification as an accountant. She works as a saleswoman and receives little above the minimum wage. Despite her strong wish to do so, she has not been able to save enough money to visit Armenia to see her father's grave; he died while Gayane was in the Czech Republic.

Although unique in many respects, Gayane's story is also typical of the last decade's refugee migration from Armenia to the Czech Republic. Their moves have been compelled by a mixture of more or less politicised forces. According to the DAMP official responsible for information about countries of origin, Armenian asylum applicants reported intimidation and threats by law enforcement agents as well as less formal, mafia-like groups seizing control in a volatile socio-political environment. Others attempted to avoid serving in a corrupt and under-resourced army. Discrimination based on ethnicity,³⁵ religious affiliation³⁶ and sexual orientation were listed as reasons to leave and, in a minority of cases also oppressive gender norms and family relations. Altogether more than 3,300 Armenian nationals applied for asylum in the Czech Republic between 1990 and 2007 and 205 were granted asylum (DAMP, 2008b). Their recognition rate between 1993 and 2007 was estimated at 6.1 percent (CSO, 2008c). The largest group of Armenians (1018 applicants) entered the asylum procedure in 2001, probably in reaction to the new restrictive Alien Act (see Chapter 4). Alongside asylum seekers and recognised refugees, there were over 1,500 Armenian nationals living in the Czech Republic based on long-term or permanent residence permits at the end of 2007 (CSO, 2008a).

³⁵ This relates particularly to Azeri and Yezidi minorities but also concerning Armenians from Nagorno-Karabakh and ethnically mixed families.

³⁶ This relates especially to Jehovah witnesses.

My observations as well as other studies of Armenians in the Czech Republic (Klvaňová, 2006; Maroušek, 2001) indicate that many of these immigrants had previously applied for asylum. Typically, they were rejected and later managed to legalise their stay in another way.³⁷

Zara's is one such story. Now in her fifties, she left Yerevan in 2001 together with her son Arman. Although he had already undergone his army service, he was conscripted again, for another two years. She did not have enough money to "buy him out", as many richer families were doing in Armenia at that time, and Arman was determined not to go through this experience again.

In Armenia, the law is only a piece of paper; you can buy it if you have enough money. They wanted us to pay 3,000 USD to buy him out of the army. [Zara, private accommodation, August 2007]

They decided to come to the Czech Republic because Zara's niece was living there and offered some help. After their one-week tourist visa expired, they were advised by other Armenians to apply for asylum. Their asylum procedure lasted long enough that after five years, Zara applied for the residence permit which allowed her to permanently settle in the country. She is now determined to save enough money to start a small family business together with Arman. After years of precarious working conditions in the cleaning and restaurant sectors, Zara dreams of becoming "her own boss".

Meri and Mikhail, a young couple who have been living in the Czech Republic since 1999, did not have the patience to spend a number of years in the insecurity of the asylum procedure. Their two children were about to enter school and they wanted to

³⁷ For example they could apply for the permit after a minimum of two years in the asylum procedure and a four-year continuous documented stay in the country (Alien Act 326/1999, par. 67). Or else, they could also marry a Czech citizen.

provide them with a stable future. After they left Armenia in the worst stages of economic and political crisis in the early 1990s they spent some years in different European countries. But their dream of starting a new life in Europe has become hard to sustain because they were not able to get a stable legal status, either as refugees or as labour migrants. When they found themselves in the Czech Republic, it was not really a place of their choice. After years of travelling and occasional periods of undocumented stay, filled with “fear of every police officer we met on the street”, they were simply too tired to travel any further. By then, they were fluent in a few languages and had a number of family members scattered around different European countries. They applied for asylum but, quickly realising how little chance they had to obtain it, the couple looked for other ways to stabilize their status in the country. The only option at hand was for each of them to marry a Czech citizen and thus gain permanent residence in the Czech Republic.³⁸ Once obtained, it gave them much longed-for legal stability and they soon opened a small family business.

We have realised that if we wanted to settle in Europe, there were only two ways for us: asylum or marriage. We could have gone to live in Moscow, I had some friends there who would help, it would be easier, but we were young and we wanted everything, we wanted Europe. [Mikhail, private accommodation, September 2007]

After years of hard work and no holidays their business has started bringing a moderate profit; finally, they started planning their first trip back to Armenia. But they have no desire to return permanently; after all, most of their family is now settled in Europe and the remaining close relatives have recently joined them in the Czech Republic. As opposed to recognised refugees who risk losing their refugee

³⁸ This practice is sometimes called “sham marriage”. Meri and Mikhail had heard about this legalising strategy before from other migrants and therefore they did not get officially married.

status if re-entering their country of origin, the permanent residence permit allows Meri and Mikhail to visit Armenia prior to obtaining Czech citizenship.

While most of the asylum seekers who arrived in the mid 1990s were fleeing ethnic conflict caused by Armenia's war with Azerbaijan, by the late 1990s and the early 2000s entering the asylum procedure had become part of an immigration strategy for many. It has been enacted in the context of limited opportunities for other immigration routes. Although not always fitting the Geneva Convention of a refugee, Armenian asylum seekers were compelled to leave by a number of intertwined and often politicised forces. As opposed to the other two groups, Armenians are the most likely to facilitate immigration of other family members and to draw support from extended family networks (see also Klvaňová, 2006; Uherek et al., 2005). Partly due to the existence of this support, most of my Armenian informants did not spend extended periods of time in Czech refugee camps. Five out of eight households included in the research left for private accommodation right after the end of the mandatory two or three weeks in the reception camp. Despite the hardships they encountered throughout settlement, they present themselves as industrious people who have always been able to adjust to different living conditions in emigration.

Belarusians

While Armenian immigration to the Czech Republic is predominantly a matter of the 1990s and 2000s, Belarusian exile has a longer history. Belorussian émigrés – mostly exiled politicians, intellectuals and students fleeing the Russian Revolution of October 1917 – started coming to Czechoslovakia soon after it was established as an independent state in 1918. Prague was also a temporary residence for members of

the Council of Belarusian Democratic Republic who declared Belarusian independence in 1918 but were soon pushed into exile by the Bolsheviks, who announced the formation of the Belorussian Soviet Socialist Republic in 1919. Although the then Czechoslovak political regime did not officially support Belarusians' national movement for independence, Belarusians were generally welcomed in the country, could organise themselves in societies and students were granted stipends at Czechoslovak universities (Kolenovská, Hlybouski, Plavec, & Veselý, 2005). After World War II, a number of Belarusian immigrants were handed back to the USSR by the newly established Czechoslovak communist regime, where they were often killed or imprisoned (Kolenovská, 2007). In 1995, the headquarters of the Radio Free Europe/Radio Liberty were moved to Prague and members of the Belarusian section of broadcasting were among the founders of the first post-1989 Belarusian association in the Czech Republic – Skaryna³⁹ (Kolenovská et al., 2005, p. 26).

Many recent Belarusian arrivals decided to apply for asylum in the Czech Republic due to its government's sympathy for their past and present political struggles as well as its geographical proximity and relative ease of access.⁴⁰ The biggest group applied in 2001 (438 applications) and 86 percent of all asylum applications up to 2007 (altogether 2073) were launched thereafter (DAMP, 2008b). This movement emerged mostly as a reaction to the Belarusian presidential elections of 2001 that were accompanied by a clampdown on opposition politicians and activists. Between 1990 and 2003 altogether 18,200 people applied for asylum in the industrialised

³⁹ It was named after a Belarusian scholar Frantzisk Skaryna who translated the Bible into Belarusian while living in Prague at the beginning of the 16th century.

⁴⁰ Until 2000, Belarusians were not required to apply for a visa to enter the country.

world (UNHCR, 2004b, p. 45). The Czech Republic received the fourth highest number of asylum applications after Germany, Sweden and Belgium (UNHCR, 2004b, p. 45). The largest groups of recognised refugees live in Germany and the U.S. (UNHCR, 2004b, p. 45). In the Czech Republic, recognition rates for the period between 2000 and 2007 have been estimated at 13.6 percent and of the three groups discussed Belarusians have had the greatest chance to be recognised as refugees in the Czech Republic (CSO, 2008c). By 2007, 297 Belarusians had been granted asylum in the Czech Republic (DAMP, 2008b). Next to asylum seekers and recognised refugees 3,732 Belarusian nationals were registered as residing in the country at the end of 2007 (CSO, 2008a).

If asked what the reason for their flight from Belarus was, most asylum seekers and refugees would give a simple answer: Lukashenka. Alexander Lukashenka became the country's President in 1994, when the first post-Soviet democratic presidential elections took place. Soon after, he amended the constitution to allow for extended presidential powers and prolonged his term in office until 2001. The next presidential elections were accompanied by state-sanctioned attacks on the independent press and peaceful demonstrators. Repression of political opponents increased and access to most media was blocked for the opposition candidates. There was also a lack of transparency in ballot counting and none of the observing intergovernmental organizations recognised the elections as free and fair (HRW, 2002). Nonetheless, Lukashenka used his disputed victory for further consolidation of power and he was re-elected in 2006 in further flawed elections (HRW, 2007).

Despite his authoritarian style of ruling, a number of authors argue that Lukashenka still has considerable popular support, if partly for the lack of viable alternatives to

be found among fragmented opposition movements (Ioffe, 2004; Marples, 2005). The economic situation in Belarus has not been spectacular but, compared to other post-Soviet countries, it has delivered the most stable quality of life to its citizens.⁴¹ This was largely due to the import of cheap Russian oil (Ioffe, 2004). Based on a recent report by the World Bank, Belarus has the third highest GDP per capita among CIS countries, following Russia and Kazakhstan (Mansoor & Quillin, 2007, p. 121). It is also one of the few CIS countries where immigrants outnumber people who are leaving the country (Mansoor & Quillin, 2007).

Since the late 1990s, the Belarusian regime has been ostracised by both the U.S.⁴² and the EU (with strong support from Czech politicians). The key reasons are not only a poor human rights record with regard to political opposition or free media, but also alleged sales of weapons to countries like Iran and Iraq and, above all, its geopolitical and economic orientation towards Russia (Ioffe, 2004). The negative international visibility of the Belarusian ruling regime and the position of Lukashenka as an “international pariah” (Marples, 2005) facilitated the view of Belarusians as political refugees. It is expected that strengthening of the Lukashenka regime after the elections of 2006 may further intensify repression towards the political opposition (Jaroszewicz & Szerepka, 2007).

A DAMP official responsible for countries of origin information summarised Belarusian asylum seekers’ claims in the Czech Republic as falling into the following categories: journalists and human rights activists who have openly

⁴¹ For example, Ioffe (2004) shows that in 1999 Belarus’s GDP was at 83.6 percent of its 1991 level, while it was 62.5 percent for Russia and 44.7 percent for Ukraine (p. 91).

⁴² In 2005, US president George W. Bush included Belarus as an integral part of the so-called ‘Axis of Evil’ at hearings in Washington (Marples, 2005, p. 895).

criticised the state authorities; political opponents and members of youth groups whose political opinions and actions are perceived as a threat by the authorities; young men who claim to be draft evaders or deserters from the harsh conditions in the Belarusian Army; and religious minorities.⁴³ She also added that a substantial group of people make use of Belarus' international reputation and claim asylum to facilitate their immigration process.

The stories of my interlocutors mirror the diversity of forces that have been driving Belarusians to the Czech Republic in the 2000s. On the one hand, there are members of oppositional political parties such as Ilja or Sergey, both in their early forties, who arrived with their families in 2001. Back in Belarus they finished university and alongside being engaged in politics, established themselves as successful businessmen. Having to leave their previous positions represented a great social slump. Both men remained politically active throughout their asylum procedures as well as after being granted asylum. Ilja joined a Belarusian association in Prague and has been working towards bringing together Belarusian activists and raising the visibility of Belarusian matters in the Czech Republic. Sergey, on the other hand, soon became disenchanted by the local political activities of his fellow countrymen and geared his energy towards more solitary online journalism/activism. His knowledge of information technology also helped him to start earning a decent living soon after he could legally work. Politically active Belarusians in the Czech Republic are a heterogeneous group fragmented by ideological differences and by mutual suspicion. This mistrust is enhanced by the widely acknowledged presence of

⁴³ Similar reasons have also been outlined in a UNHCR report providing background information on asylum-seekers and refugees from the Republic of Belarus (2004b, p. 5).

Lukashenka's undercover envoys in the country, who report back on local dissidents. A typically cautious attitude was expressed by Vasyl, a man in his sixties who claimed to have had an experience of Belarusian secret agents while living in Poland⁴⁴:

We feel safe here, but we always try to control with whom we communicate; we are particularly careful when interacting with other people from Belarus. [Vasyl, private accommodation, September, 2007]

Although Belarusian politics has increasingly been dominated by urban intellectual men who have been best situated to exploit the context of rising class and gender inequalities, a number of women have resisted being pushed into the private sphere – a tendency described as “redomestication” by Gapova (2004, p. 98). Irina, a woman in her fifties who is a professional historian, was not a member of any political party but her activities organising former Belarusian émigrés from around the world in support of “rebuilding the nation” after independence have become strongly politicised and feared by the regime. In 1997, she started receiving warnings and threats from the Belarusian state authorities who wanted her to collaborate or stop her activities altogether. Irina resisted for two years but in 1999 she could no longer stand the pressure and decided to leave the country. She obtained asylum after one and a half years of waiting and after another five years she successfully applied for Czech citizenship.

Another group of informants were families who fled discrimination based on their religious belief. For example, Angela, a woman in her thirties, described her life as

⁴⁴ There are no official data about how many Belarusians resided in Poland prior to applying for asylum in the Czech Republic. Half of my Belarusian informants previously lived in Poland. They moved to the Czech Republic due to rejection by Polish immigration authorities, feelings of insecurity due to geographical proximity to Belarus and/or the poor economic situation in Poland.

a Jehovah's Witness in Belarus as that of fear and insecurity. She and her husband felt threatened by a series of fake charges and arbitrary fines imposed on them by law enforcement agencies. For two years they lived in Poland and once their residence permit expired they decided to move to the Czech Republic. Other families were affiliated with the Protestant Church and spoke about instances of intimidation and more or less direct discrimination related to their religious beliefs.⁴⁵ In the Czech Republic, these refugees lived together with co-believers whom they knew already from Belarus and supported each other when searching for work and accommodation.

Probably the largest group of Belarusian asylum seekers are people who do not fit readily into either of the groups described above but decided to leave their country because of dissatisfaction with their life in Belarus. For example, because they felt it could not give them the opportunities potentially available elsewhere, in terms of work satisfaction but also family life. Consider Katya, a woman in her mid-twenties who grew up in what she called a "broken family"; her mother died when she was still a child, her father was an alcoholic and she was mostly raised by her grandmother. When the latter died and Katya's father seemed not to care, she realised that nothing was holding her in Belarus. Hearing about work opportunities in the Czech Republic, she decided to abandon her job as a seamstress and try her luck elsewhere. Besides, she also dreamed about establishing a "proper family" but did not find the men in her surroundings very appealing. Although her asylum application got rejected, her dream of a family came true. Throughout her four-year-

⁴⁵ Harassment of religious minorities was also reported by the UNHCR and human rights organisations (e.g. IHF, 2006; UNHCR, 2004b).

long asylum procedure, she found a husband (also an asylum seeker) and gave birth to a son. The asylum claims of all three of them were rejected and they are now in the stage of final appeal. They are increasingly worried about the future. After the years spent in the Czech Republic, they can hardly imagine themselves living elsewhere.

Sasha, a man in his mid-thirties, finished university in Belarus and then tried to live and work in Germany for some years. When the German legislation changed he became illegalised and was soon deported back to Belarus. He decided to leave again in 2000 and to try to get to Northern Europe. Sasha spoke evasively about motivations that drove him away from Belarus yet he clearly disassociated himself from those who claimed to be part of oppositional politics. He summarised that he did not feel “comfortable” living in Belarus which became “too small” for him and that he kept looking for something else: “cosier conditions of life” as he put it. Since he has never liked to rely on other people, he tried to cross the “green border”⁴⁶ to Austria without the service of smugglers. He got caught by border guards and was placed in a Czech detention centre. As he soon figured out, the best way to get out from there was to launch an asylum application. Sasha said he was always interested in Belarusian politics (although did not think highly of it) and thus when interviewed by DAMP officials it was not a problem for him to come up with a story of political activism and persecution. He was granted asylum after two years. He now works independently as an intermediary supplying foreign construction workers to Czech firms.

⁴⁶ Crossing the “green border” is a synonym for illegal border crossing.

Since the early 2000s, Belarusians have established themselves as a stable group of asylum seekers with relatively high chances of being recognised as refugees. Rather than draw on extended family relations, Belarusian refugees tend to rely on networks of people of the same religious affiliation or political orientation. Their generally positive perception by institutions of the Czech refugee system stems from their characteristics as a group – high levels of education, Slavic appearance, Christian – and a public sympathy with their opposition to the rule of Alexander Lukashenka.⁴⁷

Chechens

In March 2002 the Russian and international media quoted the following statements from president Putin’s annual state-of-the-nation address: “Regarding Chechnya, the military phase is over thanks to the bravery of the army and special task forces” and “Every inhabitant of Chechnya should consider himself a full-fledged citizen of Russia” (RFE/RL, 2002). Throughout the following two years, Russian citizens – mostly coming from Chechnya – constituted the largest group of asylum seekers around the world with almost forty thousand applications (UNHCR, 2008a). Kheda, a woman in her late thirties now living in the Czech Republic as a recognised refugee, explained what she saw as the main driving force of these movements:

They stopped bombing us, but another kind of war started, people were disappearing, being tortured, killed and, if lucky, sold back to their relatives, either alive or dead. [Kheda, private accommodation, September, 2007]

A number of reports by human rights organisations have documented widespread and systematic use of enforced disappearances in Chechnya since the early 2000s (AI, 2005; HRW, 2005). According to the Human Rights Advocacy Centre “Memorial”,

⁴⁷ One of the most prominent Czech human rights organisation, People in Need, has been extensively reporting the political situation in Belarus. Since 1998, it has a special section – Belcentrum – devoted to this aim (see www.clovekvtisni.cz/index2.php?id=345).

which is able to monitor approximately 25 to 30 percent of Chechnya's territory, in 2004 498 people were kidnapped and more than half of them later "disappeared". At the same time 447 people were killed, the majority of them civilians (Memorial, 2007). But these numbers are likely to be just the tip of the iceberg because many people choose not to report or publicise the disappearances of their relatives, hoping that their silence might protect their remaining family members from the same fate (HRW, 2005). While previously mostly men of fighting age were targeted, at the beginning of 2004 Memorial has reported on women and elderly people becoming victims of disappearances and other forms of violence (Memorial, 2004). The official investigation of crimes committed against civilians is characterised by a selective impunity, with the majority of cases against the state authorities being stopped by the prosecutor's offices (Memorial, 2006). Human rights violations in Chechnya are committed by both Russian federal forces that occupy the country, local troops under the command of the pro-Russian Chechen administration and Chechen rebel groups (HRW, 2005). Anna Politkovskaya, a Russian journalist deeply engaged in reporting the brutal realities of the war in Chechnya (herself murdered in 2006) described Chechnya as "a small corner of hell" (2003). In 2002 she wrote in a prologue to her book:

I've seen a lot of suffering. The worst of it is that many of the people I've been writing about for the past two and a half years are now dead. (2003, p. 26)

Omnipresent yet seemingly random violence and permanent insecurity were described as the main reasons to leave by Chechen refugees arriving in the Czech Republic since 2003. They were leaving a country destroyed by six years of a ruthless armed conflict whose "front" went through civilian people's lives and

households rather than being confined to fighting separatist armed forces and those who were later designated as “Islamic terrorists” by the Russian government. The economy and civil infrastructure were shattered, the environment contaminated, health and education systems understaffed and underequipped. Children born in the 1990s, now in their teens, have seen little but ruins, destruction, death and fear. A survey conducted by Médecins Sans Frontières among 257 households in Chechnya in 2004 indicates that nearly 23 percent of respondents witnessed the killing of people and 53 percent witnessed arrests (de Jong et al., 2007). Importantly, it was also the lack of hope in a peaceful future that compelled many to make the move. The loss of hope was described by many in different ways. For example, Patimat, a woman in her thirties, depicted her decision to leave Chechnya as follows:

I have been gradually losing hope since the beginning of the second war. It was very hard to live without the prospect of better times. Suddenly, I have realised that I have lost faith in anything good. It was something I shared with my husband and we decided to leave. [Patimat, private accommodation, September 2005]

The first Chechen war followed three years after Chechnya declared its independence from Russia in 1991 and was considered as a “national war” and a victory for Chechens, whose resistance forced the Russian army to withdraw.⁴⁸ Those who took arms against the Russian troops were seen as heroes fighting for a nation’s brighter future. The second war started in 1999 after the period of reconstruction⁴⁹ coupled with ongoing political instability and international isolation imposed by Russia. At

⁴⁸ In 1996, a peace accord was signed by the military commander Aslan Maskhadov and the chairman of the Security Council Alexander Lebed. It officially stopped the war and initiated the withdrawal of Russian troops from Chechnya; however, the resolution of the constitutional issue of Chechnya’s status was frozen until the end of 2001. The fact that this agreement left Chechnya de facto independent was perceived as an unexpected victory.

⁴⁹ By reconstruction I mean individual people’s efforts to rebuild their houses, businesses and civil institutions rather than any sustained and systematic effort to reconstruct the country on the part of Russia, which was promised but never arrived (Hahn, 2006).

that time, the sides of enemies and allies have become more blurred and the resistance to Russia more fractured (shown also by a number of terrorist attacks against Russian targets organised by Chechen groups). After proclaiming that the military phase was over, Moscow engaged in the policy of “chechenisation”. The conduct of the so called “anti-terrorist” campaign was increasingly delegated to Pro-Russian Chechens, together with shares of the illicit economy that flourishes in Chechnya (Russell, 2007). This partly spared the Russian government from international condemnation of the inhumane treatment of Chechen civilians by Russian troops, while excluding the political forces seeking peaceful resolution and Chechnya’s independence from Russia (Russell, 2007, p. 83).⁵⁰ As reported by Memorial, apart from police forces, specialised groups were created for the purpose of fighting the armed separatists and these groups were delegated with the “right” to carry out extrajudicial violence (Memorial, 2006). This development increased fear and vulnerability among the civilian population and deepened their alienation from local power structures.

Apart from being afraid of disappearances and random violence, some families were also coming to Europe with the hope that their children – injured or otherwise sick from bad living conditions in Chechnya and neighbouring Ingushetia⁵¹ – would be cured there and lead a more “normal life”. Khava, a woman in her forties who has five children, fled Chechnya in 2000 to the neighbouring country of Ingushetia where

⁵⁰ For example, in 2005 the president of the Chechen Republic elected in what were considered to be free elections in 1997 – Aslan Maskhadov – was killed by Russian special forces. He was a military and political leader who consistently spoke out against terrorism as a method of fighting and repeatedly displayed readiness to find a peaceful solution to the conflict. His successors took a more radical approach and have been less respected by the general population.

⁵¹ The majority of refugees initially fled to the neighbouring Republic of Ingushetia where they were received en masse but were often living in difficult material conditions (Norwegian Refugee Council, 2005).

they lived in improvised accommodation built in a former cowshed. In these conditions, her daughter, then sixteen, developed heavy asthma and Khava was told by the doctors that in order to save her daughter's health she needed to change her environment. Previously, one of Khava's seven brothers became a target of a random shooting by Russian snipers and her other two brothers decided to join the fighters rather than "sitting at home and waiting to get killed too". Thus, Khava could not risk returning home to Chechnya. Following the example of her Chechen neighbours, she decided to travel to Poland. This decision was very painful for her because she had to leave behind her eldest son who was then in his early twenties. As many other Chechen men, he was accused of lacking the right documents during a random inspection, detained and put in prison in Russia for five years. Khava was given an opportunity to "buy him out" for 5,000 USD, money she was not able to find at the time. After being rejected in Poland, the family moved to the Czech Republic where they were granted humanitarian asylum. Khava now works in a local factory trying to feed her family of six. At the same time, she tries to save some money to send to her imprisoned son in Russia and secure his release before his tuberculosis, which he got in the prison, becomes fatal. Her family's wellbeing depends entirely on her. After being detained and tortured in Chechnya, her husband fell into alcoholism and occasionally bursts into violent attacks against Khava and the children. Her tragic life story is just one of many examples of how the war and life in exile has burdened Chechen women.

While many refugees were neither involved in fighting nor in any activity which could be seen as opposition to the state forces, a number of journalists, lawyers and NGO workers were directly targeted and forced away from the country. Salman and

Lolita, both in their late twenties, left the country with their two small children when most of Salman's friends and co-workers from a local humanitarian NGO were killed or made to disappear in 2006. Until today, he keeps asking why he was the lucky one to escape the fate of his peers and often feels guilty for that. He and his wife are both university educated and full of ambitions. Their asylum procedure took almost a year. It left them deeply disenchanted with the Czech refugee system which they found inefficient and unjust. The reality of being a refugee in the Czech Republic seems to act as a constant obstacle to their plans. Salman presented me with his analysis of a "post-asylum syndrome" that he himself experienced and saw among his compatriots:

When people come here and start living their lives in peace, they often switch off their self-preservation instinct. They are tired of a constant struggle for survival. In this state, they become fragile and can be hurt very easily; by small everyday acts of discrimination, by comments about Russian occupiers,⁵² by being told that no one has invited them to come. [Salman, private accommodation, March, 2007]

Chechens arriving in the Czech Republic in 2003 were mostly coming via Poland⁵³ where they often spent a couple of months in the asylum procedure. They were either rejected or decided to leave because of an underdeveloped integration programme for refugees and poor economic conditions in the country stricken by high unemployment rates. For many the Czech Republic was not their final destination. This is one of the major differences when compared to the routes of Armenian and Belarusian refugees, who were more likely to pursue settlement in the Czech

⁵² As noted above, Russian speaking refugees sometimes become targets of Czech animosity towards Russians stemming from the pre-1989 Soviet influence, in particular the occupation by the Soviet Army since the Prague Spring of 1968.

⁵³ While the Czech Republic introduced visas for Russian citizens in 2000, Poland did so only in 2003. Since then, Chechens have increasingly had to use the services of smugglers to get into Central and Western Europe.

Republic due to family relations and the relatively high likelihood of acceptance. However, the reasons for Chechens' migration choices and strategies are more complex than as portrayed by the Czech Ministry of Interior in their annual reports (MI, 2004, 2005) and reiterated in a number of speeches and proclamations. The Ministry has argued that Chechens "used" Polish, Czech and even Austrian asylum procedures to enter other western European countries where they envisioned a better life. Thus criticism of Chechens' low recognition rates in the Czech Republic⁵⁴ was dismissed and presented as reflecting Chechens' interests and strategies rather than the Ministry's reluctance to grant them international protection. This message was persistently portrayed especially in the 2003 Report on the Situation of Migration on the Territory of the Czech Republic (MI, 2004). The report also indicates that despite the fact that the majority of Chechen asylum seekers left the country soon after applying for asylum, 48 percent of the 2003 applicants stayed for more than three months, waiting for a decision.⁵⁵ What was not mentioned by the report but was a lived reality for many Chechens I met during previous research in one of the Czech refugee camps in 2004 was that decisions on their asylum cases were often being postponed by a couple of months or even a year. This extended insecurity, coupled with messages from Chechens reaching Austria and other western countries where they were being recognised as refugees not only in larger numbers but also much faster than in the Czech Republic, prompted many who initially wanted to stay to make yet another move and cross the border.

⁵⁴ Between 2000 and 2007 the recognition rate of Russian nationals in the Czech Republic was 3.4 percent (CSO, 2008c).

⁵⁵ According to the Czech Asylum Act, 90 days is the period of time within which a response should be given. However, the law also gives a possibility to prolong this period without any limits.

The difference between Czech and Polish reluctance to receive Chechens and Austrian readiness to accept them between 2003 and 2006 remains striking. In 2003 the chances of Chechens being recognised as refugees in Austria were 77 percent – eight times higher than in Poland and as much as fourteen times higher than in the Czech Republic (UNHCR, 2004a, p. Table 8).⁵⁶ While the approach of the Czech Ministry of Interior to Chechen asylum claims could be labelled as that of “prescribed inactivity”,⁵⁷ Austria started fast-track granting of asylum to refugees from Chechnya at the end of 2003. The Austrian Asylum law had a clause providing for traumatised refugees to have their cases processed in Austria. Even after the Czech Republic entered the EU and therefore also the Dublin II Regulation, in a number of cases Austrian officials refrained from turning back Chechen asylum seekers (ECRE, 2005b). Thus, many of those who initially applied for asylum in Poland or the Czech Republic were later granted refugee status in Austria⁵⁸ (MI, 2004).

Chechen refugees who remained in the Czech Republic usually came in larger families, typically consisting of parents and three children (Uherek et al., 2005). Although the importance of extended family networks among Chechens has been widely documented (e.g. Sokirianskaia, 2005), it is very rare for a refugee family to be joined by elderly parents, as is often the case with Armenian refugees. While in Austria and Poland, Chechens constitute more numerous and compact communities

⁵⁶ Other Western European countries demonstrated the following average annual recognition rates of Russian nationals between 2002 and 2006: France 26.2%, Belgium 28.3%, Germany 23.2% (Hofmann & Reichel, 2008, p. 19).

⁵⁷ A number of Czech NGO representatives have criticised the Czech authorities for deliberately slowing down the refugee status determination procedure in the hope that Chechen asylum seekers will move on to another country (Norwegian Refugee Council, 2005, p. 42).

⁵⁸ Austria abolished exceptions from the Dublin II Regulation for traumatised persons or victims of torture in January 2006 (Bisayev, 2007).

(Olszewska & Maciejko, 2008; Vasilyev, 2008), they tend to be more scattered in the Czech Republic. This is due to low numbers and the system of allocation of integration flats within the State Integration System.⁵⁹ Thus the support networks are rather tenuous. For example, all of my Chechen informants spent extensive periods of time in refugee camps rather than leaving them and living in private accommodation, as was more common for Armenians and to a lesser extent Belarusians.

To sum up, the life stories of the three groups of asylum seekers and refugees reveal various forces of displacement which continue to generate significant migration flows from the former Soviet space to CEE as well as Western Europe. Although they were all once citizens of the Soviet Union, the realities of their lives have differentiated sharply since the early 1990s. They were exposed to a variety of forces of displacement, had different motivations to settle in the Czech Republic and varied access to support networks during settlement. Their reception in the Czech Republic has been ambivalent and continues to be driven by both positive and negative stereotypes. My aim in this study is not to dwell on these differences but rather to look for commonalities in their relations with the institutions of the Czech refugee system. In other words, I am interested in why these diverse groups have often ended up in similar social positions. While Chapter 5 explores the impact of ethnicity and nationality on the refugee status determination procedure, in the rest of the study awareness of these categories helped me to single out structural features of the

⁵⁹ An integration flat can be allocated anywhere in the Czech Republic and refugees have only limited choice about their location.

refugee system that are experienced regardless of nationality or ethnicity, as well as to emphasize other structuring categories such as gender.

Czech Refugee System at a Glance

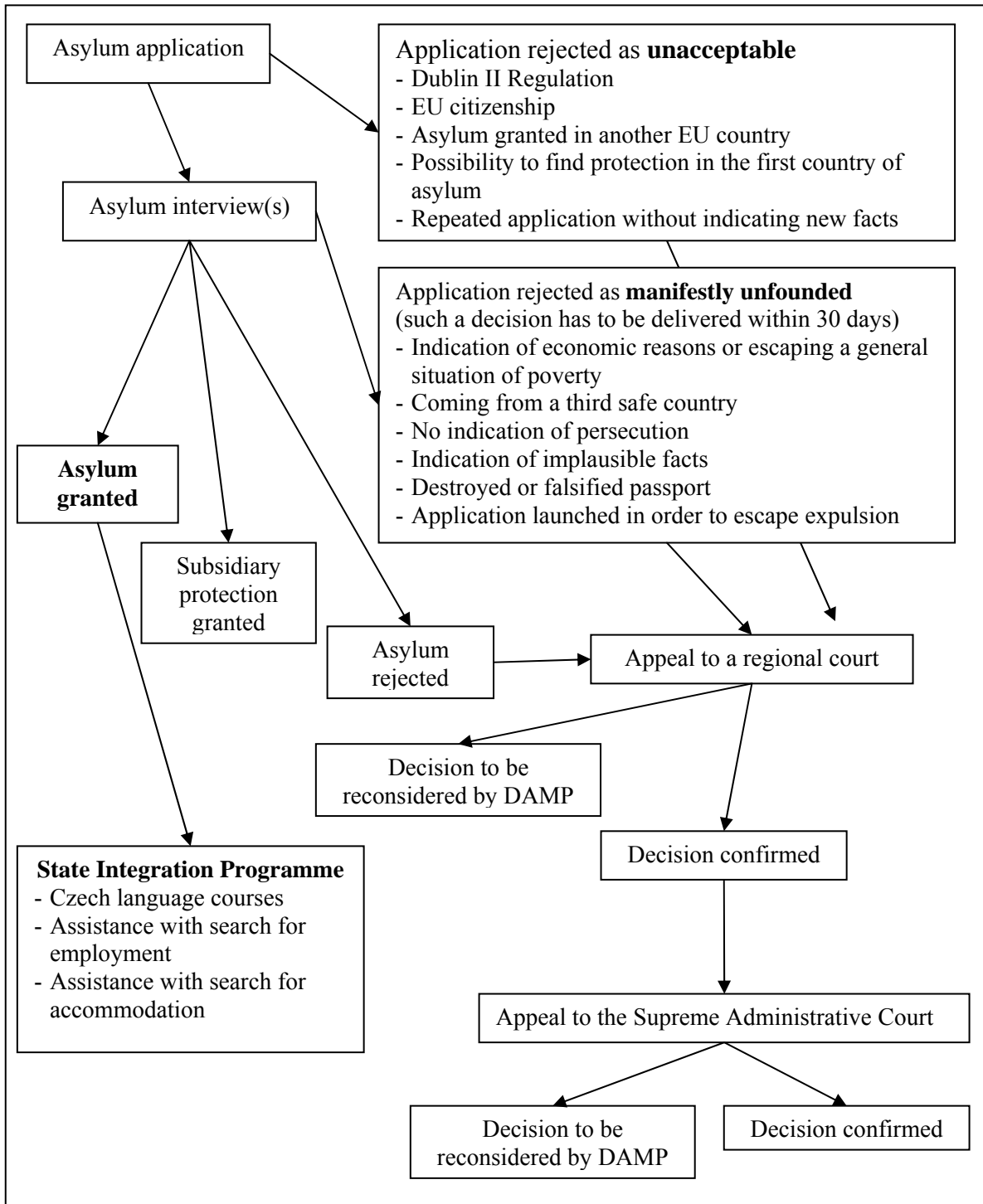
In order to facilitate orientation in the following text, Table 7 provides an overview of the Czech refugee system with its institutional actors and their responsibilities with regard to asylum seekers and recognised refugees. Rather than approaching the refugee system as composed only by state institutions, as is commonly the case in policy analyses, I employ it as an overarching concept that also includes civic and international actors that are of key significance for refugee reception and integration.

Table 7 Institutions of the Czech Refugee System and Their Responsibilities towards Asylum Seekers and Recognised Refugees

Institutional actors		Key responsibilities to asylum seekers	Specific responsibilities to recognised refugees	
S T A T E	Ministry of Interior	DAMP	<ul style="list-style-type: none"> - Formulation of asylum and migration legislation - Decision making in the asylum procedure - Allocation of the ERF to RFA and NGOs - Supporting some activities of NGOs from the ministerial budget 	<ul style="list-style-type: none"> - Allocation of integration flats within the State Integration Programme
		RFA	<ul style="list-style-type: none"> - Operation of reception and residential refugee camps - Operation of detentions 	<ul style="list-style-type: none"> - Operation of integration centres, organisation of Individual Integration Plan
		Alien Police	<ul style="list-style-type: none"> - Administration of short-term visas for asylum seekers 	-
	Ministry of Justice	Regional courts and the Supreme Administrative court	<ul style="list-style-type: none"> - Administration of appeals by asylum seekers against the decisions of DAMP 	-
CIVIC		NGOs and church organisations	<ul style="list-style-type: none"> - Legal, social and psychological counselling - Leisure-time activities - Influencing asylum and migration legislation - Increasing public awareness about refugee issues 	<ul style="list-style-type: none"> - Legal, social and psychological counselling - Language courses - Assistance with employment search and requalification - Assistance with accommodation search
INTERNATIONAL		UNHCR - local office in the CR	<ul style="list-style-type: none"> - Monitoring and influencing asylum legislation - Producing unbinding guidelines for DAMP adjudicators about asylum procedure - Increasing public awareness about refugee issues 	-

Figure 4 outlines the course of the asylum procedure as it was in 2006 when the research was carried out. It demonstrates that the state has a number of measures to deny asylum seekers' access to the asylum procedure or to substantially speed up the process of rejection. It also shows that despite the possibility of appeal against the negative decision in various courts, the final judgement on whether to grant asylum or not can only be made by a single institution (DAMP), which raises questions about its independence. Thus, the Czech refugee system operates in a highly centralised manner (Hardy, 1994).

Figure 4 Outline of the Czech Asylum Procedure



Source: Asylum Act No. 325/1999 (2006)

Conclusions

This chapter has brought together different perspectives on the CEE region as a space of refugee reception and settlement. First, I have argued that despite gradual movement towards CEAS, a number of differences between CEE countries persist and some were even heightened by the implementation of the EU asylum measures, most notably the Dublin II Regulation which shifts responsibilities towards states with an external EU border. Thus, the CEE region has not ceased to be a highly uneven space of asylum, offering different chances for reception and settlement. In order to understand these differences, it is essential to combine the EU framework as a strategically selective context with careful analysis of developments in national refugee systems. The influence of the EU does not preclude substantial space for policymakers' manoeuvres in response to the actions of asylum seekers and refugees. This study aims to provide such an analysis of the Czech Republic by integrating different aspects of asylum seekers' and refugee realities into a single analysis.

Second, I have introduced a more individualised perspective on the forces and routes that bring asylum seekers from Armenia, Belarus and Chechnya to the Czech Republic. Diverse circumstances of their displacement produce different starting points both for reception and settlement. However, as they find themselves in the institutional world of the Czech refugee system, refugees also show a great deal of commonality and thus reveal the structural tenets of the system. This research is informed by the views of Armenian, Belarusian and Chechen refugee migrants on the process of reception and settlement in the Czech Republic and thus gives voice to groups that have so far been largely missing from the refugee studies literature. In the

next chapter, I step back and analyse how “a refugee” as a concept has been constructed in the Czech refugee system since 1990.

Chapter 4: The Politics of Asylum: Dynamic of the Legal-Political Construction of “a Refugee”

Introduction

Law is a central aspect of the strategic selectivity of the context in which asylum seekers and refugees act. Rather than a given state of affairs, the asylum legislation should be seen as a dynamic and ongoing process that is constantly probed and negotiated by refugee migrants whose strategic actions it constrains as well as enables. Formulation of law and implementation of policies are based on a general conception of *what* “a refugee” is in its idealized sense. This concept is politically and historically situated and can be renegotiated over time (Phillips & Hardy, 1997, p. 167). Moreover, it is constantly confronted with the diversity of individuals to whom it is being applied and who interpret and adjust it to their needs.

This chapter analyses the politics of asylum in the Czech Republic between 1990 and 2007 through a changing legal-political construction of “a refugee”. I demonstrate that asylum legislation has to be seen in the broader international context and situated in other areas of national legislation regulating the position of foreigners living and working in the country. These areas are mutually constitutive and changes in asylum policymaking as well as migrants’ actions can only be fully understood in this wider context. The institution of asylum in the Czech Republic is discussed as a dynamic framework which has been shaped by various political aims as well as refugee migrants’ strategies. In other words, I show asylum’s potential to be instrumentalised by politicians, policymakers and the refugee migrants. Apart from scrutinising the role of the state in constructing “a refugee”, I also look at powers and identities of

other institutions involved in the process, namely NGOs assisting migrants and asylum seekers.

The following questions are addressed below: How did the changing concept of “a refugee” inform the formulation of the Czech asylum legislation between 1990 and 2007? How can some of the dramatic swings in the asylum and immigration legislation be explained, how are they related to each other and what are their implications for the future of the refugee label? What part did refugee migrants play in influencing these changes? First, I analyse asylum law and political discourses from the early 1990s until 2007 by mapping the changing rationale behind the legislative framing of the refugee system. Next, I focus on a concurrency of legislative changes in 1999 and migrants’ reactions to them in order to explain why they have significantly influenced the future of asylum policymaking in the country. The impacts of these changes are then assessed with regard to the position of NGOs in the refugee system and their capacities to assist asylum seekers and refugees. I conclude with an assessment of the latest changes to the legislation following EU accession in 2004.

Asylum as a Political Instrument on Both Sides of the Iron Curtain

Asylum is a highly political matter. Despite being defined as an individual right of every person in the Universal Declaration of Human Rights, many argue that actual asylum practice is more aptly described as primarily reflecting state interests (Schuster, 2002, 2003; Zolberg et al., 1986). The economic and political functionality of asylum for the nation state has been demonstrated a number of times. For example, during the Cold War, refugee policy has often been in the service of

foreign policy (Pupavac, 2006; Zolberg et al., 1986). Many citizens of communist countries were not directly targeted and persecuted but rather were fleeing dire economic conditions which could exclude them from the protection of the Convention refugee status if considered on an individual basis. However, western governments chose to relax this restriction because the economic conditions prevalent in the Soviet Bloc were thought to be politically generated (Xenos, 1996, p. 236). Refugee emigration was seen as a way to weaken communist states in an ideological sense by allowing people to "vote with their feet" as well as in a more material sense because the outflow of certain socioeconomic groups undermined the countries' economies (Zolberg et al., 1986, p. 155).

On the other side of the Iron Curtain, countries such as Czechoslovakia also utilised asylum as a political tool, though with incomparable results in terms of numbers of accepted refugees. At the same time as Slovaks and Czechs were fleeing the country in search of political freedom and a better life in the West,⁶⁰ there were legal mechanisms in place to address selected refugee situations. Socialist Czechoslovakia was not a signatory of the 1951 Convention but the concept of asylum was part of the Czechoslovak legal system. Refugees could, in theory, be accepted based on the Constitutional law (No. 100/1960, Art. 33), which stated that:

The Czechoslovak Socialist Republic grants asylum to foreign citizens who are persecuted for defending the interests of the workers, for participating in liberation movements, for scientific or artistic activities or other actions in defence of peace.

This process was likely to be driven by ad hoc decisions and preferences of the Communist Party leadership and instructions from Moscow. There is very little

⁶⁰ It is estimated that between 1950 and 1989 more than 550,000 people emigrated from Czechoslovakia (Drbohlav, 2005).

information available about numbers and countries of origin of refugees accepted in this period.⁶¹ The “socialist” definition of “a refugee” makes the political dimension of asylum even more explicit. Thus, on both sides of the Cold War’s bipolar geopolitics, migrants claiming refugee status were seen as a political means to demonstrate superiority and the wrongs of the enemy.

Asylum as a Ticket into the World of “Civilised” Nations

After the regime change in 1989, providing asylum in line with international standards of Western liberal democracies gained political significance in CEE countries eager to disassociate themselves from the communist past. The first groups of “post-1989” asylum seekers appeared in Czechoslovakia in the middle of 1990. They were mostly from Romania, Bulgaria and the USSR (DAMP, 2008b), making use of relaxed border controls. What they experienced was a legal and institutional void. When the MPs gathered in the joint session of the Chamber of the People and the Chamber of the Nations⁶² on the eve of the first anniversary of the so called “velvet revolution” in November 1990 to ratify the first Refugee Act (No. 498/1990), there were already almost 800 people accommodated in rapidly established refugee camps (Czechoslovak Federal Assembly, 1990). Passing this law was a first if hasty step towards establishing the foundation for the country’s new asylum policy and it constituted a necessary precondition for ratification of the 1951 Geneva Convention and the related Protocol.

⁶¹ Greeks are the only larger group of refugees settled in Czechoslovakia that is documented to some extent (Botu & Konečný, 2005). Between 1948 and 1950, Czechoslovakia responded to the civil war in Greece and accepted an estimated group of 14,000 Greek refugees whose evacuation to Central Europe was organised by Greek communist insurgents and coordinated from Moscow. Their arrival came shortly after the post-war expulsion of the German population from the Czech borderlands. Greek refugees were resettled in villages and towns “emptied” by Germans and were quickly incorporated into local expanding industries in the 1950s (Otčenášek, 2001).

⁶² These were the two sections of the parliament then called the Federal Assembly.

Although there were no institutional and legal frameworks to receive refugees, there was a strong feeling of obligation among the newly established political elite, many of whom had actively engaged in dissident activities against the communist regime. There was a certain euphoria about receiving refugees. The special meaning attached to the 1990 Act comes out clearly from the transcripts of the above mentioned session in the Chamber of the People and the Chamber of the Nations. The majority of MPs saw the Refugee Act as the Czechoslovak Republic's bold step from being a politically troubled and undemocratic country that itself produced refugees towards a democratic state ready to provide incomers with protection. They saw it not only as a way to symbolically "pay back the debt" for those Czechoslovak citizens who were accepted as refugees in the West, but also to join the club of free and "civilised" countries. This was one of many supportive opinions expressed by MPs:

By ratifying this law, we will not only catch up with what we are still lacking in comparison with the civilised world, but we will also be able to repay the help which was provided to our people by citizens of other countries in the hardest periods of our history. (Czechoslovak Federal Assembly, 1990)

Although some worries were raised about "being swamped by two million people waiting to come" to Czechoslovakia (Czechoslovak Federal Assembly, 1990), this fear was balanced by what proved to be a more realistic expectation; i.e. that the country is more likely to be a transit point than a destination. As one of the MPs pointed out:

Our rather weak economic situation will hardly make us a particularly sought-after destination or even the target country for refugees. (Czechoslovak Federal Assembly, 1990)

There was a clear determination to welcome those refugees who wanted to come while quickly putting up a legal and institutional framework for their reception. After

the plenary, the law was almost unanimously ratified. The Refugee Act came into force in January 1991, following from that, the 1951 Geneva Convention and the related New York Protocol of 1967 were ratified in November of the same year.

Compared to the Asylum Act of 2007, the 1990 Refugee Act was short and simple.⁶³ It laid out basic measures of refugee reception and, beyond the framework of the 1951 Geneva Convention,⁶⁴ it also allowed for granting refugee status based on human rights and humanitarian considerations.⁶⁵ Thus, a refugee was initially understood in a wider sense as someone in need of both protection and assistance.

When contrasted with the numbers of refugee statuses granted after the mid-1990s and the recognition rates, the period between 1991 and 1993 clearly demonstrates a more welcoming attitude of the emerging Czechoslovak refugee system (see Figure 5). Asylums granted in this three-year period represent 40 percent (N=1,307) of all asylums granted until the end of 2007 (N=3,268) (DAMP, 2008b).⁶⁶ Among the main recipients were people coming from Romania, the Soviet Union and Vietnam (DAMP, 2008b).

A lawyer who was employed as one of the first asylum adjudicators in 1990 (before she moved to work for the UNHCR) notes that one of the reasons this position appealed to her was that the head of the newly established Governmental Office for

⁶³ The 1990 Refugee Act had 25 articles while the Asylum Act (valid from December 2007) has 97 articles and is a very lengthy and complicated document. Given the speed and relative inexperience with which this document was put together it has also left unanswered many questions that soon emerged as problematic in the practice of refugee reception and determination (for a summary of some of these inadequacies see Hronková et al., 2002).

⁶⁴ These include race, religion, nationality, membership of a particular social group and political opinion.

⁶⁵ See paragraph 3 of the Refugee Act No. 498/1990 (1990).

⁶⁶ The average proportion of recognised refugees to asylum applicants between 1991 and 1993 was 25.3 percent.

Refugee Issues was a former political dissident, Michaela Freiová.⁶⁷ The atmosphere of the first two years was welcoming and the numbers of recognised refugees were high, both because of the broad definition of a refugee and because the adjudicators lacked adequate information about countries of origin based on which they could disprove refugee testimonies.⁶⁸

We had to look for all the information ourselves, that was a problem, but also partly the reason why the recognition rate was so high at that time. When there was a hint of doubt about their story, we would decide in claimants' favour.⁶⁹
[UNHCR representative, January 2007]

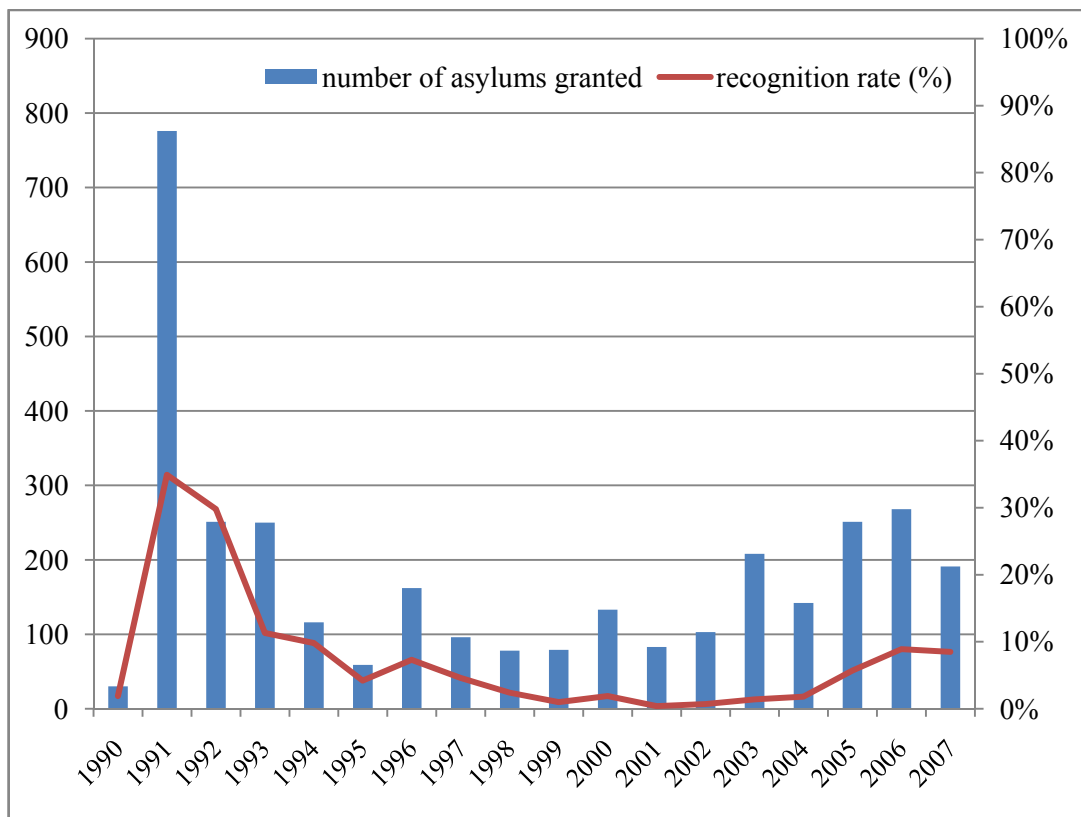
To sum up, the early 1990s – a period when western European countries were already tightening up their asylum systems – could be characterised as a relatively generous period towards people who claimed refugee status in Czechoslovakia. However, rather than by a sound determination procedure based on careful examining of individual cases, it was driven by a political and moral stance towards refugees in general. Reception of refugees was seen as a break with the communist past and a ticket into the world of “civilised” nations. Refugees were instrumentalised into a demonstration of democratic standards and progress made by the post-communist state and thus played an important role in the process of building a new post-communist national identity.

⁶⁷ Freiová was active in catholic samizdat prior to 1989.

⁶⁸ This is why the number of asylums granted to Romanian nationals was so high in 1991; they were simply the most numerous group to ask for it.

⁶⁹ She then added a comment that today the attitude of the Ministry towards refugees is exactly the opposite.

Figure 5 Asylums Granted and Recognition Rates⁷⁰, 1990-2007⁷¹



Source: Based on data from DAMP (1999; 2000; 2001; 2002; 2003a; 2004a; 2005b; 2006b; 2007b; 2008c; 2008d)

A change in direction came soon after the dissolution of Czechoslovakia in 1993. In 1994, the first amendment of the Refugee Act (No. 317/1993) took effect.⁷² In an attempt to quickly sort out those who were not eligible for refugee status the notion of “manifestly unfounded applications” was introduced into the legislation.⁷³ Moreover, the possibility to grant humanitarian asylum was removed from the law. Thus the previously wider definition of a refugee was significantly

⁷⁰ Due to the lack of available data about the asylum procedure, the recognition rates for the period between 1990 and 1997 quoted in this study represent a proportion of asylums granted from the number of new asylum applications made. From 1998 onwards recognition rates are calculated as a proportion of asylums granted from all decisions made by DAMP in both instances.

⁷¹ Here, as in all the following graphs, columns represent the situation at the end of each year.

⁷² It is beyond the scope of this chapter to discuss changes related to the process of a review of negative decisions in the asylum procedure; in what follows, only selected legislative changes are mentioned.

⁷³ The idea of manifestly unfounded cases was adopted from the EU Member States which started implementing it based on the London Resolution of 1992, where the use of this measure was first agreed (Lavenex, 1998, pp. 103-131).

narrowed down. On the other hand, this legislative change also brought a number of improvements to the situation of recognised refugees; it enabled family reunification to recognised refugees and granted them access to the system of public health and social insurance.

In a debate in the Lower House of the Parliament of the Czech Republic, the then Minister of Interior Jan Ruml estimated that as many as 80 percent of all refugee claims could be considered as manifestly unfounded (1993). He also stressed that the Czech Republic came under pressure to conclude a readmission agreement with Germany that had been tightening its asylum legislation at that time and was eager to turn back foreigners coming from the Czech Republic and claiming asylum there. This readmission agreement came into force in 1995. The argument for receiving refugees as a symbolical reciprocation of previous assistance granted to Czechoslovak refugees by the western countries was thus replaced by an urge to be a better neighbour capable of policing its borders and integrating into European structures of migration control. As discussed above, this was the basis for the Czech Republic to become the “buffer zone” holding back migrants unwanted in Western Europe (Wallace & Palyanistsya, 1995).

The lawyer previously quoted provided an insider explanation for this shift, arguing that this change of direction started when the state authorities realised that most of the migrants who were granted asylum consequently used their Czechoslovak refugee passports to move away from the country and head towards Western Europe:

Unfortunately, these were the people who were not really interested in staying in the Czech Republic. The majority of them, if not all, continued to Western Europe after they obtained refugee status together with a passport. I think that was the reason why the Ministry of Interior later prepared an amendment where there were more reasons to reject an applicant. The idea was that the majority of the people in the early 1990s took advantage of the refugee system or simply saw the country as a transit zone. [UNHCR representative, January 2007]

Although neither the 1951 Convention nor the Czech Refugee Act mention refugees' obligation to stay in the country where asylum was granted, the fact that many of the recognised refugees decided not to settle in the Czech Republic was interpreted as a sign of their abuse of the system. The argument that Czechoslovak and later Czech refugee status was "not good enough" for refugees was later repeatedly used as evidence that their claims were not genuine but motivated by economic reasons: a logic which has shaped Czech refugee policies thereafter. Refugees acted strategically based on knowledge about economic and social conditions in the Czech Republic and elsewhere in Europe. It resulted in a restrictive transformation of the refugee system and greater emphasis on the policing of borders. In the next section, I follow this line of argument and, by analysing the implications of a particular legislative concurrence that took place at the end of the 1990s, show how both policymakers and their targets participate in the ongoing redefinition of what "a refugee" means. For an overview of legislative developments in the context of other spheres of national legislation and international processes between 1990 and 2007

see Table 8, (p. 178). For information about numbers of asylum seekers, recognition rates and main countries of origin see Table 9, (p. 180).

From Labour Migrants to Asylum Seekers: A Story of a Policy Mismatch

In 2000, the new Asylum Act (No. 325/1999) took effect. It was driven by the need to deal with numerous deficiencies of the 1990 Refugee Act and pressure to harmonise national asylum legislation with the EU. It reflected the process of supranationalization of migration and asylum policy at the level of the EU inaugurated by the Amsterdam Treaty in 1997, and the Tampere European Council in 1999. For example, notions of “safe country of origin”⁷⁴ and “safe third country”⁷⁵ were introduced in the Act. They widened the group of applicants whose asylum claims could be rejected as “manifestly unfounded” and processed via a shortened procedure with strict time-limits for appeals. These measures were initially designed by the EU Member States to relieve their domestic asylum procedures by limiting access and applying the system of unique responsibility for processing asylum claims. As explained in Chapter 3, since the early 1990s, CEE states have also been unilaterally incorporated into these policies of “passing the buck” (Lavenex, 1998).

Although the parliamentary debate about this new law referred to increasing misuse of the asylum system by foreigners who “only seek an easy way to legalise their stay

⁷⁴ According to the Asylum Act, “safe country of origin” is a country: where human rights are considered to be observed, from which people do not flee in search of international protection, which ratified international agreements about human rights and freedoms and which allows activity of legal subjects that control whether human rights are respected (article 2, paragraph 1 of the Act).

⁷⁵ “Safe third country” is any country (signatory to the 1951 Geneva Convention) where the applicant previously stayed and could have applied for asylum. However, according to article 2, paragraph 2b of the Act, it is not a country which s/he only passed through.

in the country”, a greater emphasis was put on formal justice in the proceedings.⁷⁶ In terms of concrete rights, the new Asylum Act brought about some significant improvements in the position of asylum seekers. For example, they were no longer required to stay in refugee camps for the whole time of their procedure and could claim financial benefits when living in private accommodation. Moreover, the notion of asylum based on humanitarian reasons (previously removed from the law) has returned⁷⁷ and thus also a broader interpretation of what asylum meant. Furthermore, for the first time the law acknowledges that, based on special consideration, the asylum interview should in some cases be conducted by a person of the same gender as the asylum seeker. Finally, the amendment (No. 167/1999) of the Employment Act (No. 1/1991) that coincided with the adoption of the Asylum Act allowed asylum seekers to work legally from the day they applied for asylum without any administrative obstacles. The official justification of this change presented by the Ministry of Labour and Social Affairs to the Lower House of the Parliament was that the administrative difficulties connected with administration of work permits for some groups of foreigners (i.e. asylum seekers) were not sensible and effective, especially if they engage in “specific types of activities” for “a very short period of time” and thus cannot “endanger” the Czech labour market.⁷⁸ Although these short term activities are not specified in the document, it can be assumed that these are considered to be seasonal and menial types of work that are less attractive for Czech workers.

⁷⁶ The transcript of the debate in the Lower House of the Parliament is available (in Czech) at <http://www.psp.cz/eknih/1998ps/stenprot/013schuz/s013411.htm#r1> [last accessed September 14, 2008]

⁷⁷ See paragraph 14 of the Asylum Act No. 325/1999.

⁷⁸ The whole text (in Czech) is available at: <http://www.psp.cz/sqw/text/tiskt.sqw?o=3&ct=93&ct1=0> [last accessed September 14, 2008].

This relatively generous attitude towards asylum seekers' rights can be explained by the Social Democratic Government's⁷⁹ determination to integrate into the structures of the EU not only in terms of increased migration control but also by improving the general conditions of the asylum procedure and bringing it in line with European standards.⁸⁰ The statement from the Governmental proclamation from 1998 indicates a reflection of the need to move towards a more open and multicultural society that respects its humanitarian obligations.

Our future integration in the European Union will help Czech society to overcome some of the negative attitudes towards people who speak, look and live differently – maladies of every isolated community. This Government will do maximum to make Czech society open to Europe and the world in the widest possible manner and transform it into a multicultural society. We will finish work on the new legislation concerning refugees and harmonise it with international norms. Our aim is to achieve a balance between respect to humanitarian approaches and imperatives to limit negative effects of migration flows. (cited in Hradečná et al., 2008, p. 98)

If taken seriously, this proclamation stands in striking contrast to the highly restrictive character of the new Alien Act (No. 326/1999) which was proposed by the same government at the same time as the Asylum Act and was actually discussed in the Lower House of the Parliament on the very same day.⁸¹ Thus, once again, asylum was instrumentalised for political purposes. While the changes in the Asylum Act concerned a relatively small group of people (7,218 new applications were launched in 1999) their improved conditions could be presented as an indicator of society's movement towards greater openness and Europeanization. On the other hand, over 200,000 legally residing foreigners and an unknown number of those unregistered,

⁷⁹ The Social Democrats were in power between 1998 and 2006.

⁸⁰ The then Minister of Labour and Social Affairs Vladimír Špidla, who has been identified by some NGO informants as standing behind the provision of the right to work, became the EU Commissioner for Employment, Social Affairs and Equal Opportunities in 2004.

⁸¹ The Alien Act No. 326/1999 replaced the Alien Act No. 123/1992.

who undoubtedly had much greater potential for transforming the ethnically homogeneous Czech society⁸² into a multicultural one, have been portrayed as a threat and subjected to a number of new restrictive mechanisms. The new Alien Act brought in a number of measures in an attempt to increase control over the rising numbers of foreigners. The official justification of the Act presented to MPs was based on a one-sided portrayal of immigration as an uncontrolled security threat. One particular argument from the 1999 discussion about the law is worth quoting as a striking counterpart to the above call for openness and multiculturalism:

The Czech Republic has so far not registered increased xenophobic attitudes among its population towards this group of citizens [i.e. foreigners]. However, based on the experiences of other states a conclusion can be made that a society is willing to absorb only a certain amount of a foreign element represented by immigrants. Once exceeded, it leads to a resistance on the part of society calling for more regulation of the inflow of foreigners.⁸³

In other words, the quest for a multicultural society goes as far as (potential) occurrence of xenophobia that supposedly indicates the limits of absorption of “the foreign element”.

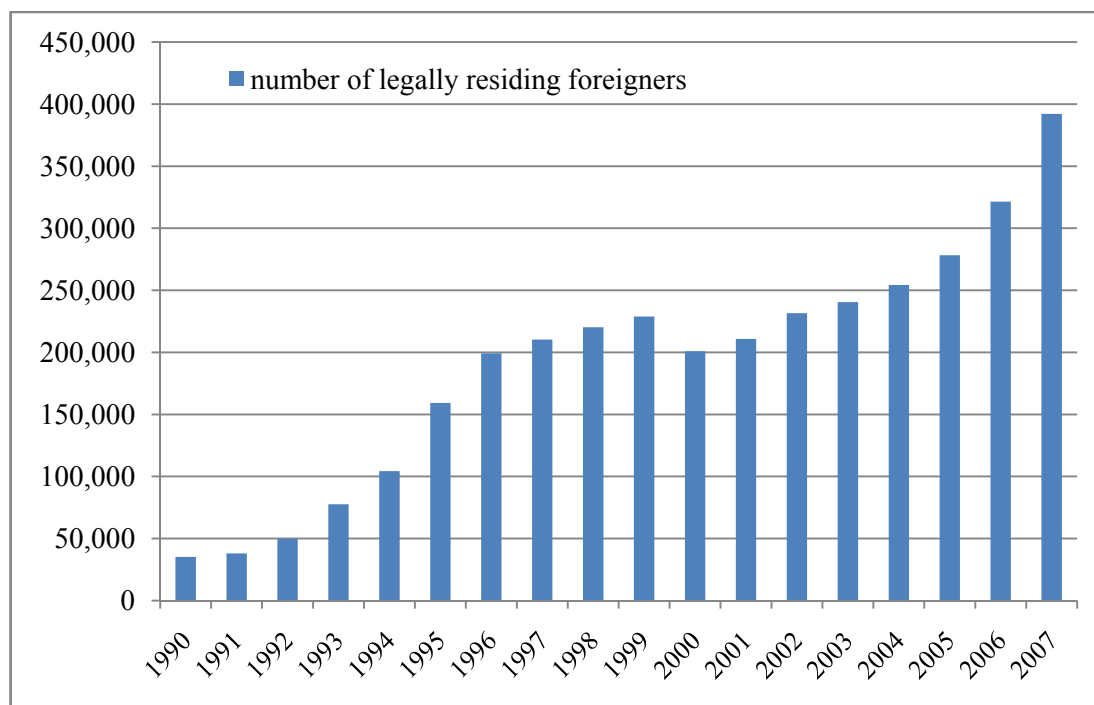
Indeed, as demonstrated by Figure 6, up until 1999, the number of foreigners legally residing in the Czech Republic was rising rapidly. Between 1993 and 1999 it almost tripled from 77,000 to 228,000 (CSO, 2007b). However, in 1999, legally residing foreigners still represented less than two percent of the population. This proportion is clearly incomparable with the situation of more traditional countries of immigration whose supposedly negative experiences have been misused in the above quote and in

⁸² After the expulsion of Germans following the end of World War II, Czech society did not have to accommodate any larger minority of foreigners and has remained largely ethnically homogeneous until the end of the 1990s.

⁸³ The whole text (in Czech) is available at:
<http://www.psp.cz/sqw/text/tiskt.sqw?O=3&CT=204&CT1=0> [last accessed September 14, 2008]

a number of public political proclamations regarding the pre-emptive need to restrict immigration.

Figure 6 Legally Residing Foreigners, 1990-2007



Source: Based on figures of CSO (2008a)

The restrictive and highly bureaucratized character of the Alien Act has been criticised by many NGOs, legal experts and in the 2000 Report on the State of Human Rights in the Czech Republic (e.g. Čížinský, 2007; Government Council for Human Rights, 2001; Hradečná, 2005; Hronková et al., 2002; Uhl, 2005). I will resort to three examples that illustrate the changes and their impacts on immigrants.

1) The previous practice of switching from a temporary/tourist status into a long-term stay on Czech territory was abolished. From then on migrants who came as tourists but found themselves a job and wanted to stay for longer had to apply for a long-term visa at the Czech consulate outside the country. Given the visa requirements of neighbouring countries and the fact that some foreigners no longer

had valid passports, this proved impossible and led to their illegalised status. Importantly, this change also impacted on rejected asylum seekers who could no longer legalise their status through employment related residence without having to leave the country.

2) The financial costs of prolonging a residence permit increased significantly. Migrants had to demonstrate having large sums of money at their disposal and a proof of payment of health insurance. Unable to borrow these sums of money, many people found it impossible to sustain their legal residence. It also led to increased corruption (Uhl, 2005) and illicit practices that were generated by demands for short-term loans.

3) The Alien Act was published on December 23rd, 1999 and came into force on 1st of January 2000, thus giving one week over the Christmas holiday period to both immigrants and relevant institutions to adapt to a vast array of changes. This led to profound confusion on both sides and consequently many foreigners missed various administrative deadlines and lost their legal residence (Hradečná, 2005).

Moreover, another major change affected the lives of those already present in the country and those about to come in 2000. Visa-free relations with countries that were among the main sources of immigrants were abolished based on the pressure to unify Czech visa policy with that of the EU and a visa obligation was applied to citizens of the Russian Federation, Belarus, Ukraine, Moldova, Kazakhstan and Kyrgyzstan (Hradečná et al., 2008, p. 55). Combined with the new Alien legislation, a large group of migrants fell into legal insecurity and many slipped into an illegalised status (Čaněk & Čížinský, 2006; Hronková et al., 2002). Viewed through immigration

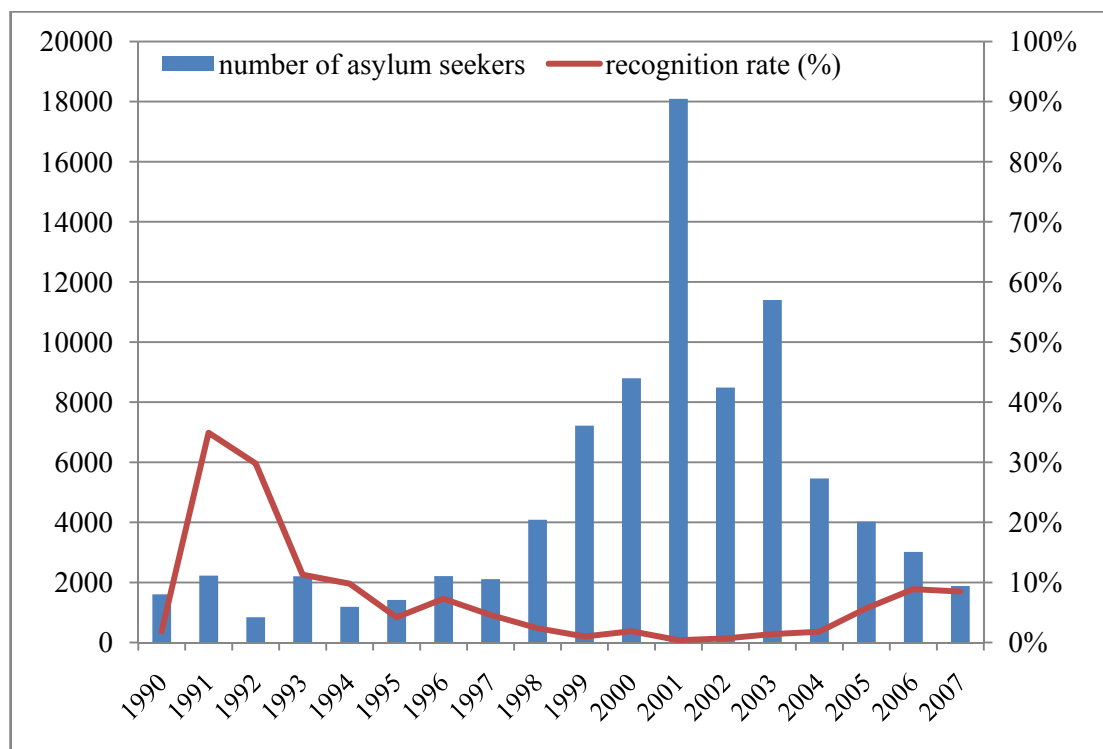
statistics, the effect of the law was immediate. As indicated in Figure 6, already in 2000 the number of legally residing immigrants fell by approximately 28,000. It was the first decline since the beginning of the 1990s and the only one up until 2007.

But what does all this have to do with the concept of “a refugee”? It has considerable impact because many of the newly illegalised immigrants actively resisted this state and moved into the asylum system. They were seeking asylum not so much from persecution in their home countries but rather from the impacts of the harsh immigration law such as expulsion and detention (Komárková, 2004). Their actions demonstrated that in order to obtain the status of a legal resident, migrants are prompted to pass as people of a certain category (Epps, Valens, & González, 2005); as the categories changed their strategies were adjusted. In other words, the content of asylum has been redefined by the migrants themselves in the face of changing legislation and it had a significant influence on how the refugee label was to be perceived in the coming years.

Such a strategy has become ever more appealing with the asylum procedure now providing an immediate possibility to work and to live outside the refugee camps. As shown in Figure 7, the years 2000 and 2001 saw an unprecedented increase in the numbers of asylum seekers. Not surprisingly, this increase was particularly remarkable with regard to migrants from Ukraine, who have constituted one of the major groups of labour migrants coming to the Czech Republic since the mid 1990s. Whereas 94 Ukrainian nationals applied for asylum in 1999, 1,145 applied in 2000

and 4,416 applied in 2001.⁸⁴ This was despite the fact that there was no major social or political change in Ukraine that could bring about such a significant increase in numbers of people seeking protection. Not surprisingly, these asylum seekers were not being granted asylum. As Figure 7 indicates, the year 2001 saw the lowest recognition rate in the history of the Czech asylum system, it dropped to 0.4 percent (asylum was granted to 83 people) (DAMP, 2002).

Figure 7 Asylum Seekers and Recognition Rates, 1990-2007



Source: Based on data from DAMP (1999; 2000; 2001; 2002; 2003a; 2004a; 2005b; 2006b; 2007b; 2008c; 2008d)

⁸⁴ Ukrainians were followed by the nationals of Moldova and Romania; the three groups topped the ranks of asylum seekers in 2001 and represented 48 percent of all application that year (DAMP, 2008b).

Since the early 2000s, the strategy of legalisation of immigrants' stay via application for asylum has become a regular pattern.⁸⁵ The use of the asylum system by illegalised migrants or those in an insecure legal situation has been widely discussed in the literature (e.g. Čížinský, 2008; Drbohlav, 2008; Hradečná et al., 2008; Rozumek, 2008; Topinka, 2006a; Topinka, 2006b). There is consensus that after the changes in the law, many migrants found themselves with three options: leaving the country; living as illegalised; or prolonging their legal stay by applying for asylum (Čížinský, 2008, p. 14).

Topinka (2006b) explains the role of asylum as the only way out of the “illegality trap”:

There are not many opportunities to get back from the sphere of illegality. The fall is usually a definite one. One of the very few channels of mobility is to apply for asylum. Labour migrants make use of it usually when they are tired of constant changing of exhausting jobs or when they get into some kind of a danger (of being captured by the police, getting involved in a criminal activity, are unable to find a job or when some health complications emerge). (p. 80)

The experience of “illegality” is gendered and particularly harsh for pregnant women or people in need of regular medical care. Thus, health insurance provided within the asylum procedure may be an important incentive for asylum application. As Jelínková (2008) describes:

The current health system does not offer any feasible options for pregnant women without a residence permit, not even when they are able to pay market prices for the services. This situation compels pregnant women without a legal residence to apply for asylum and thus secure approximately a year of legal residence with access to free health care. (p. 42)

⁸⁵ For example, with the exception of 2003 marked by a large influx of asylum seekers from Chechnya, Ukrainian nationals remained on the top of the list of asylum seekers until the end of 2007. Incorporating an asylum application into a wider labour migration project has become an established strategy.

How was this done in practice? One simply needed to turn out in the Vyšní Lhoty reception camp in north-eastern part of the country and claim to be an asylum seeker. After two to three weeks of quarantine with all the medical checks and the first asylum interview, s/he could return to his or her previous address outside the camp knowing that even if promptly rejected, an appeal against the negative decision will prolong the asylum procedure for another couple of months if not years.⁸⁶

To sum up, ironically, the Alien Act not only failed to fulfil the promise of increased control over immigration but the process of illegalisation of a large group of foreigners had exactly the opposite effect (see also Uhl, 2005). Besides, it significantly widened the scope for corruption and increased the alienation of foreigners from the legal system that regulates their conditions of stay in the country. While before 2000, the relatively liberal approach towards foreigners living and working on Czech territory meant that many potentially eligible migrants did not consider it necessary to apply for formal refugee status (Lavenex, 2002; Wallace & Palyanistsya, 1995), after 2000 the opposite trend started to dominate.

These strategies are not unique to the Czech context and have also been described in other parts of CEE (Okolski, 2004b; Wallace & Stola, 2001a). However, in order to understand migrants' utilisation of the asylum procedure it is not enough to conclude that they simply misuse the system. Asylum legislation has to be assessed as embedded in other institutions and legal frameworks, most notably a wider system of migration control, including visa systems and conditions of highly selective access to and preservation of a stable residence status for certain groups of migrants

⁸⁶ DAMP estimates that in 2002 the median length of the asylum procedure was approximately 2.5 years (DAMP, 2003a).

(especially those with less resources from poorer countries of the East). The fact that the refugee system is nowadays utilised by people who should, under normal circumstances, take the immigration rather than asylum route is a result of an interplay of factors. These include ineffective regulation of migrants' residence, employment, and access to healthcare on the one hand and an inefficient and lengthy asylum procedure on the other. In these contexts of limited opportunities, an application for asylum represents a rational and knowledgeable act. However, as I will show in the next section, it had gloomy implications for the construction of "a refugee".

Asylum as a Tool of Migration Management

At the level of asylum legislation, yet another amendment of the Asylum Act followed in 2001 (No. 2/2002). This time, the changes were much more restrictive than in the case of the 1999 Act. Many rights previously granted were quickly taken away. For example the financial subsidy for those accommodated outside the refugee camps was reduced to three months only, which forced many asylum seekers to move from private accommodation back to the camps (Hronková et al., 2002). The right to seek legal employment was revoked for the first year of the asylum procedure. Moreover, an accelerated asylum procedure was established in a special zone of Prague International Airport, sometimes preventing people from legally entering the territory of the Czech Republic and claiming asylum there altogether (ECRI, 2004, p. 14). Also the possibility to carry out asylum procedure in detentions was established and allowed for further confinement of asylum seekers.

All these measures were aimed at minimizing the numbers of asylum seekers by all means possible. As demonstrated in the parliamentary debate about the amendment from May 2001, the major concern about asylum has become prevention of its misuse. The Social Democratic Minister of Interior Stanislav Gross, who presented the document to the MPs, started off by saying:

The idea of this bill is to speed up the asylum procedure and minimise its misuse for the purpose of legalisation of residence in Czech territory for other purpose. Also it should prevent the misuse of the procedure in the process of illegal migration.⁸⁷

Although the amendment had many inconsistencies and was harshly criticised by a coalition of NGOs, it was passed rather smoothly. NGO advocates whom I interviewed recounted politicians' lack of interest to enter into a discussion about the possible human rights implications of this amendment for refugees.

Looking at asylum seeker statistics (see Figure 7 above); it seems that the amendment had an immediate effect. Already in 2002, the number of applicants went down by 10,000 and within one year it returned to the 2000 level⁸⁸ (DAMP, 2008b). The fact that this amendment of the Asylum Act “successfully” brought the numbers down endowed policymakers with a newly realised power to curb the numbers of asylum seekers and created a precedent which has been lingering in Czech asylum policymaking ever since: the idea that the inflow of asylum seekers can be turned off like a tap. When speaking to the heads of the key sections of DAMP who are overseeing the determination procedure, European law implementation and the

⁸⁷The transcript of this debate (in Czech) is available at: www.psp.cz/eknih/1998ps/stenprot/036schuz/s036044.htm#r1 [last accessed September 16, 2008]

⁸⁸ The most significant drops were recorded among nationals of Romania, Ukraine and Moldova, but also significantly less asylum seekers from Armenia, India and Afghanistan applied in 2002 (DAMP, 2008b).

national legislation, I was repeatedly told the same story. They argued that the 2001 increase in asylum applications and the subsequent fall after the amendment came into force in 2002 were undeniable proofs that the majority of asylum seekers simply abused the system to legalize their stay in the country and they withdrew from the system when the conditions were made more “uncomfortable”.

Only the lower-rank employees in refugee facilities, who were confronted with migrants avoiding migration control via the refugee system in their everyday work, were willing to comment on the connection between migration management and asylum – both administered by DAMP. For example, one of the asylum adjudicators in the reception camp complained:

We would certainly be helped if other laws regarding the stay of foreigners were loosened. If only the Czech Republic had some active employment policies towards foreigners. Then these people wouldn't go via us; that would certainly help. [DAMP official, reception camp, August 2006]

One could only speculate whether this unfortunate situation could have been foreseen by the policymakers who coordinated these legislative changes in the Asylum and Alien acts.⁸⁹ What is clear is that in the above described policy mismatch ignored human agency of migrants and thus caught the refugee system unprepared and overburdened. This had a major impact on the construction of asylum seekers and refugees who have become predominantly seen as misusing the system. Although some of the restrictions were mitigated by later changes,⁹⁰ the migration-asylum “re-

⁸⁹ Interestingly, in the parliamentary debates about both acts (which took place on the same days in June and October 1999) MPs stressed that the two laws are closely connected with each other but did not specify in what sense. See <http://www.psp.cz/eknih/1998ps/stenprot/013schuz/13-12.html#1309> (Alien Act) and <http://www.psp.cz/eknih/1998ps/stenprot/013schuz/s013411.htm#r1> (Asylum Act).

⁹⁰ For example, as of 2003, the amendment of the Alien Act (No. 222/2003) stipulated that rejected asylum seekers who spent at least two years in the asylum procedure and altogether five years in the Czech Republic (continuously) could apply for permanent residence. The required period was later reduced to four years.

shuffle” of the early 2000s represented a step towards gradual delegitimation of the institution of asylum.

At a rhetorical level, the policymakers are well aware that deterring those who are misusing the system cannot be to the exclusion of people in need of protection. There seems to be a clear idea of the needs and motives these “genuine refugees” have. Repeatedly, DAMP officials described them as people who had lived through such horrors that they actually do not mind being unable to work or being confined in refugee camps as far as they and their families are safe from life threatening conditions in their countries of origin. Yet again, the imperative of a grateful and humble refugee lurks behind this assumption. When asked about possible negative impacts of the introduction of a year’s ban on employment on these “genuine refugees” the head of the DAMP Asylum legislation section, replied:

If someone came to work here, then that person should seek an appropriate legal format, i.e. the work permit and the respective residence status, and should not go through the asylum procedure. [...] If a person seeks protection from persecution then he or she seeks primarily this protection. It is also likely that such a person will be very stressed, if we are talking about a typical refugee who seeks protection. [Head of the DAMP Asylum legislation section, May 2006]

Here, refugees are constructed as suffering yet rational beings with a clearly structured hierarchy of needs that match the structure of the existing legal categories. A particular kind of rationality and predictability is demanded from asylum seekers: their actions should conform to the legal and institutional framework of the asylum law and smoothly adjust to its (however abrupt) changes. Those who violate this logic are viewed as undeserving the protection.

Undermining the Refugee System from Within: The Position of NGOs

The new legal framework of Asylum and Alien legislation also significantly affected the work of NGOs assisting asylum seekers and other groups of migrants. In this section, I will show that it had a profound effect on their work which in its consequences acted as yet another way of undermining the protection in the refugee system.

In 2000, many NGOs were overwhelmed first by desperate foreigners who were not able to prolong their legal residence permits due to rapidly changed legal conditions and second by migrants-turned-asylum seekers who needed assistance with appeals that enabled them to remain in the asylum procedure for more months if not years.

A lawyer from NGO “A”, described the situation of chaos which ensued in early 2000:

The new Alien Act created totally new conditions for the renewal of their [migrants’] long-term residence. At that time, we would get about fifty clients a day in our centre. They were often desperate, some were at the edge of breakdown, imagine, some of them had been living here for seven or eight years ... so when they had come to the department of Alien Police to ask about these changes, the officers were also not able to give them any advice because they themselves did not know what was going on, there were too many changes. Moreover, migrants had to provide a number of new certificates from the authorities who had nevertheless no clue that they should provide them. Before these messages got communicated through, their legal status usually expired, they either slipped into illegality or claimed asylum. [NGO “A”, January, 2007]

Consequently, the NGOs assisting refugees were hit by the increase in asylum seekers, especially so in 2001, and had to face a dramatic rise in the number of clients. Many NGO informants recounted this time as extremely stressful and disenchanting. They were well aware that many of the people who were seeking their

assistance did not really have “asylum relevant” stories to tell but they nevertheless felt obliged to assist them. On the other hand, this left NGO advocates with little time and energy to pursue more “hopeful” asylum cases, to look for extra information on countries of origin and carefully prepare their cases. Some recounted being on the edge of “burning out” because there was so much work and so little prospect for any tangible success in their job. For example, a long-term advocate from NGO “C”, described the period as a personal crisis in her work with asylum seekers:

It was around the year 2000 when it had become more and more difficult to help them [asylum seekers]. You could help them to find friends, get a job, as a social worker I worked on these issues quite a lot, especially on establishing the social networks, because I knew how important they are when they need something to hold on to later on. So I was doing that and then, suddenly, the new law comes and that’s it, they don’t get asylum and they have to get lost. That was really hopeless and also helping them was hopeless, so I had a kind of a crisis ... I had a feeling that I have nothing to offer them. [NGO “C”, April 2006]

Others also observed that with the increasing numbers and similarity of clients, the work of NGOs has become more routine and less fulfilling. Chytil (2004) summarises it as follows:

Although NGOs define themselves in opposition to the bureaucratic discourse, high numbers of clients, low rates of success and the lack of strategic approach partly contribute to increasing formalism and weakening of enthusiasm. (p. 72)

For the NGO “A” lawyer, her understanding of who is a refugee was under strain:

For me, refugees are all foreigners who come to us and seek some sort of assistance. That means not only those who claim reasons in line with the Geneva Convention, but simply all the people who get into troubles that have to do with the fact that they cannot return back home. [NGO “A”, January 2007]

She described how during the early 2000s this wide conception of “a refugee” adopted by her and her organisation came under attack from DAMP:

They were pushing all NGOs to cooperate and to engage in some sort of a pre-selection of asylum seekers. We were basically encouraged to exclude those who did not have asylum relevant claims and thus leave them with no access to free counselling. In a way, they wanted us to decide who deserves help and who doesn't. There were many meetings around this and also some threats were voiced in connection to financial support the NGOs were receiving. [NGO “A”, January 2007]

DAMP tried to instrumentalize NGOs and turn them into its extended arm in the process of sorting out the undeserving migrants. I conclude that the above legislative changes directly affected the conditions of NGO assistance and weakened their ability to provide an effective and independent help to asylum seekers.

Towards a Common European Asylum System

In 2004, the Czech Republic joined the EU. Similarly to other candidate countries, it engaged in anticipatory adjustments to the EU membership by adopting a number of EU norms and practices even before they became a formal requirement. Since 1993, Czech asylum policymakers repeatedly referred to EU regulatory policies in order to justify their policy choices. After 2004, EU regulations and directives discussed in the previous chapter have become the main driving force for changes of the Czech asylum legislation up until 2007. In 2005, the Czech Republic has also become eligible to draw funds from ERF established by the Council Decision 2000/596/EC to improve and unify the standards of reception systems in the EU countries. Based on the decision of the Czech government, DAMP was made responsible for

distributing the fund.⁹¹ Thus, it gained even more power over financial support for NGOs.

The two last amendments of the Asylum Act deserve attention. The amendment (No. 165/2006) brought a major change by introducing the category of “subsidiary protection” required by the Council Directive 2004/83/EC; since 2006 this (lesser) form of protection can be granted alongside asylum. Another change in this amendment widened the definition of what constitutes persecution by adding “sex” as a sixth ground next to race, religion, nationality, membership of a particular social group and political opinion.⁹² Despite its significance it gained little public attention which was most likely due to the fact that it was negotiated only between DAMP and the UNHCR and was not preceded by any campaign. Its implications will be further discussed in the next chapter.

The very last amendment of the Asylum legislation (No. 379/2007) gained much more attention and aroused significant discontent among NGO advocates, UNHCR and some sections of the general public. It stipulated that as of December 2007, asylum seekers could be confined in the reception camps for up to 120 days⁹³ (this change will be further discussed in Chapter 6). Apart from this major impediment on asylum seekers’ freedom of movement, it also tightened the conditions for reception of asylum seekers at Prague International Airport. This measure concerns all persons who declare their wish to apply for asylum in the transit zone of any international

⁹¹ The European Council Decision establishing the ERF for the period 2005-2010 leaves this choice to each Member State (Council of the European Union, 2004, p. 19).

⁹² Although attention to the gendered character of persecution has been advocated by both UNHCR and the EU, it was not a part of the mandatory package to be implemented.

⁹³ Initially, the Ministry of Interior wanted to have power to detain them indefinitely but a compromise was negotiated with NGOs and the UNHCR.

airport in the Czech Republic.⁹⁴ The entry of these people can be rejected and “hypothetically” they can be viewed as if they never entered the Czech territory. This makes them easily deportable and strips them of the right to claim asylum altogether. Even those who are allowed to enter can later spend up to four months in detention at the Airport. Not only is their freedom of movement curtailed but asylum seekers have to reside in inadequate material conditions with limited access to fresh air. Even though this measure is not unique to the Czech context and is also applied in other EU countries, it stretches the limits of what is an acceptable treatment of asylum seekers to its extremes.

Thus, as these two last amendments signify, further integration of the Czech asylum system into that of the EU, which has been strengthened by joining the Schengen Area in 2007, brings about a drastically reduced notion of what “a refugee” means. It increasingly depends on people’s ability to actually access the Czech territory. No wonder that since 2004 the numbers of asylum seekers have been steadily decreasing ending at 1,878 new asylum applications in 2007 (DAMP, 2008c).

⁹⁴ Given that the Czech Republic is surrounded only by other EU countries, landing by plane becomes an increasingly important means to apply for asylum without the risk of being transferred to another country based on the Dublin II Regulation.

Table 8 Evolution of the Czechoslovak & Czech Asylum Legislation, 1990-2007

In effect from	Act or its amendment	Changes compared to the previous (version of the) Act	Developments in other relevant areas of the national legislation	International developments
1991	498/1990 Refugee Act		1991 ratification of the 1951 Geneva Convention and the related 1967 Protocol	Readmission agreements with Austria (1992) & Poland (1993) 1993 the dissolution of Czechoslovakia
1994	317/1993 amendment	<ul style="list-style-type: none"> - Introduction of family reunification for recognised refugees - Abolition of refugee status based on humanitarian considerations - Introduction of manifestly unfounded applications 		1994 cooperation in asylum matters integrated into the strategy of pre-admission negotiations with CEE countries 1995 readmission agreement with Germany
2000	325/1999 Asylum Act	<ul style="list-style-type: none"> - Introduction of new reasons to consider the application as manifestly unfounded based on the safe country and safe third country principles - Possibility to stay outside the refugee camps during the procedure and provision of financial support at the level of subsistence - Return of asylum based on humanitarian reasons - Based on special consideration, asylum interview can be conducted by the person of the same gender as an asylum seeker 	<p>Employment Act 1/1991 (167/1999 amendment)</p> <ul style="list-style-type: none"> - As of 1999, Asylum seekers can be employed without any administrative obstacle <p>Alien Act 326/1999</p> <ul style="list-style-type: none"> - As of 2000, significant restrictions imposed on the regime of entry and residence of foreigners <p>Changes in the visa regime</p> <ul style="list-style-type: none"> - As of 2000, visa obligation introduced for citizens of: Russian Federation, Belarus, Ukraine, Moldova, Kazakhstan, Kyrgyzstan 	1997 Amsterdam treaty & 1999 Tampere European Council →supranationalisation of asylum policies in the EU

(continued)

2002	2/2002 Amendment	<ul style="list-style-type: none"> - Financial support to asylum seekers residing outside the camps reduced to three months - accelerated asylum procedure established in a special zone of Prague International Airport - possibility to keep asylum seekers in detentions while undergoing the asylum procedure 	<p>Employment Act 1/1991 (2/2002 amendment)</p> <ul style="list-style-type: none"> - As of 2002, asylum seekers can only work with a valid work permit that can be issued no sooner than after one year from the launch of the asylum application <p>Alien Act 326/1999 (222/2003 amendment)</p> <ul style="list-style-type: none"> - As of 2003, asylum applicants can apply for permanent residence after five years of continuous documented stay in the country 	<p>2004 Czech Republic enters the EU and joins the Dublin II Regulation</p> <p>2004 Readmission agreement with Slovakia</p>
2006	165/2006 Amendment	<ul style="list-style-type: none"> - Introduction of the category of subsidiary protection as another form of international protection next to asylum - “sex” as another ground for persecution based on which asylum can be granted - Abolishment of two-year limitation for repeated asylum applications 		
2007	379/2007 Amendment	<ul style="list-style-type: none"> - Asylum seekers can be kept in the reception camps for up to 120 days and their “communication devices” can be taken away - Airport procedure is tightened and a legal fiction of non-entry on the Czech territory is created → easier deportability of asylum seekers 	<p>Alien Act 326/1999 (42/2008 amendment)</p> <ul style="list-style-type: none"> - the possibility to apply for permanent residence after four years of continuous stay in the country is limited to a small group of foreigners (below 18 or above 65 years old) 	<p>2007 Czech Republic joins the Schengen Area</p>

Table 9 Asylum Applications, Recognition Rates and Main Countries of Origin, 1990 - 2007

Years	Asylum applications	Main countries of origin of asylum seekers	Recognition rates % ⁹⁵	Main countries of origin of recognised refugees
1990	1,602	Romania, Bulgaria	1.9	Romania, USSR
1991	2,226	Romania, Bulgaria	34.9	Romania, USSR
1992	841	Armenia, Vietnam	29.8	Vietnam, Romania
1993	2,207	Bulgaria, Armenia	11.3	Romania, Vietnam
1994	1,187	Bulgaria, Armenia	9.8	Armenia, Afghanistan
1995	1,417	Romania, Bulgaria	4.2	Afghanistan, Iraq
1996	2,211	Bulgaria, Romania	7.3	Romania, Afghanistan
1997	2,109	Bulgaria, Iraq	4.6	Bosnia & Herzegovina, Afghanistan
1998	4,085	Afghanistan, ex-Yugoslavia	2.4	Afghanistan, DR Congo
1999	7,218	Afghanistan, Sri Lanka	1	Afghanistan, Belarus
2000	8,793	Ukraine, Afghanistan	1.9	Belarus, Afghanistan
2001	18,094	Ukraine, Moldova	0.4	Belarus, Iran
2002	8,484	Ukraine, Vietnam	0.7	Russian Fed., Belarus
2003	11,400	Russian Fed., Ukraine	1.4	Russian Fed., Afghanistan
2004	5,459	Ukraine, Russian Fed.	1.8	Russian Fed., Belarus
2005	4,021	Ukraine, Slovakia	5.7	Russian Fed., Belarus
2006	3,016	Ukraine, Egypt	8.9	Belarus, Russian Fed.
2007	1,878	Ukraine, Turkey	8.5	Belarus, Russian Fed.

Source: Based on data from DAMP (1999; 2000; 2001; 2002; 2003a; 2004a; 2005b; 2006b; 2007b; 2008c; 2008d)

⁹⁵ DAMP representatives often argue that the low recognition rates in the early 2000s were due to the fact that many applicants left the country before the decision was made. Indeed, an average of 54 percent of all decisions made was to discontinue the asylum procedure due to the lack of applicants' cooperation, e.g. not attending asylum interviews, or due to his or her departure from the country. However, if the numbers of these "discontinued cases" are deducted from the number of all decisions made in given years, the recognition rates increase slightly but not by more than three percent.

Conclusions

Since the early 1990s, the idea of “a refugee” has moved from a stake in defining the country’s political identity and affiliation with the world of “civilised” nations into an instrument of migration control. This process has been facilitated by the country’s integration to the EU but not entirely determined by it. As I have shown, it also had a number of rather indigenous features. The EU has represented an overarching framework for the direction of asylum policy developments but it has left Czech policymakers with some space for manoeuvre. This space has become even greater as the asylum and migration legislation became extremely complex and convoluted, not only for migrants and asylum seekers but also for politicians and NGO advocates.

I have argued that immigrants play an active part in shaping and transforming the policies that affect their lives rather than being passive pawns in the hands of policymakers. Abrupt changes in the 1999 Alien Act threw many foreigners into the position of legal insecurity and facilitated the process of illegalisation of many. On the other hand it also prompted illegalised persons’ strategic reaction in search of (temporary) stability and led to a redefinition of the concept of “a refugee” from below. They have been able carve out some space for themselves. However, their strategic actions were utilised by policymakers to legitimise restrictions imposed upon others thus further devaluing the refugee label. Such developments have also weakened the potential of NGOs to effectively assist refugee migrants. This example supports the argument that the changes in the asylum legislation as well as in the actual situation of refugee migrants have to be seen in the context of both the international and national policy developments regarding foreigners in a wider sense.

I concur with Castles (2003) who argued that migration policies fail in achieving their objectives because policymakers tend to see migration “as something that can be turned on and off like a tap through laws and policies” rather than as a dynamic social process (p. 26). As this chapter demonstrated, such an approach can lead to the perception of asylum as a matter of migration management rather than a fundamental human right.

Chapter 5: The Practices of Determination: Who Is “a Refugee”?

Introduction

In the previous chapter, I dealt with the question of the idealised conception of “*what* a refugee is.” Here, I focus on a more practical aspect, i.e. the determination at the individual level of “*who* is or is not a refugee” (Phillips & Hardy, 1997, p. 166 emphasis original). While the “what” question constitutes a refugee as a concept, the “who” question produces an object – a foreigner who is turned into a category of a person with a particular set of entitlements and limitations. I discuss the construction of *who* is “a refugee” through the analysis of practices of the refugee determination process. The determination process is an important subject of study not only because the future legal status of a foreigner is decided upon, but also because it constitutes the actual content of the refugee concept and connects it to the operation of the refugee system. As I will show here, it also indicates how refugees are envisioned as potential future members of society.

In thinking about the determination process, it is tempting to implicitly adhere to unproblematic and stable notions of power and powerlessness. Indeed, on the one hand, there is the state as a holder of a formal authority and on the other hand, there are refugees whose future position is entirely dependent on the state’s decision as to whether to grant them protection and of what kind. However, the reality is more complex than that. Drawing on Foucault’s work on power as embodied in networks and being in circulation rather than possessed by a single (sovereign) actor, Hardy (2003) argues that the process of refugee status determination should not be viewed

as fully controlled by a single actor, regardless of attempts by governments to be perceived in this way.

Despite possessing considerably more resources as well as legal and policy-making authority compared to NGOs (never mind individual refugees), the experience of government actors in controlling refugee determination is one of frustration rather than of successfully implemented policies. This situation is due to the existence of a myriad of factors outside its control as well as an ongoing struggle between other actors in the system. (p. 472)

Such an approach also sees power as a productive force that constitutes the identities of both individuals and institutions as it operates in everyday social practices.

In what follows, I ask: How is “a refugee” being constructed as an object in the refugee status determination process? What role do embodied characteristics such as nationality, ethnicity, state of health and gender play? How is the determination process connected with the formation of DAMP’s institutional identities? First, I outline some of the general characteristics and problematic aspects of the determination process. Next, I discuss different institutional and informal actors who influence the process in the Czech Republic. In the last three sections I compare the position of Chechens versus that of Belarusians in refugee status determination, problematise the role of humanitarian asylum and consider the implications of adding “sex” as the sixth basis of persecution in the Czech Asylum Act in 2006.

Intricacies of the Refugee Status Determination Process

In order to succeed in the process of determination, asylum seekers need to adjust to bureaucratic systems of classification by re-articulating their lives “in ways that at once conform to established codes and that stand out as deserving of attention and acceptance” (Epps et al., 2005, p. 9). It has been documented in a number of contexts that this system of classification is highly ambiguous and operates through means of

simplification and stereotyping of asylum seekers' socio-cultural characteristics (e.g. Akram, 2000; Barsky, 1994; Monnier, 1995; Rousseau, Crépeau, Foxen, & Houle, 2002). The determination process is also shaped by ethnocentric conceptions of how memory works and by assumption about "appropriate" emotional expressions while describing the story of persecution, especially when the experiences of torture and trauma are involved (Ordóñez, 2008; Shuman & Bohmer, 2004).

Writing from a Canadian perspective, Barsky (1994) concludes that the refugee hearing is a test of claimants' ability to construct the right image of the "convention refugee" and to satisfy the expectations of the decision-makers. He stresses that these assumptions are grounded within particular political, economic, cultural and moral discourses that tend to remain implicit in the process. Consequently, those who are most able to navigate and understand the expectations of the host country and understand the language and the inner working of bureaucracy are also most likely to perform as "genuine refugees". Others, whose narrative style and performance do not fit into the pre-existing frameworks, may easily be misunderstood and rejected (Rousseau et al., 2002). According to Ordóñez (2008), genuineness is associated with two types of contradictory presuppositions with regard to asylum seekers' agency. They are expected either to present themselves as "truthful and quintessential victims [...] with little agency in the activities that led to their displacement" or to demonstrate a kind of "hyperagency" (p. 43) when recounting their political activism in the country of origin.

The adjudicators who make decisions about asylum often show a lack of cultural understanding and rarely have a special training to deal with victims of torture and people with traumatic experiences (e.g. Rousseau et al., 2002; Shuman & Bohmer,

2004). Various reports show that this leads to the production of highly ambiguous information and supports adjudicators' rigid focus on (dis)proving the validity of the "hard data" such as dates, numbers and various documents. As Barsky (1994) observed, often "the veracity of the entire claim is put into question by ultimately inconsequential (but verifiable) details" (p. 149). Besides, the official's unfamiliarity with the political situation commonly results in shifting the responsibility to the refugee who is then expected to create "a plausible narrative out of implausible events" (Shuman & Bohmer, 2004, p. 403).

Despite high levels of arbitrariness and the lack of rigorousness which tend to characterise the refugee determination process (Monnier, 1995; Rousseau et al., 2002), my research as well as other studies show that those who are in charge of the process tend to portray it as a matter of truth or falsity and a clear cut detection of the (non)existence of asylum-relevant reasons. Given the above mentioned critiques, some conclude that the actual process of determination "appears more like a ritual than a rigorous and methodical investigation enabling discovery of the truth" (Monnier, 1995, p. 321). Others are more straightforward in assessing its function as being designed to act simply "as a deterrent to admitting unworthy applicants" (Bohmer & Shuman, 2007, p. 604). Thus, it should be seen as a political tool legitimising state selection process rather than a fact-finding exercise.

Below, I build on these analyses while also adding another dimension: I show the implications that the practices of refugee status determination have, not only for asylum seekers but also for the institutional identities of those who decide about their future status. I focus on two factors that strongly shape this process: nationality/ethnicity and gender. Rather than discussing these categories as a basis of

persecution in line with the 1951 Geneva Convention and its later reinterpretations, I show that they operate as a means of stratification of chances to be recognised as a refugee in the determination process. Despite the formal “same rules apply to all” principle promised by the law and repeatedly stressed to me by the DAMP representatives I interviewed, a number of implicit sorting mechanisms are at play that question the individualised character of the determination process.

Setting and Actors of the Refugee Status Determination Process

First, it is necessary to describe different players and their predispositions to make or influence decisions in the refugee status determination process. I start with the perspective of the asylum seekers and then discuss state, nongovernmental and informal players. This outline shows the complexity of power structures of the determination process. It would be simplistic to reduce them to a relationship between the state and the asylum seeker.

By availing themselves of the asylum procedure people gain a chance to obtain international protection and the right to reside and be supported in a foreign country. On the other hand, they also face a risk of being removed not only from the country of application but from a much larger territory. From the perspective of asylum seekers, the European space has become highly interconnected due to various readmission agreements between states, the Dublin II Regulation accepted by most of the EU Members and the EURODAC system of sharing information about asylum seekers. In other words, by applying for asylum, asylum seekers become visible and potentially “unacceptable” and deportable within a much larger territory than only one state. Moreover, as shown in the previous chapter, the conditions for asylum

seekers in the Czech Republic have become harsher since the last amendment of the Asylum Act in 2007 and they can now be kept in closed reception camps for up to four months. Thus, by applying for asylum they also take the risk of being confined for extended periods of time in refugee or detention camps.

Asylum Seekers' Knowledge about the Determination Procedure

Knowledge of the “rules of the game” is obviously crucial in the asylum procedure. However, only a minority of asylum seekers have substantial knowledge about the workings of the asylum system before they enter it and only a few gain such knowledge during the course of the asylum procedure. This lack of information is perpetuated by their reliance on incorrect, confused and often contradictory information and creates fertile ground for the emergence of “asylum myths” that circulate among asylum seekers and influence their decision-making in the process. The general opacity of the system creates the potential for exploiting asylum seekers’ misinformation. In particular, it leads to people’s conviction that there are a number of unofficial/informal ways of obtaining asylum.

I was often struck by peoples’ ignorance about the concept of asylum, the mechanisms of the asylum procedure and the roles of different institutional players and their position in the power structure of the system. Asylum seekers should get informed about their rights and obligations as participants in the asylum procedure from DAMP officials and RFA social workers already in the reception camp, before the refugee status determination process starts. Nonetheless, I observed that this information is often delivered in a rather technical and superficial manner. When combined with other factors like stress, language barriers and asylum seekers’

common mistrust towards state authorities, it does not have a significant impact on their knowledge about the system.

Moreover, the environment of the camp is isolated from alternative sources from which to obtain and confirm information. Despite the fact that the vast majority of applicants speak either Russian or English, the newest version of the Asylum Act was not available in either of these languages during this research. Informants who tried to obtain the document in Russian did not succeed when they turned to DAMP, RFA and also to the local office of the UNHCR. A refugee woman in her fifties commented on the situation:

When I asked about the access to the law in Russian I was told by the social workers: What do you want to know? We will tell you. But I wanted to get a bigger picture; you sometimes don't know what to ask about if you don't know the context. Ok, they answer your question but they will not tell you about the alternatives, you know, what else you could do to solve the problem. And if you demand the law in Russian, they think you are acting too smart and the relations start getting worse [Residential/Integration camp, April 2007]

If it is necessary to inform asylum seekers about a legislative change, this usually happens in a limited manner; they are called together and only get told about what they can and cannot do within the framework of the new measure. The lack of basic knowledge about the system prevents refugees from formulating more specific questions about their situation, sustains dependency on the help of others and discourages them from acting on their own behalf. This argument is also confirmed by the study of Tollarová (2008) where she shows how the Czech refugee system accustoms asylum seekers to passivity and the lack of influence over both major and everyday decisions about their situation.

This lack of knowledge sometimes combines with the rumours and suspicions to generate doubts about the very existence of the asylum procedure based on principles of justice and equality. A Kafkaesque illustration was presented to me by a refugee man in his late thirties:

I once spoke to a man who was genuinely convinced that the asylum procedure works as follows: every now and then, Haišman [the head of DAMP] throws a couple of asylum applications on his desk and randomly selects a few whom he grants asylum; the rest are given negatives [rejections]. He was an uneducated man, but he was certainly not the only one who believed in such a thing. [Private accommodation, June 2006]

Another young man, still an asylum seeker, commented in a similar manner, speaking about how the asylum process is perceived among the people in his camp:

People here believe that asylums are being granted in specific months. This procedure has brought people into marasmus and paranoia. [Residential camp, March 2007]

However, this does not mean that asylum seekers do not act as knowledgeable agents. Various (informal) kinds of information about the procedure are constantly probed and tested, especially through observation of the actions of fellow asylum seekers and the administrative results of their moves. For obvious reasons, this kind of knowledge is highly susceptible to misinterpretation and becomes fast outdated in the world of quickly changing legislation. Given its complex and convoluted character, it can also be manipulated and misused by people who can appear as more educated and knowledgeable than others.

Actors in the Process of Refugee Status Determination

There are at least six institutional and informal actors who are the most influential in refugee status determination, each generating different impacts in this process. By

discussing them one by one I wish to illustrate that although a most powerful player in the game, in reality, the state does not have total control over the process.

First, DAMP is the main decision-maker. It operates through its interviewers and adjudicators whose decisions on asylum have to be personally approved by the head of DAMP. Rejected asylum seekers can also appeal to the courts. However, the courts cannot overturn a decision made by DAMP. The only thing they can do if they decide in favour of the asylum applicant is to refer the case back as a sign that the DAMP decision is considered unlawful and needs to be reconsidered.⁹⁶ Although DAMP is supposed to take courts' argumentation into account, it is not obliged to follow it in its final decision. Thus, effectively, DAMP is the only body that can grant or withdraw asylum.

Second, strong and largely unacknowledged influence is exercised by interpreters, who have the power to reformulate both questions and answers and can facilitate understanding or create further confusion in the interview process (see also Ordóñez, 2008). According to the Czech Asylum Act, interpreters are selected and financed by the Ministry of Interior but asylum seekers can, at their own expense, use the services of interpreters of their own choice. Importantly, asylum seekers have to accept the interview not necessarily in their mother tongue but in any language "they are able to comprehend and make themselves understood."⁹⁷ This provision is particularly relevant for the citizens of the Russian Federation and the former Soviet Union; it is often assumed that, despite the diversity of their mother tongues, they are all able to speak Russian. Since Russian speaking interpreters are much more likely

⁹⁶ For more about the role of courts in the Czech refugee system see Větrovský (2006a).

⁹⁷ See paragraph 22, articles 1 and 2 of the Asylum Act 1999/325 Coll., 2008.

to be at hand than Chechen or Armenian, Russian is commonly used as the language of interviews. This can create obstacles for those who have difficulties with expressing themselves convincingly in Russian.

Third, NGOs influence the process by working on behalf of individual asylum seekers and acting for them in court. However, their role has been largely limited to working with rejected applicants who need to file an appeal. They are much less involved in actually preparing asylum seekers for the interview and informing them about their rights before the first decision is made. Although asylum seekers can ask to have an NGO advocate present at the interview, this option is very rarely used. Less directly, NGOs can also influence the process by raising general awareness about the situation in applicants' countries of origin and thus creating public pressure on DAMP to recognise their claims. Some asylum seekers also use the paid services of private lawyers. These may be more efficient and facilitate a successful application or they may take advantage of asylum seekers' insecure legal position, take their money and do little or no work.

Fourth, UNHCR representatives have the right to be present at interviews and to be informed about the decisions made by DAMP. Asylum seekers can contact their office during their proceedings. However, UNHCR's actual involvement in individual cases is limited to exceptional instances whose adjudication can have a systemic effect on the asylum procedure. As I will show later in this chapter, occasionally, the UNHCR office is able to "push through" some legislative changes in the Asylum Act and publishes recommendations for DAMP on how to conduct the determination process.

Fifth, Security Information Service (SIS), the Czech intelligence agency, is granted access to asylum seekers' personal information by the Asylum Act.⁹⁸ What is being less publicised and sometimes even dismissed by officials is that the SIS regularly recruits its informants among asylum seekers, sometimes with a promise of speeding up their asylum case.⁹⁹ As it emerged from a number of interviews with asylum seekers and recognised refugees, they are usually asked to provide information about their countries of origin or to report on the activities of other inhabitants of the camps. Such a practice not only supports the idea that asylum is something “to be earned” but it also spreads mistrust among asylum seekers.

Sixth, informal actors can also be important sources of information that have key influence on asylum seekers' approach to the determination procedure. They are part of the international “migration industry” which has flourished under the restrictive measures of the last decade; its illegal section consists mostly of people-smugglers and traffickers (Castles, Crawley, & Loughna, 2003, p. 5). People who bring migrants across the borders advise them (often incorrectly) on how to behave as asylum seekers. Likewise, fellow asylum seekers, recognised refugees or other groups of foreigners who already live in the country act as informal advisers and agents in the process. Besides, RFA workers in the camps can also be significant players. Although they are not officially entitled to do so, I have heard of a number of instances when asylum seekers were disciplined by RFA workers who suggested that their (mis)behaviour while in the camps has an impact on the result of their

⁹⁸ See paragraph 71, article 5 of the Asylum Act 1999/325 Coll., 2008.

⁹⁹ In the annual reports, SIS officially declares monitoring of the situation in residential camps (SIS, 2004) and names RFA and DAMP as its close collaborators (SIS, 2007).

asylum case. This information has no ground in the legislation but many asylum seekers genuinely believed in it.

The refugee determination process formally begins when asylum seekers fill in an application in one of the reception camps. Depending on the availability of interpreters, this happens within two to three days of their arrival in the camp. This application later constitutes the basis of their asylum claim together with an interview conducted within the next couple of days also in the reception camp. If their application is not considered as manifestly unfounded and rejected at that stage and if they are not considered to be a “Dublin case” and transferred into another country, the next interview follows after they are transferred to the residential camp or while living in private accommodation. All interviews take place in offices within the camps. They are conducted by one DAMP interviewer/adjudicator and an interpreter. Although asylum seekers can have their NGO or private advocates present, this is rarely the case and therefore there is no institutionalised outside control of “good conduct” during the interviews.

Moral Evaluation of Difference: Chechens versus Belarusians

Knowledge and access to legal assistance are not the only means of differentiating asylum seekers’ chances to present their personal stories in terms that can qualify them for asylum. Nationality and ethnicity, cultural background and gender also play a significant role. Although they are all formally promised the same treatment and individual consideration of their cases, the refugee determination process not only recreates existing inequalities but produces new ones by implicit preference for certain types of suffering, persecution and politics over others. In this section, I

contrast the position of Belarusian and Chechen asylum seekers in the refugee determination process to show how nationality and ethnicity act as important stratification mechanisms which make some more likely to be seen as refugees and future citizens than others. I argue that apart from undergoing an individual consideration of their grounds for a well-founded fear of persecution, asylum applicants are subjected to what Fassin (2005) calls “moral evaluation of difference” (p. 366). This operates through implicit beliefs and prejudices about “the legitimacy and utility of certain categories of individuals, about their culture and their future” (p. 366). I argue that this evaluation of difference is guided by wider political discourses in Czech society, from which the representatives of the state administration draw legitimacy in making their asylum decisions while at the same time nurturing certain institutional identities.

I have chosen to discuss the position of Russian and Belarusian nationals because they constituted the two most common groups of recognised refugees between 1993 and 2007 (CSO, 2008d).¹⁰⁰ As already mentioned in Chapter 3, in the first half of the 2000s, the groups followed a different migration pattern – Belarusians were more likely to perceive the Czech Republic as their destination country while the majority of Chechens were more prone to continue their journey further west. Nevertheless, even after considering these factors, a comparison of the groups in terms of recognition rates remains striking. As Table 10 shows, Belarusians were four times more likely to be granted asylum than Russian nationals in the Czech Republic. That is despite the fact that the average recognition rate of the two groups in the world,

¹⁰⁰ Over 90 percent of these Russian citizens declared Chechen nationality (Government Council for Human Rights, 2004).

based on the UNHCR statistical yearbooks for 2001-2006, shows that Russian nationals were more than twice as likely to be granted refugee status than Belarusians (see Table 11).

Table 10 Asylum Seekers, Asylums Granted and Recognition Rates for Russian and Belarusian Nationals in the Czech Republic, 2000-2007

Nationality	Asylum seekers	Asylums granted	Recognition rates (%)
Belarus	1,971	269	13.6
Russian Federation	8,781	297	3.4

Source: Based on CSO (2008c)

Table 11 Recognition Rates for Russian and Belarusian Nationals in the Industrialised World, 2001-2006 (%)¹⁰¹

Nationality	2001	2002	2003	2004	2005	2006	average for the period
Belarus	11	13	13	13	18	30	16.3
Russian Federation	21	22	27	44	49	54	36.2

Source: Based on UNHCR Statistical Yearbooks 2001-2006¹⁰²

I have already described how Chechen refugee migration to the Czech Republic was handled in a politicised blanket manner of “prescribed inaction”, as well as the history and characteristics of Belarusian refugee flows to the Czech Republic in Chapter 3. Here, I draw on my interviews with DAMP interviewers and adjudicators to show how Chechen and Belarusian asylum seekers are differently constructed throughout the process of determination and what implications this has for their future as genuine refugees and potential citizens. The question of how asylum

¹⁰¹ The number of recognised refugees includes also those who received “humanitarian status”.

¹⁰² UNHCR Statistical Yearbooks can be accessed at <http://www.unhcr.org/statistics.html>

seekers and refugees saw the determination process is dealt with in more detail in the next chapter.¹⁰³

One of the most typical arguments for the rejection of Chechens' asylum claims by DAMP as well as in the courts' decisions was that the whole population faces bad social and security conditions and that the fear of arbitrary arrests and torture does not constitute persecution since the whole male population is targeted (Větrovský, 2006a). Thus, Chechen nationality was not enough to be a source of persecution and asylum seekers needed to prove other, "more individualised", reasons for claiming asylum. Behind these decisions was the fear that granting Chechens asylum could lead to a mass inflow of asylum seekers in the context of ongoing insecurity in their home country. Thus they had to assert themselves as political actors rather than "only" victims of a prolonged armed conflict and continuing human rights abuses (Větrovský, 2006a).

These people simply do not meet the criteria of persecution according to the Geneva Convention. They all face the same risk; persecution is not targeted on particular persons and that is why it cannot be considered as persecution. [Head of the DAMP section responsible for the asylum procedure, April 2006]

¹⁰³ Direct experience of the refugee status determination procedure represented by asylum interviews proved to be a rather sensitive topic that tended to be avoided even in my interviews with the core informants with whom I had a close relationship. I think there are two reasons for this: 1) it considered people's detailed personal information (perhaps traumatic, perhaps fabricated) which they might prefer to omit from the discussion; 2) they preferred to suppress the memory of the interview situation because it put them in a position that was regarded as undignified and powerless by many – they were "in the hands" of the officials, interrogated, the veracity of their story being meticulously scrutinised.

Belarusians, on the other hand, were much more likely to be perceived *a priori* as political (pro-democracy) activists working against the current authoritarian regime of president Lukashenka. While DAMP adjudicators often spoke about Chechens' ineligibility for asylum, Belarusians were described as potential refugees:

They have political reasons or religious, especially after the referendum about Lukashenko,¹⁰⁴ this was a sign that we will give them some form of protection almost in a blanket manner. It is quite similar to the situation we had here before 1989, if someone went to the West and did not return, then it was for sure that s/he will face some problems upon return. [DAMP adjudicator, residential camp, February 2007]

It is the group of asylum seekers with the highest chance to be granted asylum because they are actually from Europe and they are the closest of what we are able to absorb. It is the only undemocratic regime in Europe. [...] And this system is quite familiar to us in a sense that we can imagine what it is like. [...] Currently, it is almost enough to be from Belarus [in order to be granted some form of protection]. There is a law now that by applying for asylum that person actually denigrates Belarus and it is seen as a crime [Head of the DAMP section responsible for the asylum procedure, April 2006]

There is also this Lukashenko's Decree making it a crime to defame Belarus abroad. Well, in practice it is not used very often, but the law exists... [DAMP adjudicator, residential camp, March 2007]

The quotes about Belarusians indicate that many are granted protection in the Czech Republic because they could face some sort of blanket persecution upon their return due to a suspicion that they have denigrated Belarus by claiming asylum. In this case, the general character of potential persecution does not prevent consideration of asylum as it does in the case of Chechens who are more likely to be actually threatened by it, often with fatal consequences. Simultaneously, the comments indicate that Belarusian applications are viewed with some sympathy and understanding, particularly because the current regime is seen as comparable with the

¹⁰⁴ The adjudicator refers to a referendum of 2004 which approved Lukashenka's standing for President for a third term in office.

situation in communist Czechoslovakia prior to 1989. In other words, the plight of Belarusians is seen as similar to those who were once fleeing Czechoslovakia during the Cold War. Similarly to East Europeans fleeing communist countries before 1989, Belarusians could be, in general, characterised by attributes of: anti-communism, whiteness, and middle-class. At the same time, it should not be forgotten that in reality, the overall recognition rate is not as high as these comments might suggest. That is largely due to the fact that like the majority of Ukrainian asylum seekers, many Belarusians are nowadays entering the asylum procedure with an aim to legalise their stay as labour migrants rather than due to political activities back home.¹⁰⁵

Shuman and Bohmer (2004) have observed that in order to prove that they suffered from politically motivated persecution, applicants are expected to “describe the motivations of their oppressors as well as their group affiliations as part of the public suppression of dissent” (p. 397). The authors consider this mode of assessment as highly ethnocentric because it privileges Western historical examples of persecution and dissent. Their observation helps us to understand why Belarusians are better positioned to be seen as politically persecuted than Chechens. Their oppressor can easily be identified – it is “the last European dictator” as American President Bush dubbed Lukashenka (NewsMax.com Wires, 2005). In the case of Chechens, the situation is more complicated and less easily reducible to the “good” and “bad” sides in the conflict (Ditrych & Souleimanov, 2007, p. 21) especially in the context of “chechenisation” described in Chapter 3. On the one hand, the Czech government is

¹⁰⁵ This information was confirmed in interviews with NGO lawyers and a DAMP official responsible for the Country of origin Information database.

ready to take and publicize various actions against Lukashenka, such as denying him a visa in 2002 when he planned to visit the summit of the North Atlantic Treaty Organization (NATO) in Prague. The decision of the Ministry of Foreign Affairs was based on the argument that human rights in Belarus are not respected (MFA, 2002). On the other hand, not only is the same action against the Russian president Putin unimaginable on the part of Czech politicians, but the topic of Chechens' human rights was rarely ever even mentioned during Putin's visits to Prague (Ditrych & Souleimanov, 2007). Thus, the asylum decision-making process not only privileges a politics closer to the Cold War bi-polar imagination of "good" and "evil" but it is, as during the Cold War, shaped by wider foreign policy considerations and geopolitical interests. Attitudes to Belarusian asylum seekers can be interpreted as mirroring a Czech foreign policy that tends to "narcissistically project the Czech experience to other parts of the world and say: we will advise them on how to overcome dictatorship and build a beautiful new world of democracy and human rights" (Slačálek, 2008, p. 16). Despite continuous (self) deception on the part of asylum and immigration officials who insist on the "same rules for all" principle and emphasize the "objective" aspects of the refugee status determination process as a fact-finding exercise, political considerations play a crucial role.

The consideration of asylum seekers' politics is connected with the evaluation of their socio-cultural characteristics. Chechens figured as potential problem-makers who are more inclined to criminal activities in the accounts of interviewers and adjudicators while Belarusian were mentioned as people who easily "blend in with the Czech society". Besides, Chechens were repeatedly described as people who voice their demands and anger too coercively for "Czech standards". By not

conforming to the ideal image of grateful and passive refugee, they also threatened to challenge DAMP officials' perceptions of themselves as humanitarian helpers. While Belarusians' similarity to Czechs and their "Europeanness" were often emphasised as grounds for successful integration, Chechens were presented as different and hard to deal with:

In general, they do not have very conciliatory characters. They have a tendency to be bosses everywhere, to set their own rules. We gave asylum to some just to find out that these people were involved in various criminal activities ranging from smuggling people across borders to the so called racketeering; they were connected with mafia structures, etc. So we didn't have a very good experience with it. But it does not influence the procedure. [DAMP adjudicator, residential camp, February 2007]

Criminal activities of some individuals of Chechen nationality were repeatedly invoked by the adjudicators:

Sometimes, we get information that this person [Chechen] is involved in criminal activities, sometimes he even gets convicted. Of course, according to the asylum law, this has nothing to do with the procedure. On the other hand, if this person does not have asylum-relevant reasons to stay and he commits crime here, then it is really difficult to say whether to give him some sort of protection or not. I have to say that it is difficult for me to separate, or to identify with the fact that I am an official and decide according to some norms as well as a citizen and I am basically afraid to legalize the stay to such a person. [Head of the DAMP section responsible for the asylum procedure, April 2006]

Referring to Chechens' involvement in terrorist attacks against Russian targets which gained a lot of publicity around the world, the DAMP official continued pondering about Chechens' potential for successful integration, making generalisations about the whole population:

Their reputation as a nation is not the best one. This, of course, does not influence our decisions about their cases, not at all, but I think it is more difficult for them to integrate afterwards. They have to work hard to prove that they are not what they are assumed to be, that is why it is more difficult for them. [Head of the DAMP section responsible for the asylum procedure, April 2006]

These comments on Chechens are formed on the basis of the actions of a minority and generalised as a characteristic of the whole group. Importantly, they refer mostly to adult men and omit women's and children's presence. On average, women represented 43 percent of all adult asylum seekers of Russian nationality while children constituted on average 38 per cent of all applicants between 2003 and 2006 (DAMP, 2008c). The emphasis on men's actions corroborates the conclusion that if a refugee is to be constructed as a blameless victim women and children are pushed to the forefront, while if *he* is to be made into a dangerous element to be controlled if not prevented from access altogether, men dominate the imagery (e.g. Malkki, 1995a; Pupavac, 2008). This particular construction plays well into the hands of decision-makers; it is easier to deny access to a dangerous potential criminal than to needy mothers and children.

Although the majority of DAMP officials ardently rejected any idea that their opinions on Chechens could have any influence on their decisions in the asylum procedure, some “dissident voices” complicated this proclaimed separation:

It happens in waves. We are being told: OK, make decisions [about granting or rejecting asylum], but then there comes news that a Chechen was part of some criminal group and we are told again: stop! It is a decision from Prague saying basically: we will not make decisions so that we do not have to give it to them [i.e. some kind of protection]. [DAMP adjudicator, residential camp, 2007]

And a similar collective logic was also associated with decisions about Belarusian asylum cases:

There is a very positive attitude towards Belarusians at the headquarters in Prague as well as among some officials here. Basically, everyone gets something [some kind of protection] if he was not an obvious criminal back home. They get asylum if they are able to produce at least a sign of some political or religious activity. Otherwise, they get subsidiary protection. It is not sustainable, but it is our director’s favourite country. [DAMP adjudicator, residential camp, 2007]

DAMP adjudicators’ description of the practice of granting and rejecting asylum shows that there are also more subtle forms of encouraging certain attitudes to different groups of asylum seekers, not necessarily as an order from above. As already mentioned above, the head of DAMP approves every asylum decision. The timing and conditions of the approval play a significant role in the process and indirectly motivate or discourage particular decisions among DAMP adjudicators in the camps.

If it is a decision on a Belarusian, you get the signature really fast. If it is about someone from a Muslim country, it lies there for a week or more and then they send it back many times for revisions. [DAMP adjudicator, residential camp, 2007]

This “moral evaluation of difference” (Fassin, 2005) continues to influence asylum seekers’ lives also in other spheres of the refugee system such as refugee camps or

the State Integration Programme. As a DAMP official in the reception camp remarked:

Belarusians are the local notables here because they know they have a good chance to be granted asylum. [DAMP official, reception camp, August 2008]

Apart from being presented as coercive, Chechen asylum seekers were often also portrayed as ungrateful due to the fact that many left the country prior to receiving a final decision in their case and applied for asylum elsewhere in Western Europe. When DAMP officials vehemently opposed the accusation that Chechen cases were deliberately stopped or at least slowed down in 2003 and 2004 they repeatedly painted Chechens as not being interested in Czech asylum and as being driven by a vision of better life elsewhere (e.g. MI, 2004, 2005). As this DAMP official argued in the public debate:

The Czech Republic did use its right to grant asylum [to Chechens] but sometimes, the person was no longer here to receive it. It is sad, people [DAMP adjudicators] get disappointed when they make a decision, they want to help and the person just disappears. [Debate about asylum in the Multicultural Centre Prague, 27.6.2006]

To sum up, I have argued that the refugee status determination process is not only driven by individual assessment of particular claims but is also influenced by the perception and evaluation of the politics behind asylum seekers' displacement. Connected with socio-cultural characteristics of the applicants, these produce differential treatment of some groups as opposed to others. The preference for Belarusians has been driven by the fact that their political engagements are in line with the anti-communist political orientation of Czech political elites and that they are seen as culturally similar to Czechs. On the other hand, Chechens, whose plight has been recognised with much greater readiness in other parts of the world, have

been received with hesitation and their presence has been loaded with many negative stereotypes.

Humanitarian Asylum as a Yardstick of Humanitarianism?

The rise of humanitarianism and the medicalisation of the construction of refugees as objects of protection (at the expense of political forces that drive their displacement) has been pointed out by a number of authors in recent years (e.g. Fassin & D'Halluin, 2005, 2007; Pupavac, 2006, 2008). Looking at the French refugee system, Fassin (2005) argues that:

the legitimacy of the suffering body has become greater than that of the threatened body, and the right to life is being displaced from the political sphere to that of compassion. (p. 371)

By presenting themselves as suffering victims soliciting compassion, asylum seekers may have greater chances of being accepted than by claiming their right to international protection based on political persecution. In other words, the political right is being substituted by a moral sentiment (Fassin, 2005, p. 373).

Since 2000, the Czech Asylum Act has included not only asylum based on persecution and family reunification but also on humanitarian grounds.¹⁰⁶ Article 14 states:

If a reason for granting international protection based on article 12 is not identified in the determination procedure, it is possible to grant asylum on humanitarian grounds in cases worthy of special consideration [Asylum Act 325/1999 Call.]

Between 2002 and 2006, an average of one fifth of all asylums were based on humanitarian considerations every year (MI, 2002-2006). Humanitarian asylum is

¹⁰⁶ As mentioned in Chapter 5, initially, humanitarian asylum was also part of the first Refugee Act from 1990 but it was later removed from the law by the 1993 amendment.

distinct in the sense that it is always presented as exceptional and tied to particular circumstances of a particular person. By granting it the government does not risk making any statement about recognising the wrongness of the political situation in the country of origin. Although it provides asylum seekers with the same legal status as asylum based on persecution, it does not constitute a precedent which could be used to substantiate other cases. Humanitarian asylum has been especially popular in cases involving gendered forms of persecution. The lawyer from the UNHCR office in the Czech Republic recounted how it was applied in cases of Afghan women fleeing Taliban oppression or women from a variety of countries fleeing domestic violence:

In these cases, the Ministry of Interior usually grants asylum on humanitarian grounds and I think it is a kind of a trend. In order to avoid some precedents or perhaps more complicated justifications, they take the path of least resistance and grant humanitarian asylum. [...] While the refugee status based on the Geneva Convention is, let's say, reflecting an objective state, humanitarian asylum is entirely dependent on the consideration of the Ministry of Interior. [...] Usually, it is also emphasised that the applicant has some serious psychological or other health problems which need to be proved by a medical report, so they are trying to individualise it a lot in order to avoid any kind of a precedent. [UNHCR representative, January 2007]

Thus gender-based persecution or other forms of oppression are effectively depoliticised and individualised. By not being recognised as structural violence they cannot serve as a point of reference for future cases.

Moreover, it is important to note that the existence of a “humanitarian route” is an important factor in instilling particular identities of “impaired refugees” on the one hand and “empowering capable advocates” on the other (Pupavac, 2008, p. 285). I have observed that knowing about the possibility of gaining humanitarian asylum, some asylum seekers actively engaged in demonstrating their or their family

member's bad physical or mental health. It compelled some people to think of themselves as potentially ill and lead them to believe that if nothing else works, the medical profession can help them to solve their problems (Harrell-Bond, 1999, p. 152). Yet again, the idea that asylum is something to be earned rather than being granted based on a just determination procedure is strengthened among asylum seekers. Success in gaining humanitarian asylum often depends on the degree of social mobilisation around each particular case. For example, it can depend on whether an asylum seeker is assisted by an NGO advocate who can creatively interpret the range of possible grounds for humanitarian asylum. A social worker from NGO "D" explained to me how she secured humanitarian asylum for a family with a father who was suffering from a terminal disease. After his asylum application was rejected by DAMP the NGO advocate tried hard to find a doctor willing to certify that the man suffered from an incurable illness and that his life would be significantly shortened if he was to be returned to his home country. The NGO worker described how difficult it proved to find such a doctor and acknowledged that without her efforts and determination which eventually convinced one doctor to write the report, the man and his family would not have been granted humanitarian asylum. Despite the set of unwritten rules about who can possibly be granted humanitarian asylum that is shared by NGO workers and to some extent also by asylum seekers, the final decision always depends on the good will of the Ministry of Interior, which preserves its arbitrary character.

Besides requiring particular performances of neediness by asylum seekers, the arbitrariness of humanitarian asylum also gives an opportunity to DAMP officials to define themselves as humanitarians through these exercises of sovereign power. The

DAMP official described the institution of humanitarian asylum as an expression of humanitarian feelings among DAMP adjudicators:

It is very important not to lose the ability to differentiate that person [economic migrant] from genuine refugees. This is the key to the whole process. I hope we are successful in that because I know that these people [DAMP adjudicators] have a great sense of humanity, it is still there. You can see this from the numbers of humanitarian asylums we grant. [Head of the DAMP section responsible for the asylum procedure, April 2006]

She then continued to identify the particularities of asylum decision-making and explained why being an adjudicator is a type of employment one can do longer than any other “normal job”:

It always brings some new aspects. Sometimes you encounter a case which is really worthy special consideration and then you have the feeling that you could really help these people, that they really needed it and did not come only because of economic motivations. Then it is really worth it. [Head of the DAMP section responsible for the asylum procedure, April 2006]

Thus, the satisfaction as well as the self-definition of a DAMP official as having a great sense of humanity stems from their power to occasionally step out of the predefined framework defining persecution based on the Geneva Convention and express their good will through humanitarian asylum.

Adding “Sex” as a Sign of Progressivity

The 2006 amendment of the Asylum Act (No. 165/2006) represented a significant shift in the definition of “a refugee” in the Czech asylum legislation. To my great surprise, the category of “sex” was added as a sixth ground for a well-founded fear of

persecution.¹⁰⁷ Thus, the Czech Republic became one of the few countries that expanded the 1951 Geneva Convention definition of a refugee in its national legislation. My surprise stemmed from the fact that this change was not preceded by any local or national campaign promoting attention to gender-related forms of persecution and asking for such a change. In my interviews with both state and NGO representatives, the topic of gendered forms of persecution rarely ever emerged if not elicited by my question.¹⁰⁸ Gender grounds for persecution were predominantly associated with instances of African women fleeing female genital mutilation and these, as I was told, were extremely rare cases in the Czech Republic. Compared to countries like the United Kingdom, Canada, United States or the Netherlands a wide range of grassroots activities by NGOs and academics preceded consideration of gender as an important source of persecution¹⁰⁹ there were only a few similar activities in the Czech Republic.¹¹⁰

After further investigation, I found out that this legislative change was a result of the intervention of a UNHCR representative in Prague who managed to push it through in negotiations with the legislative department of DAMP. The representative

¹⁰⁷ I inquired why it was “sex” rather than “gender” which is the term commonly used in relation to the persecution of refugees and in recommendations to the determination process. I was told that there was no real debate about this matter and that “gender” was not used simply because it is a foreign word which does not have a widely known equivalent in the Czech language and therefore is unsuitable for the text of the law.

¹⁰⁸ In particular among DAMP officials, knowledge and interest in gender-related persecution was limited despite the fact that the UNHCR has provided them with a set of recommendations and guidelines about how to incorporate a gender perspective into the refugee determination process.

¹⁰⁹ For example, these campaigns were carried out by the Refugee Women’s Legal Group and Women’s Resource Project at Asylum Aid in the UK, the Center for Gender & Refugee Studies in the U.S. or Canadian Council for Refugees in Canada. At the EU level, European Women’s Lobby launched the European Campaign on Women Asylum Seekers in 2000 to promote the recognition of gender-based persecution as a legitimate cause for the granting of asylum to women in all of the EU Member States.

¹¹⁰ For example, UNHCR together with an NGO Society of Citizens Assisting Migrants published a manual for assessing cases of gender-based persecution in the refugee status determination process which was distributed to DAMP and judges (Pořízek & Skalková, 2005).

convinced DAMP that it is worth following the Council Directive's 2004/83/EC¹¹¹ recommendation to consider gender-related persecution as the basis for asylum even though it was not an obligatory one. DAMP decided not to incorporate gender into the definition of persecution as the UNHCR suggested but included "sex" as a sixth basis for a well-founded fear of persecution. A UNHCR public relations representative commented on this move as follows:

This is my personal opinion and not a stance of our office: I think that it was probably due to some of the "more enlightened" DAMP officials who, for example, took part in some training. They often travel to these trainings abroad and I think it does affect them. They are exposed to wider debates that go far beyond what is being discussed here at their Department. So I guess my colleague succeeded in convincing them because it resonated in someone's head, sort of: why not? It is a relatively harmless change, there won't be many cases like that anyway and at the same time, we will join those countries that already incorporated these progressive changes. [UNHCR representative, December 2006]

As the above quote indicates, this progressive change might not have been made out of a concern to better account for the complexities of persecution and to acknowledge its gendered nature, as was the case in other more activist-driven contexts. It suggests that it was more a result of "Eu-nisation" (Lavenex, 2002, p. 702) of Czech state officials and their self-presentation as progressive policymakers. Indeed, in an interview a few months later, a DAMP official referred to this change as proof of the positive influence of the EU harmonisation process in asylum legislation for refugees' rights in the Czech Republic. The difference between the two drives for legislative change lies in the fact that the later motivation is more likely to leave the status quo unchanged because there is no one to consistently demand its implementation in the determination practice.

¹¹¹ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

How has the change affected the refugee determination process? Six months after the amendment took effect DAMP adjudicators interviewed in residential camps concluded that as a matter of fact, it did not influence their work. There was no special training provided to them to show how it should be incorporated into their asylum decisions. Rather than seeing it as a possibility to widen the range of asylum relevant reasons, they argued that the category of “sex” can encompass those cases which would otherwise fall under the category of an affiliation to a social group without actually changing the range of asylum relevant reasons.

The lack of serious concern for the gender dimension of the refugee determination process among interviewers and adjudicators was made clear by their attitude to asylum seekers’ right to be interviewed by a person of the same gender. Although asylum seekers have a formal right to demand this, none of the adjudicators could actually recall a case when this right would be exercised by anybody. On the other hand, the majority of my refugee interlocutors did not know about the existence of such a right. If they knew it, they said they would probably not make use of it anyway as they did not want to bring themselves to the attention of adjudicators as someone who demands special treatment. DAMP officials did not inform them in advance and it was only in cases when the experience of rape was explicitly mentioned that some male adjudicators would make use of this option. A DAMP adjudicator explained the practice in the following way:

If a female applicant confides to us that she was raped and if our personnel capacities allow for it, then we will transfer her to our female colleague.
[DAMP adjudicator, residential camp, 2007]

Echoing the observations made by Spijkerboer (2000) referred to in Chapter 1, gender is seen as being limited to women’s issues and even then only to cases of

extreme sexual violence. For example, the idea that in some cases men might also prefer to speak to the person of the same gender was not acknowledged at all. I was told by an NGO “A” worker that some men (Chechens in particular) had difficulties speaking about painful experiences of torture and denigrating treatment in front of female interviewers or interpreters. Seeing it as a reinforcement of their sense of weakness and humiliation, they would generally not include these experiences in their asylum story, thus diminishing the chance to be recognised as a refugee.

I am always very angry when I get to know that these questions are posed by a woman to a man in asylum interviews. In some cultures it is simply not possible for a man to speak about how he was tortured in front of a woman; to acknowledge that he barely survived and to describe things which hurt and that he himself has not dealt with properly yet. For some, showing their weakness is very difficult, even in front of other men but still, if it is between men it can be possible. [NGO “A”, August, 2007]

The lack of access to a formal right to be interviewed by a person of the same gender demonstrates that the recent “progressive change” in the Czech asylum legislation has been made in an environment that lacks gender sensitivity at the level of basic practice of the refugee determination process. Thus rather than being used to improve the refugee determination procedure, it seems that adding “sex” to the Asylum Act was aimed more at constructing DAMP as a progressive policymaking field. By accepting the suggestion of the UNHCR, DAMP can demonstrate that it is up-to-date with recent trends in international debates on asylum. On the other hand, this change does not put any pressure on actually amending DAMP’s practice of determination; it has been imposed from above unaccompanied by raising awareness among the practitioners themselves. Thus, by incorporating the gender discourse into the Asylum Act, the DAMP improved its image as a progressive policymaker in an area which is gaining some significance in international arenas while virtually not

changing the practice of refugee determination. Moreover, it pre-emptively equipped itself against critique that its legislative changes are predominantly towards more repression and restriction of refugees' rights.

Conclusions

The process of constructing “a refugee” as an object throughout the refugee status determination process has been characterised as driven by ethnocentric assumptions and operating through means of simplification and arbitrariness. Rather than simply being subjected to an objective fact-finding exercise probing their grounds for claiming asylum, asylum seekers are most likely to succeed if they are able to navigate and understand the expectations of the adjudicators and perform as “genuine refugees” in a given socio-cultural context. In other words, they succeed if they assimilate to the refugee label. Although their future depends on being able to taking up these active roles, asylum seekers seem to have less opportunities to shape the wider understanding of who is “a refugee”.

The analysis presented here focused on less explored aspects of the determination process. Concurring with the argument of Hardy (2003), I have shown that even in the context of the highly centralised Czech refugee system, a number of different institutional and informal players influence the determination process and the state operates as differentiated actor. However, contrary to Hardy's observations, this situation does not seem to create more opportunities for asylum seekers to influence it. It is, among other things, because the structures of the refugee system provide them with very little reliable knowledge about the workings of the asylum procedure.

In particular, there is little support from NGOs in the early stages of the asylum procedure; a situation which is tacitly supported by DAMP.

Comparison between DAMP's constructions of Chechens and Belarusians as potential refugees and members of society showed that nationality and ethno-cultural background play important roles in the determination process. I have also suggested that the practice of privileging refugees from certain political regimes influences the decision-making. Altogether, the impact of these characteristics can be viewed in light of "moral evaluation of difference" (Fassin, 2005) that underpins the refugee status determination process although it is rarely being acknowledged. It produces the strategically selective context for asylum seekers' actions.

Granting asylum is intertwined with the construction of DAMP's institutional identities. This has been documented on the example of discourses surrounding granting humanitarian asylum and adding "sex" as the sixth basis for persecution in the Asylum Act. Moreover, both of these examples indicate how the concept of gender becomes depoliticised and emptied in the practice of asylum policy. In the former case gender-based persecution has been turned into a unique humanitarian issue having no history and constituting no precedent. In the latter, it has been used as a demonstration of progressive policymaking (prompted but not imposed by the EU) with little tangible effects. In other words, I have argued that the refugee status determination process can be better understood when recognising the role of institutions not only as decision-makers but also as actors consciously nurturing positive institutional identities.

Chapter 6: The Role of the Camp in Refugee Reception and Settlement

Introduction

The previous two chapters examined the construction of “a refugee” as a concept evolving in asylum legislation and policies and as an object of the refugee status determination process. Here, I move towards a more micro-level analysis of material and social embedding of the refugee label as observed in Czech refugee camps.

The camps are materialisations of two concerns: 1) to control and manage the presence of asylum seekers throughout the asylum procedure (including facilitation of their deportation) and 2) to concentrate and more effectively serve asylum seekers who are considered to be in need of assistance. Increasingly, confinement in camps has also been used as a disincentive or a deterrent to potential asylum applicants. In Europe, camps take a wide range of forms: confining foreigners not yet allowed to enter the countries’ territory in order to apply for asylum; serving as reception zones of medical and security screening and identification; providing collective housing for asylum seekers who wait for the result of their asylum claim; or detaining rejected applicants prior to deportation. It is important to acknowledge, that although the experience of being an asylum seeker is closely tied to some form of spatial exclusion and confinement, camps’ impact on the scope of freedom of movement can

differ significantly depending on the destination country and the stage of the asylum procedure.¹¹²

I conceptualise refugee camps at two levels: First, as expressions of the institutional culture of the refugee system and materialisation of broader strategies of asylum migration management enacted by the state. Camps constitute institutional arenas where governmental and nongovernmental actors pursue their interests and forge relations of cooperation and conflict. Second, I see camps as dense social and material spaces. They are characterised by some level of spatial boundedness and restrictions on both outward and inward movement of people, objects and information. There is high socio-cultural diversity, social control operating at various levels of interaction and a general lack of community relations among people. Accounting for these conditions and the dynamics of social relations they generate helps us understand how refugee identities and practices are being (re)produced in the camps. It is here that asylum seekers learn what Czech asylum means *in practice*. Simultaneously, interpretations of asylum seekers' actions by the institutions of the refugee system shape the institutional working knowledge of who are refugees and how they should be governed and assisted. This chapter aims to unpack some of the less obvious implications of the camp for the institutional actors of the refugee system, the lives of asylum seekers and the refugee system more generally. Moreover, asylum seekers' stay in the camps represents an important lesson not only

¹¹² For example, reception camps with quarantine regimes which do not let asylum seekers move freely around in the early stage of the asylum procedure can be found in the Czech Republic, Austria and Slovakia. Residential camps, where people can be transferred afterwards and which restrict asylum seekers' freedom of movement in more subtle ways are used in Germany, Poland, Slovakia and Hungary and the Czech Republic (Pro Asyl e.V., 2005). On the other hand, in France, life in the so called "waiting centres" is a matter of privilege since their capacities do not match the actual numbers of asylum seekers in the country (Kobelinsky, 2007).

about the workings of the refugee reception but also about the structures, institutions and norms of the host society more generally.

The analysis addresses two main questions: What are the agendas pursued by the state and nongovernmental actors in the camps, how do they interact with each other and what implications do they have for the role of the refugee camps as policy instruments in refugee reception? What kinds of social spaces are produced in the camps and how they impact on the formation of asylum seekers' identities and strategies? In the first part of the chapter, I situate the institution of a refugee camp in the Czech refugee system by outlining how it evolved in asylum policymaking from 1990 until 2007 and what are the agendas of the institutional actors operating in the camps. In the second part, I describe the social fabric of the camp and examine its function in socialising asylum seekers into the norms and values of the refugee system and the society more broadly. I conclude with a discussion of gendered implications of life in the camps.

The Uses of the Camp in the Czech Refugee System

The analysis focuses on two forms of the camp designed for asylum seekers in the Czech Republic: 1) the reception camp where medical and security screening takes place, asylum applications are formally launched and the first interview starts off the asylum procedure; and 2) the residential camp where asylum seekers wait for the result of their application. Thus, I will discuss the institutions designed to accommodate asylum seekers only while excluding more closed places such as detentions, where some asylum seekers reside together with rejected applicants, illegalised persons and other groups of foreigners, and also more open spaces of the

so called integration centres where recognised refugees can reside for a limited time before they are allocated or find their own private accommodation. The stay in these two types of camps can evolve into any one of the following outcomes: 1) they will be granted asylum or subsidiary protection (in the minority of cases); 2) they will be rejected as refugees but will later legalise their status in the country in another way (for example by applying for permanent residence or by marrying a Czech citizen); 3) they will return back to their country of origin (prior or after the termination of their asylum case); 4) they will travel to another country (prior or after the termination of their asylum case) or 5) they will remain in the country as illegalised persons.

The camps are run by RFA under the Ministry of Interior and are financed mostly from the state budget. At the time when this research was conducted, the number of camps was reduced in reaction to the falling number of asylum seekers. While at the beginning of 2006 there were two reception and nine residential camps, in late 2007, the number of residential camps went down to four.¹¹³ In 2007, RFA employed 405 people and its expenditures were approximately 14.6 million EUR (RFA, 2008). In the same year, 1,900 asylum seekers entered reception camps.¹¹⁴

While every asylum seeker must go through the reception process, the stay in the residential camps can be avoided if one has other means of securing accommodation and if the address of private accommodation is approved by the Ministry. However, the aspect of choice is illusory because, given the level of rights asylum-seekers have

¹¹³ The numbers of reception camps remained the same.

¹¹⁴ RFA is also responsible for running detention camps and integration centres that house recognised refugees. In 2007, 598 people were placed in detentions and 62 new recognised refugees were accommodated in five integration centres that housed altogether 156 people at the end of the year (RFA, 2008).

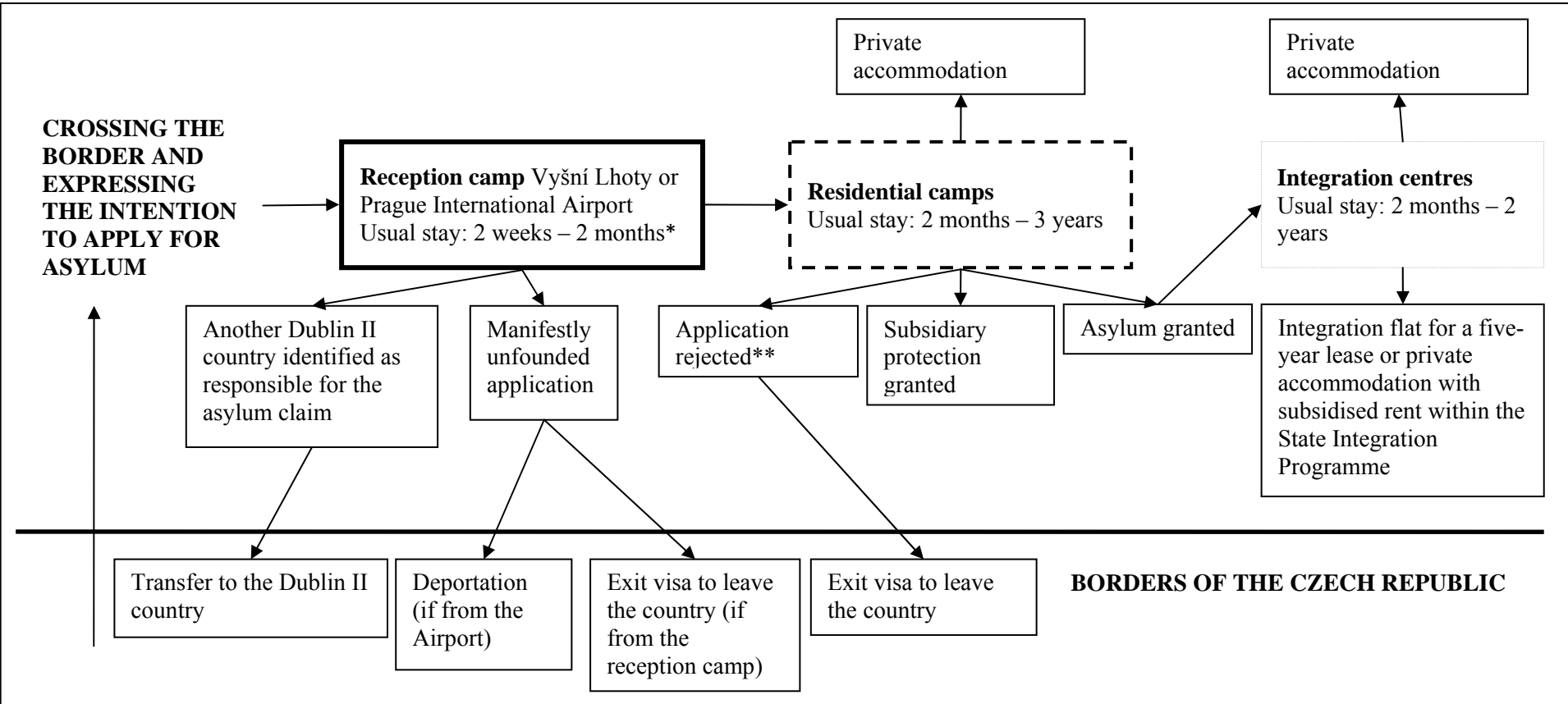
in the country – not being allowed to work legally for a period of at least one year – the option of independent living outside the camp is certainly not available to everybody. Asylum seekers who reside in private accommodation have to meet the costs of accommodation and food from their own resources. State support at the level of subsistence is available only for three months and is not granted to all. As demonstrated in Chapter 4, linking benefits to accommodation in camps can be part of a control mechanism over asylum seekers (see also Pro Asyl e.V., 2005). The stay in camps can be prolonged up to a number of years. Figure 8 provides an outline of the structure of refugee reception as seen through the infrastructure of camps.¹¹⁵

What is the proportion of asylum seekers who actually live in camps as opposed to those who live outside? The answer is hard to pin down based on the official statistics. Available “snapshot data” about the place of residence of asylum seekers in 2004, 2005 and 2007 indicate that the majority of applicants were registered as living in residential camps (59, 63 and 65 percent in respective years), while the proportion of asylum seekers living in private accommodation ranged from 32 percent in 2004 to 19 percent in 2007 (DAMP, 2005a, 2006a, 2007a). However, it has to be taken into account that those who are registered as living in residential camps can still leave the camp for a number of days and as a matter of fact, they can spend most of their time outside. Between 2002 and 2006 an average of 58 percent of asylum seekers made use of the possibility to leave the camp (DAMP, 2003b, 2004b, 2005c, 2006d, 2007c). To complicate the picture a bit more, some leave to private accommodation, come back to the camp and then leave again; their movements are

¹¹⁵ The figure captures the situation at the time of this research. The usual time of stay is based on my informants’ experiences and RFA and NGO workers’ accounts.

impossible to trace from the official statistics. My own observations in the residential camps where I carried out fieldwork indicate that around one third of all asylum seekers are present in the camps on a long-term, continuous basis. Most of them do not have enough resources and social networks in the country which they could use while living outside the camp.

Figure 8 Asylum Procedure through the Structure of Refugee Camps, 2005-2007



* The thickness of lines around the three kinds of camps indicates the level of freedom of movement of inhabitants and the level of control by the RFA staff.

The Evolution of the Camp: From Initial Confinement to More Confinement

The evolution of the camp's role in the Czech refugee system can be most briefly described by the following four stages: 1) initial confinement of asylum seekers that nevertheless allowed for exceptional stays outside the camp (1990 – 1999); 2) a brief period of greater freedom of movement when asylum seekers living outside the camps could make use of continuous state financial support (2000 – 2001); 3) strengthened control over asylum seekers by linking benefits to accommodation in the camps (2002 – 2007); 4) confining people for extended periods of time in reception camps in order to prevent them from transgressions they have not yet made (2007 – ongoing).

As the Czech asylum legislation has been harmonised with EU measures, some positive changes have taken place alongside this development. In 2002, the RFA started implementing a Strategy of Internal Security which reflected various forms of violence engendered by the environment of the camps. Some practical steps have been taken to make camps safer places for groups that were identified as vulnerable: unaccompanied minors, unaccompanied women and women with children, seniors and people with physical, mental or social disabilities (Dohnalová, 2002). These groups are now spatially separated, especially from single men who have always dominated the population of asylum seekers and have usually been the main perpetrators of violence against other camp inhabitants. In this way, the Czech system has in a way surpassed the Reception Conditions Directive¹¹⁶, which had to be implemented by the EU Member States by February 2005 and encouraged special

¹¹⁶ Council Directive 2003/9/EC of 27 January 2003

treatment of vulnerable persons. Moreover, material conditions in camps have also improved: the system of the canteen board was gradually substituted with smaller kitchens allowing for asylum seekers' independent cooking and the scope of facilities for sport, art and crafts has widened. The financial support from the ERF has enabled some of these positive changes.

On the other hand, the integration of the Czech Republic into the EU engendered a number of more restrictive tendencies in the system, clearly observable in the camps. For example, it widened possibilities for asylum seekers' confinement in reception camps. Since May 2004, people who are identified as so called "Dublin cases" can be detained in reception camps for periods longer than one month while they are waiting to be transported to another Member State which has been found responsible for dealing with their asylum claim.¹¹⁷ To prevent escapes, "Dubliners" are not told that their asylum claim will not be considered in the Czech Republic but elsewhere. Once an agreement with another Member State is established, the person is woken up early in the morning and quickly transported from the camp. NGO lawyers can witness these early morning dramas and can launch an appeal against the decision for the asylum seeker. This, however, does not suspend the process and the person is taken away anyway.

Thus, various manifestations of Czech Republic's integration into CEAS, which can be seen in the camps, point to its ambivalence. While supporting better material and security standards during reception, it has allowed for more confinement and control over asylum seekers' movements. As I have already pointed out, the Dublin

¹¹⁷ For the sake of Dublin transfers, asylum seekers are considered as an adult from the age of 16. The numbers of people removed (mostly to Poland and Slovakia) were: 200 in 2004, 354 in 2005 and 146 in 2006 (DAMP, 2005c, 2006d, 2007c).

Regulation is being enforced despite the fact that the treatment of asylum seekers in the EU continues to show great disparities in a range of areas such as recognition rates, access to legal advice, use of detention or treatment of survivors of torture (ECRE, 2007c).

But let's go back to the period when the Czech refugee reception system was emerging in 1990. The rationale behind the establishment of the first refugee camps back then was that "each new refugee should go through a thorough medical screening" (Czechoslovak Federal Assembly, 1990). As opposed to other groups of foreigners who did not have to undergo such screenings, refugees were seen as potential carriers of dangerous diseases. This was also when a system of collective canteens was established to serve food to refugees three times a day. Although it might have seemed the most efficient and orderly way to take care of refugees' basic needs at the beginning, it soon caused a number of serious problems; most importantly, people found it degrading to be fed food they were not used to at a prescribed time. The system of the canteen board engendered a number of protests among asylum seekers as well as frustration on the part of RFA employees. For example, a report about conflict situations in camps between 1991 and 2004 published by the RFA indicated that cooks were among the groups most commonly verbally attacked by asylum seekers (RFA, 2005, p. 81). However, it was only in 2007, that the RFA agreed to abolish collective board for refugees in most of the

camps¹¹⁸ (excluding the reception camps) and to enable asylum seekers to prepare their own food.

According to the first Refugee Act from 1990, refugee claimants, as they were called back then, were supposed to remain in these camps until their status was determined. However, it was possible to leave the camp if approved by the head of each particular camp. Nonetheless, all financial and in kind support was dependent on their stay in the camp. After the new Asylum Act came into force in 2000, asylum seekers were allowed not only to leave the camp straight after the mandatory stay in the reception camp, but also to apply for financial support at the level of subsistence. While this change was approved by many NGO advocates, numerous problems were soon reported with regard to the administration of the financial support; it either came late or asylum seekers did not get full payments (Government Council for Human Rights, 2002, p. 51). Therefore, although the principle of linking benefits to accommodation in camps was formally dismantled in this period, in practice problems and insecurities about when and whether the money would arrive still acted as a discouragement to leave the camp for some asylum seekers.

As discussed in Chapter 4, in 2001 the number of asylum seekers increased dramatically in reaction to the worsening conditions of labour migrants due to restrictive changes in the Alien Act. In reaction to this increase, the first amendment of the Asylum Act followed in 2002. Its aim was to make the asylum procedure less attractive. For example, financial support for those living in private accommodation

¹¹⁸ In some camps, the system of independent cooking operated prior to 2007 and was reserved for those with special dietary requirements confirmed by a medical report. As I learned from my informants, the possibility to receive money instead of three meals a day was also allocated as a favour to selected groups of refugees who were seen as more deserving and behaved well. Thus it was applied as a mechanism of control.

was limited to three months only.¹¹⁹ This acted as an effective discouragement to leave the camp, but it especially hit families with children and not so much the major group of single asylum seekers who planned to sustain themselves during the asylum procedure anyway. The insecurities experienced by families are illustrated by this refugee woman who, now a recognised refugee retrospectively reflected on why she did not make use of the possibility to live outside the camp:

Of course I would not stay there a day longer if only I knew that I'll have some money to live on for more than three months. I knew it would be tough to live outside, but at least we would have learnt to be more independent, to get by without someone else's help. But I was not sure if they would take us back after these three months if we could not earn money to survive. I was even more worried that after such an experience, the life in the camp would be even less bearable, if we experienced what it is like to live on our own, among normal people. When you have three kids, it is hard to take these risks. [Integration centre, August, 2005]

The logic of the new arrangement was hard to comprehend both for asylum seekers, NGO workers and for some RFA and DAMP workers too: on the one hand, asylum seekers cannot legally work for a period of one year from the time they apply for asylum; on the other hand, the support they get if living outside the camp is only for three months. What about the remaining nine months? When the person above refers to earning money to survive she obviously speaks about illicit employment. It is part of the general knowledge of all institutions connected to the refugee system that unless asylum seekers have other sources of income, there is no way to live outside the camp but to work in the irregular labour market (Government Council for Human Rights, 2005, p. 69). Moreover, since 2002, asylum seekers leaving the camp for private accommodation also had to present the Alien Police with official proof that

¹¹⁹ See paragraph 43, article 2 of the Asylum Act 1999/325 Coll., 2002.

the owner of the property where they wish to live agrees with their accommodation.¹²⁰

The last major change came with the 2007 amendment of the Asylum Act. It significantly widened ways of locking refugees in and also limiting their communication with the outside world. Despite united opposition from the NGOs, the local UNHCR representatives and some politicians, the amendment was approved with only minor concessions to its opponents. It allows the Ministry to confine certain groups of asylum seekers in the reception camp for up to 120 days without a possibility to leave. This change is substantial compared to what was usually a two weeks to one month stay. According to the new law such a lengthy confinement is justifiable in cases when:

- a) the identity of applicant was not reliably established,
- b) the applicant proves his or her identity with forged or altered identification documents or
- c) it is well-founded to assume that the applicant can represent a danger to the security of the state.¹²¹

Only “vulnerable groups”¹²² are excluded from this treatment and should not be kept in the reception camps for such an extended period of time. The quoted reasons for asylum seekers’ confinement are both very vague and malleable and represent a rather symptomatic feature of people who are seeking asylum in today’s Europe, which has become almost impossible to access without using illicit means of entry (ECRE, 2007a). Thus, there is a danger that large groups of asylum seekers will be

¹²⁰ See paragraph 77, article 2 of the Asylum Act 1999/325 Coll., 2002.

¹²¹ See paragraph 46a, article 1 of the Asylum Act 1999/325, 2007.

¹²² Applicants who are unaccompanied minors, parents or families with underage or disabled adult children, persons with severe disability, pregnant women or persons who were tortured, raped or underwent other serious forms of psychological, physical or sexual violence (Paragraph 46a, article 1 of the Asylum Act 1999/325, 2007).

kept in isolated detention-like conditions with limited access to information and legal assistance.

Among other changes to the asylum law, the power of the Ministry over asylum seekers in camps has been significantly increased. The officials can now take away what are called “communication devices”,¹²³ which in practical terms means mobile phones that are nowadays owned by the majority of asylum seekers and are essential devices on their refugee journey. As in the early 1990s when asylum seekers started coming to the Czech Republic, in the late 2000s they will again have to queue in front of the few telephone booths located in the camp. This change was justified by an experience in August 2006 when a group of about fifty asylum seekers from Egypt escaped from the reception camp and at the same time a smaller group also escaped by force from detention located in another part of the country. The Ministry repeatedly argued that asylum seekers must have coordinated their actions by mobile phones and that the escape appeared like an organised action. Apparently, both groups later crossed the border and continued to Western Europe (Parliament of the Czech Republic, 2007). This event was reported by the media and resulted in the Ministry’s embarrassment for not being able to control “its refugees”; local inhabitants living around the reception camp were given space to express their worries about the porosity of the camp in the vicinity of their houses (e.g. Čánová & Svatoš, 2006). The response was a clear example of a pre-emptive measure: based on a single incident of one particular group, the Ministry changed the law that will apply to everybody. A number of NGO advocates warned that these changes are likely to

¹²³ See paragraph 45, article 1 of the Asylum Act 1999/325, 2007.

push asylum seekers into illegality in fear that applying for asylum will lead to their confinement in camps and isolation from the outside world (Větrovský, 2007, p. 9).

Depoliticisation of the Camp: Institutional Actors' Differing Agendas and Convergent Outcomes

The Ministry of Interior establishes and runs the refugee camps through its institutional bodies of DAMP and RFA. DAMP's main role is to create the policy framework, decide about asylum claims and allocate financial sources to be spent on the reception and determination process. Recently, the redistribution of the ERF in the Czech Republic has also come under its responsibility. Reception and residential camps are DAMP's base for carrying out interviews and writing up asylum decisions. RFA is responsible for providing various services in all three categories of the camps: from everyday matters of accommodation and distribution of financial support to social work and occasional psychological counselling. The two organizations hold different views of people falling within their responsibilities. RFA sees itself, and has been perceived by DAMP, more as a "caring institution" where asylum seekers and refugees are supposed to be provided with a multitude of services as complex human beings. DAMP perceives asylum seekers more as anonymous "cases" to be sorted out.

Although RFA's position is that of a budgetary organization of the Ministry of Interior (thus formally accountable only to its Deputy Minister), in many respects, it acts as a subordinate of DAMP. As explained to me by one of the DAMP officials in the reception camp:

We have the following division of labour here: the Alien Police is a repressive force, RFA is a service organization and DAMP governs it all, it deals with the substance of the whole procedure. That is why what *we* need and want is the most important of all and RFA must assist us in running the procedure as fast as we can. [DAMP adjudicator, reception camp, August 2006]

However, such a division of labour is not always appreciated by the RFA staff. They present themselves as "humanisers" of the asylum procedure who treat asylum seekers as "clients" of their services rather than "cases". That is how the RFA official commented on his experiences of cooperation with DAMP:

What annoys me is their bureaucratic attitude to clients. They think they are the bosses here. It often happens that they send clients to us with issues that actually lie in *their* sphere of competence; they simply don't want to deal with them. [RFA official, reception camp, August 2006]

Notwithstanding their different approaches to asylum seekers my analysis reveals that both institutions have a similar interest in keeping the camps reasonably full. That is despite the fact that it is more expensive and institutionally demanding than facilitating the move of asylum seekers into private accommodation (e.g. Government Council for Human Rights, 2005, p. 69; Rozumek, 2007b). Moreover, as has been demonstrated in the literature, the life in the camp has a number of negative implications including social exclusion and stigmatisation, heightened dependency and powerlessness that later pose a problem when refugees are expected to integrate into host societies (e.g. Ghorashi, 2005).

For DAMP the advantage of refugee camps lies in easier accessibility to asylum seekers and control over their sojourn in the country. Asylum seekers can be better monitored when concentrated in the camps. Their “security assessment” is carried out with an assistance of the SIS. The intelligence agency recruits informants among asylum seekers. Not surprisingly, it was SIS’s suggestion to widen the scope of asylum seekers’ confinement in reception camps in the 2007 amendment (Větrovský, 2007, p. 6). The camps also facilitate DAMP’s control over resources and consequently over other institutional actors. I have already mentioned that DAMP has become the main re-distributor of ERF and has been using this leverage to gain more control over the work of RFA as well as NGOs by selectively allocating funding to support pre-approved activities. For example, RFA has been the main recipient of ERF over the past three years and the money was invested mostly in improving material conditions in the camps and widening the scope of the so called “leisure-time activities” available to asylum seekers in the reception and residential camps. Some NGOs, on the other hand, had to reduce their advocacy activities in the camps due to the lack of funding from the Ministry.

RFA’s interests in the camps are also complex. Their work illustrates the argument that in today’s Europe asylum seekers are constituted simultaneously as objects of repression, control, compassion and assistance (Fassin, 2005). A long-term director of RFA, who was dismissed by the Ministry in 2006, explained the framework of RFA’s work as follows:

The conditions in the asylum facilities should be set in a way to protect human dignity. Most importantly to make refugees’ return to their country of origin easier, if possible. Also they shouldn’t prevent their integration [into the Czech society]. [Director of RFA, Prague, August 2005]

Her account is contradictory but telling. On the one hand, she argues that human dignity needs to be preserved while on the other hand, refugees should not feel too much at home in refugee camps so that they can easily be returned back home when the time comes.¹²⁴ The question posed by many of her critiques is whether it is compatible with human dignity to live in a state of limbo often for a number of years, always insecure about when it will be necessary to move on (e.g. Hradečná et al., 2008). The director emphasizes that the time spent in the camps should not prevent refugees' later integration into Czech society. This can indeed be difficult after their previous life in the social and spatial isolation of the camps. Yet again, we see unrealistic expectations about refugees assuming that it is possible to start successfully building a new home the day after asylum is granted (but not before). The impracticability of successfully fulfilling these aims is symptomatic of the "mission impossible" of the humanitarian project of the refugee camp.

As the RFA has become more professionalised over the years, there have been some improvements to life in the camps. Apart from increased attention paid to selected groups such as unaccompanied minors, women with children or the elderly, a large proportion of the money from the ERF allocated to RFA went to the improvement of the infrastructure of facilities for "leisure-time activities". These include various arts and crafts workshops, sports facilities, children's centres, internet access or occasional trips outside the camps. I use the expression "leisure-time activities", which is a literal translation from the Czech term *volnočasové aktivity*, in inverted commas because it is misplaced to think that asylum seekers' time spent in refugee

¹²⁴ The director also repeated the thesis that the camps should in no way simulate home for refugees in the media a couple of times (e.g. Dohnalová, 2005, p. 5).

camps is leisure time. The people are waiting for a decision that is crucial for their future life but over which they have little control. The time they spend waiting is perceived more as an obstacle to starting a new life rather than something to be meaningfully filled by recreational activities.¹²⁵

It seems from the structure of DAMP's allocation of funding that filling refugees' time is the most important part of the reception process that needs support from the EU, while other essential aspects of the reception process such as legal and psychological counselling are being neglected. For example, according to the final report about the distribution of the ERF in 2005, about one third of the actual payments went to projects organised by RFA that focused on "widening the scope of leisure-time activities for asylum seekers" (DAMP, 2006c). The other two thirds were shared by NGOs providing legal and social assistance or working with vulnerable groups of asylum seekers. In 2007, the proportion of finances supporting refugees' "leisure-time" rose to over 50 percent, while legal assistance was supported by 20 percent of the resources (DAMP, 2008a). Thus DAMP clearly signals that it is more important for asylum seekers to be occupied in a controlled and non-threatening way than to receive quality legal and psychological assistance.

This "leisure-time infrastructure" can certainly make the everyday life in the camp more bearable and is particularly beneficial for children. Some of my informants' children remembered camps fondly because they had their friends around, participated in trips and competitions organised for them. Also some adults spoke appreciatively about the recreational opportunities that helped them to relax and

¹²⁵ The idea of a "leisure-time" has more meaning with regard to children asylum seekers whose life is more structured due to compulsory school attendance.

temporarily push aside the troubling past and the uncertain future. However, it was clear from their comments that although it helped them “not to go crazy in the camp”, these activities did not have any real significance for their lives. Tollarová (2008) makes a similar conclusion:

Although they did not want to openly criticise the offered activities, the experience of imposed vacancy was a great strain for them. The activities might have brought some relief from monotonous boredom but were not at all what refugees would have liked to do. (p. 92)

A disproportionate focus on filling the asylum seekers’ waiting time with activities that have little impact on their actual situation is hardly innocent when going hand in hand with the neglect of other essential aspects of assistance. It certainly makes the camp and thus also the asylum procedure harder to critique by outsiders as well as insiders. Asylum seekers are regularly being reminded that all these services are provided to them above the standard of what is necessary and that it is all for free. Thus their gratefulness and deference are being sustained. By occupying camp inhabitants with arts and sports, RFA can neutralise their acts of resistance against the lengthy and opaque workings of the determination procedure or the treatment by RFA staff. Moreover, images of various recreational opportunities in the camps dominate RFA’s public relations materials (see Picture 2) and are being presented as advancement over other CEE countries at international conferences and meetings. Thus, it gives the Ministry an opportunity to demonstrate that asylum seekers are being treated well, as human beings with complex needs. This self-representation is also programmatically sustained in media representations of the refugee camps. A recent analysis of the local media (Křížková, 2007) in areas where camps are located showed that the dominant account of the camps is that of places where

asylum seekers paint, play theatre, listen to music, compete in sport tournaments or cook their national specialities. However, the readers could learn nothing about why and how asylum seekers' live in the camps (p. 11). Thus the issue of asylum seekers is being depoliticised and the positive image of RFA as a caring/controlling institution is supported.

Picture 2 Visual Representations of Refugee Camps Promoted by the Refugee Facilities Administration



Source: Adapted from (RFA, 2008)

Lastly, NGOs take part in shaping the conditions in the camps. During the 1990s, NGOs were receiving relatively stable funding from the UNHCR, who saw its role in the Czech Republic not in terms of providing direct assistance to refugees but in supporting local NGOs in delivering these services. However, the UNHCR has been withdrawing its support since the early 2000s and NGOs have been increasingly pushed to seek alternative sources of support. In conditions of financial insecurity, many have concluded contracts with RFA and DAMP for providing legal assistance and organising “leisure-time activities”. The promise of stable funding from the ERF compelled some of them to embrace the role of subcontractors providing selected services in the camps. Others, who have been more openly criticising DAMP’s and RFA’s work, had to struggle with decreased funding in the recent years and various limitations imposed on their activities in the camps. A lawyer from NGO “A” commented on the evolution of the refugee NGO advocacy towards greater reliance on the state:

Before, the funding was based on the money which was not tied to any particular projects so we could include a wider clientele based on their needs. Now, all the money is purpose-driven and the kinds of help you can provide are very clearly defined. At the same time, it is much more difficult to find money for working with asylum seekers.

...

DAMP lays down conditions under which they will give us the funding. Step by step, they are becoming very specific about what they want from us. If you don’t conform, you don’t get the money. [NGO “A”, January 2007]

The ERF represents a major source of support which, to NGOs’ discontent, is redistributed by DAMP, the body which is most often at odds with their activities. For example, NGOs regularly oppose amendments of the Asylum and Alien Acts proposed by DAMP and they are taking DAMP to court when acting on behalf of

individual asylum seekers. A widespread speculation is circulating, shared not only by NGOs but also by the UNHCR representatives, that the highly selective redistribution of the Fund is aimed at supporting only those organizations with a history of collaboration rather than opposition to DAMP. If NGOs are not granted the funding they need, their eligibility for the ERF makes it very difficult for them to get it from other resources; they are being routinely rejected alongside reference to the existence of the ERF [interview with the NGO “A” lawyer, January 2007].

Their ambivalent position in the power structures of the refugee system gets reflected in NGOs’ work and how it is perceived by refugees. As one asylum seeker commented after seven months of living in the camp:

How can we possibly trust them [NGOs] if they are paid by DAMP? Anyway, they are coming to the camp once a week and stay for about three hours. What do you think they can possibly do for 90 people who are living here? I’ll tell you: they do nothing. [Residential camp, March 2007]

While this account is also an expression of the man’s frustration with the asylum procedure and the refugee system in general, it clearly points to the limited role NGOs play in assisting asylum seekers while they are in the camps.¹²⁶ When asked about the inadequately short time for legal counselling spent in the camp, a representative from NGO “E” responded:

Yes, it is unfortunate, but we do not get paid for more hours. [NGO “E”, March 2007]

When coming to the camp once or twice a week, NGO lawyers quickly get occupied with writing appeals for rejected applicants. They do not have enough time and

¹²⁶ Apart from waiting for NGOs’ in the camp, asylum seekers have the right to visit their offices in cities and seek assistance there. However the work in the camp is important because it can make legal assistance available to people who would, for various reasons, not search for it outside.

energy to engage in general awareness-raising about the rights of asylum seekers and alternative solutions to their problems.

By becoming the key stakeholder in redistributing EU finances, DAMP is in a position (better than ever before) to control and, in fact, limit the work of NGOs. As NGO representatives themselves acknowledged, the lack of refugees' access to qualified legal and social assistance is a persisting problem of the Czech refugee system (Rozumek & Bajer, 2007). The fact that state institutions such as DAMP or RFA have an increasingly bigger say in how and to what extent this assistance will be carried out has been indirectly facilitated by the country's integration into the EU. By continuing to fund the more loyal NGOs, the state does not risk being accused of a lack of cooperation with the nongovernmental sector. NGOs' presence in the camps is promoted by RFA and DAMP as a sign of outside control and their general openness. While NGOs provide essential support to asylum seekers often isolated from reliable sources of information and unable to pay for commercial legal services, it should be stressed that they can also (if unwittingly) play a role as their "pacifiers". By accepting the role of subcontracted animators, NGOs have been diverting their energies away from more essential forms of assistance, i.e. helping asylum seekers to understand the system, know their rights and make informed decisions about their future steps. At a more general level, the emphasis on portraying asylum seekers as consumers of "leisure-time activities" organised for them by RFA and NGOs contributes to their construction as passive objects of care whose time needs to be organised and "animated" by others.

NGOs occasionally criticise the conditions in refugee camps (e.g. Roubalová et al., 2005). For example, in 2005, a few NGO representatives started a passionate debate

about missing electric sockets in asylum seekers' rooms in some of the residential camps. Asylum seekers living there could only use a few sockets accessible in the common space of the camp's corridors and kitchens and they could not watch television in their rooms or charge their mobile phones without worrying that someone might steal them. The removal was carried out by RFA and was interpreted as a direct attack on refugees' dignity by NGO advocates (e.g. Dorůžková, 2005; Greš, 2005). Their impassioned opposition and some media attention to the issue eventually compelled RFA to return the sockets back to refugees' rooms.

Despite these partial victories, NGOs rarely engage in questioning the very legitimacy of the camps and in debating possible alternatives to asylum seekers' encampment. They too might have an unacknowledged interest in the existence of the camps. Their work in camps is more visible and tangible for donors and can secure them regular income from the state and the EU. Besides, it is logistically easier and perhaps also more rewarding to organize programmes for asylum seekers when they are concentrated in one place, isolated from other opportunities and sometimes grateful for any interest or excitement coming from the outside. NGO workers reporting about their work in the media usually portray refugee camps as spaces where there is nothing to do, as epitomes of passivity, boredom and stagnation leading into refugee dependency and degradation. In contrast to this bleak image, they construct themselves and their projects in camps as bringing something meaningful to refugees' lives, something valuable (e.g. Ošmera, 2006; Roubalová et al., 2005). Thus, the camp acts as an easily definable "enemy" that adds to the rationale of NGO actions and existence.

Production of Refugee Identities and Practices in the Camp

The Social Fabric of the Camp

In a fictionalised account of his own experience in one of Czech refugee camps, Boroda (1999) sketches the following analysis of the social environment of the camp:

Here in the camp, all people's demerits appear more plain and vivid. Who liked to gossip turns into a zealous rumourmonger; who liked to drink becomes an alcoholic. Such cases are plentiful. Who used to be careful with money comes up as a hoarder. [...] I'd like to know why that happens and why here in particular? (p. 140)

And further on, he suggests some answers:

Is it because of exhausting idleness? Out of despair? Or because we have no clear prospects? I don't know ... Franc who ran away from here told us: in Germany, they keep refugees in a camp only for one month, in quarantine. Then they move them to a normal hotel whose owner has a contract with the government. They allow people to work. One can basically live a normal life and does not stay outside the surrounding social world. Zaur said that it is the same in Holland and also in Austria...Only Czechs inoculate future citizens (that being a rather uncertain outcome) with good-for-nothingness and dependency on the state for two years. Nobody here understands why... (p. 140)

Boroda's depiction resonates with my informants' views of the camp. It also hints on the importance of comparisons with the conditions provided elsewhere (however unrealistic they might be sometimes). But what are the key features and the social dynamics of the camp? And how do they impact on the construction and negotiation of asylum seekers' identities?

First of all, camps provide unified living conditions for an extremely diverse group of people. The diversity stems not only from differences with regard to national and ethnic origin of asylum seekers, their class, age and various political allegiances; it is also about different forces that lead people to seek inclusion in the camp. As

indicated in Chapter 4, there can be a wide range of reasons for becoming an asylum seeker and residing in the camp. Combined with the fears, insecurities and traumas which people bring with them into the camps, with imposed physical closeness and the lack of privacy that define the everyday life there, these differences create a fertile ground for conflicts. However, diversity is not in itself the only reason for these tensions.¹²⁷ Conflicts can be better explained as outcomes of an environment which subordinates people by denying their differences and individualities and homogenizes them as clients of assistance.

Second, the social space of the refugee camps is pervaded by various forms of control. Asylum seekers are observed by security guards, whose controlling function is somewhat obvious: corridors of refugee camps are constantly monitored by cameras and asylum seekers and their rooms can be searched if there is a suspicion that they have some forbidden objects such as weapons or drugs. Camp inhabitants are also observed and evaluated by social workers and other RFA employees responsible for practical matters of accommodation and reception services. For example, in one of the residential camps social workers regularly visited asylum seekers' rooms to check whether basic hygiene was maintained. Also women with small children were inspected and their childcare abilities were probed. Many interviewed social workers genuinely believed that more control over asylum seekers and refugees gives them more opportunities to help them and some openly regretted losing this control. For instance, I was present in one of the residential camps when

¹²⁷ Social workers and directors of camps commonly use asylum seekers' diversity as an explanation for a number of problems that emerge from their life in the camps (e.g. Sekerka & Kopřivová, 2007), together with the length of the asylum procedure that is indirectly blamed on the work of DAMP [interview with the head of a residential camp, February 2007]. Both factors are obviously out of the control of RFA and thus do not compel them to critical reflection on their own work and the impact of the institution of the camp on asylum seekers.

the system of the canteen board was abolished and asylum seekers no longer had to come to the camp reception office to stamp their meal tickets for the day (this could be done only between 7a.m. and 9a.m). While asylum seekers complained about this rule because they found it frustrating and interfering with their privacy, RFA workers considered it a good way to keep track of people. Also, they believed that it was beneficial to make them get up in the morning rather than letting them sleep through the afternoon and lead a night-life after most of the camp staff leave the camp and there is less control. Others also saw it as a way to maintain more personal relationships with the camp inhabitants based on regular contact. A female receptionist commented on the new system as follows:

I know it is good for them [to be able to prepare food independently] but at the same time, I regret it a bit. They will not be regularly coming here; I kind of need to be in contact with them. I like to keep friendly relations, to ask them how they are and so on. Now, they will only come if they'll need something; when there will be a problem. But some more independent people won't come at all. It will also lead to a lesser control. Up until now, we could quickly figure out if someone was regularly missing meals, but from now on, we will lose track of them, we won't know them. I will miss this contact. [RFA, residential camp, February 2007]

Her expression of the need to remain in contact with the camp inhabitants mixed with "keeping track of them" demonstrates well how the everyday treatment of asylum seekers in the camps oscillates between sentiments of sympathy and pity on the one hand and concerns for order and control on the other (Fassin, 2005). It also reveals the character of control which is exercised in camps. When repeated on an everyday basis, it is not seen as obviously intrusive to those who exercise it. As the above quote indicated, this controlling/caring relationship may actually be seen as one of the positive aspects of the camp workers' job. Or it can be seen as

a legitimate part of the assistance. A female RFA social worker in another residential camp clearly outlined the connection:

If we know more about the people, we can guide them better and alert them to things they shouldn't do. [Residential/integration camp, April 2007]

However, the idea that camp inhabitants have to be constantly monitored in order to be helped produces an oppressive environment that has an incapacitating and disempowering effect on people who are exposed to this surveillance/assistance. On the one hand, RFA officially promotes recognised refugees' independence and self-sufficiency and those who are seen as relying too much on the help of the state and the NGOs are portrayed as having problems with integration. On the other hand, there seems to be little reflection on the fact that constant, if subtle, control over asylum seekers' daily lives is likely to engender their dependency because it fosters a general attitude that many, even mundane, problems will be identified and solved by others – those who are in control.

However, control in the camp is not exercised only in the “top-down” direction, by RFA workers over asylum seekers. The camp inhabitants are also active agents of control exercised among them. When sharing small spaces in refugee camps and due to the general lack of privacy, it is hard to keep distance from each other. Having lots of time on their hands, gossip and backbiting thrive. An official rule promoted by RFA that everyone gets the same kind of service is in tension with people's different needs and individual ways of claiming their fulfilment. Nonetheless, it is constantly being examined by the camp inhabitants and demanded, especially in situations when someone is seen as getting better service than the others. Speaking about her strategies of obtaining various benefits for her children by negotiating with the RFA

workers, this refugee woman remembered how it impacted on her relations with other asylum seekers in the camp:

That's one of the reasons why life in the camps is so hard. When somebody sees that you have achieved something – due to your own initiative – and that you got something that they didn't, they immediately start crying: how come she got it and we didn't? [Private accommodation, April 2006]

Later on, she explained how this permanent exposure to mutual control from the camp neighbours is intertwined with the general environment of suspicion and envy:

When someone in the camp gets asylum people do not celebrate together. On the contrary, there will always be some who are angry and envious. They speculate for themselves: what did this person do to get it? And they think about how to do the same thing. When they think they've figured it out, they try to reach it first, even at the expense of someone else. There is always this fear that others are getting more. [Private accommodation, June 2007]

While these experiences do not exclude the possibility of support networks and genuine friendships emerging among asylum seekers in camps, they certainly correct idealised expectations of solidarity as if naturally emerging among people living in physical proximity and suffering from similar conditions.

Consequently, asylum seekers and refugees in the camps hardly ever act as a community. This has already been established in other studies of camp environments, most notably by Hyndman (2000), who has pointed to the incompatibility of expecting refugees to act as a community based on trust and cooperation while at the same time being treated as institutional subjects who could not be trusted by the administration (p. 140). Thus, she found it more apt to call refugees in camps a “noncommunity of the excluded” (p. 138). A few occasions when a group of asylum seekers did act together to protest against conditions in the camp or their treatment by RFA workers were recounted by my informants.

However, these collective actions often quickly broke apart due to intimidation by the camp staff and participants' fear that their actions would impact on the result of their asylum application. For example, when asked about acts of resistance such as hunger strikes among asylum seekers in the reception camp, a social worker in the reception camp explained with ease:

I do not consider it a problem. We have an instruction from the Director on how to deal with it: We are telling them [asylum seekers] that if they will need medical care afterwards, they will have to pay for it themselves because this is a self-harm. Then, they usually stop. [Reception camp, August, 2006]

Lastly, refugee camps can be characterised by pervasive lack of knowledge about the workings of the asylum system and, at the same time, by the dynamic production of specific knowledge that emerges through intensive interactions among camp inhabitants with vastly different experiences and expectations from the system. As I have described in the previous chapter, the lack of reliable information makes people rely on the experiences of others, rumours, and second-hand information from self-proclaimed "legal experts" among asylum seekers. In the semi-closed environment of refugee camps, the same information often circulates, gains a life of its own and gradually transforms into a powerful myth which may be a product of wishful thinking but nonetheless guides people's actions. The typical example of a camp myth of this kind was a belief which I encountered in each of the camps visited: asylum seekers who are rejected in two European countries must be accepted in the third country they enter. Many refugees were also convinced that the whole system of refugee reception, including refugee camps, is paid from the budget of the United

Nations.¹²⁸ Some concluded that different reception conditions in the Czech Republic and in Western European countries stemmed from the fact that the Czech administration was “saving money” on asylum seekers and refugees. This belief further supported an attitude of general mistrust of the administration and the fairness of the refugee system.

Learning What It Means to Be a Refugee

Camps serve as an initiation into the workings of the refugee system. It is where people learn what it means to be an asylum seeker and where the actual formation of the refugee label (Zetter, 1991) takes place. This applies particularly to the reception camps through which all asylum seekers have to go. The camp in Vyšní Lhoty, where I carried out research, is the biggest reception facility in the country. Between 2002 and 2006, on average, 80 percent of all asylum applicants went through it (DAMP, 2003b, 2004b, 2005c, 2006d, 2007c).¹²⁹ Therefore, in this camp, the diversity of asylum applicants is the highest. Thus, it is a perfect location to get an overview of the structure of the asylum seeking population, both for a researcher and for newly arrived asylum seekers. The camp is strategically located in the mountainous north-eastern part of the country, close to borders with Slovakia and Poland that are the most common transit countries for asylum seekers coming from the east. The camp buildings are situated above the village of Vysni Lholy (777

¹²⁸ As noted above, United Nations (via UNHCR) supported only the work of NGOs and has already withdrawn most of its support. Although the Czech Republic can now draw financial support from a variety of European Union funds, the majority of expenses connected with asylum procedure have always been covered from the state budget.

¹²⁹ The remaining twenty percent applied for asylum in detentions, prisons, hospitals or at the Prague Airport reception.

inhabitants) and surrounded by a high fence which should prevent asylum seekers' escape¹³⁰ (see Picture 3).

Picture 3 Aerial Photograph of the Vyšší Lhoty Reception Camp



Source: Adapted from Geodis, www.mapy.cz

In the reception, people learn, often to their great surprise, that the institution of asylum can be utilised in a number of different ways. Some asylum seekers, especially those entering the system for the first time,¹³¹ are shocked when they find themselves among people for whom applying for asylum is a way to legalise their stay as labour migrants in the country. How does it play out in the refugee camps and what implications does it have for the refugee system more generally? a Chechen refugee man described the impression he got after a few weeks' stay in the Vyšší Lhoty camp:

¹³⁰ A number of examples from the past, most notably the escape of Egyptian asylum seekers referred to above, show that escape from the camp is possible.

¹³¹ As noted in Chapter 5, asylum applications can be launched repeatedly if there was a change in applicants' situation and they submit new and decisive facts about their case.

I had the shock of my life. I thought I had an idea of what the asylum process was about by knowing the principles of the Geneva Convention and so on, but when I arrived in Vyšní Lhoty, I found myself surrounded by Ukrainians who already had jobs, were renting flats and simply waited to get out of there to get back to their lives. Some have been living in the Czech Republic for years and they did not even feel the need to hide all this. Initially, I was confused, but then I started asking myself, why did I have to end up in this mess? I was surrounded by lawlessness. So many things were going on there, recruitment of labour and prostitutes, extortion of money from those who had some, drug dealing ... simply anything. It seemed like one big mafia band, and some of the camp workers were part of it, they were bringing stuff in, if you had money, you could order alcohol¹³² or anything and they would get it. [Private accommodation, September 2006]

A Belarusian refugee woman who spent over a month in the camp together with her small children before she could join her husband, who applied for asylum earlier, described it as a horrific experience:

Before we could reunite with my husband we had to go through the quarantine. I tell you, it was one of the worst experiences in my life. It was at the end of 2003 and there were many young men from Chechnya at that time. I know that many of them did not get a proper education and all they saw in their lives was war, but the way they treated women was simply unacceptable; as if the way we looked and dressed was already a sexual challenge to them. At the same time, there were many Ukrainian women who worked as prostitutes in Prague. When they were captured by the police, they said they wanted to apply for asylum. It took me a while before I understood what was going on there. In the first few days, I thought I was going crazy. I phoned my husband and told him: you said it is about political asylum, but I am in a brothel here! [Private accommodation, July 2006]

¹³² It is prohibited to consume alcohol and other kinds of drugs in the premises of the camp, but as is indicated in this account and confirmed by some social workers, it always “somehow gets inside and then causes trouble”.

And a Belarusian refugee man commented on his clash of expectations when he arrived in the camp:

For me, it was a shock. When I first arrived here [to the Czech Republic] I really liked it, it was a democratic country. You see a policeman and you don't have to hide, nobody will detain you and so on. I was here for a week and then I had to go to the camp and there I had a shock. I didn't expect it at all; in contrast with the beauty of Prague it was like a prison. Suddenly they treat you very differently; I mean security guards, camp workers, they treat you like an animal, they are not interested in who you are and what problems you have, what kind of a life you had. Only those with money could buy things and had a relatively good life there. Corruption was rampant. Alcohol, drugs, everything was sold there. Before, I thought these things were not happening in the Czech Republic. [Private accommodation, April 2007]

These accounts are representative of other informants' impressions of the camp, especially with regard to the discrepancy between their initial ideas about asylum in the Czech Republic and the reality they encountered in camps. However, they should not be taken at face value, particularly the characterisations and evaluations of other groups based on nationality. After spending a few weeks in various camps, I have realised that many people were ready to make quick generalisations about others based on a few visible traits and very limited knowledge of their circumstances. National and sometimes even racist stereotypes were expressed on a regular basis. They were also driven by people's urge to differentiate themselves from the others and prove that *they* were the *real* and *deserving* refugees. People who were highly educated and coming from middle-class backgrounds felt a strong need to do so in order to mitigate the social slump they experienced by being placed in the camp, categorised as a homogeneous group and implicitly treated as paupers. I believe that discourses of othering among asylum seekers and refugees are an inevitable expression of jostling for power and recognition.

Reception and residential camps lie at the intersection of asylum seekers' diverse strategies. The mixture of people with varied motives and backgrounds entering the camps contributes to conditions of insecurity. Moreover, as the above quotes indicate, it produces general disillusionment and alienation from the system as an effective tool of protection both among asylum seekers and the workers in camps. Many find it hard to believe that the asylum procedure can operate effectively and that those in need of protection can receive a fair proceeding.

Socialisation into Illicitness

This disenchantment supports more general alienation from the legal system in the country and shapes the refugee camps into a fertile ground for what I call "socialisation into illicitness". It is an important element of refugee identities nurtured in the camps that has, so far, received little attention in the literature. This is perhaps because asylum seekers and refugees are so often being criminalised in the public discourse that researchers consider it undesirable to portray them as connected with any kind of illegality. However, the argument I will present here takes a different perspective. I wish to highlight that the environment of the refugee camp accustoms asylum seekers to the sphere of illicitness that comes to be seen as normality. Moreover, this socialisation has a gendered character and impacts more on men than women. Thus I want to point out that despite the fact that single young men living in the camps are more likely to be perceived as problem makers while women, children and the elderly are treated as vulnerable groups, there are different layers of vulnerability and the masculine space of the camps also produces specific insecurities. While I have discussed women's position and their exposure to violence

in the camp elsewhere (see Szczepanikova, 2005a), here, I focus more on the situation of men.

As mentioned before, asylum seekers cannot be legally employed for one year after their asylum application is launched. Due to administrative difficulties with prolongation of their visas and the need to apply for a work permit, they have rather low chances of being officially employed even after this period. During the last four years of my research among asylum seekers and refugees, I have not met anyone who is legally employed while being an asylum seeker. Also my NGO informants spoke about cases of legal employment as rarities rather than common phenomena. Thus, the right to seek employment after a year of waiting acts more as a formal gesture in the legislation that is required by the Reception Conditions Directive. In a given context, it does not have the potential to be really implemented (Hradečná et al., 2008). Consequently, such conditions discourage asylum seekers from even considering legal employment as a viable option. An exploratory survey among 161 asylum seekers in the Czech Republic indicates that 41 percent started to look for employment immediately after they launched their asylum application and as many as 76 percent did so after half a year (Basovníková, Hofírek, Klvaňová, Mega, & Reichová, 2006, p. 27). As a result, 58 percent of respondents declared that they succeeded in finding a job within the first six months (Basovníková et al., 2006, p. 27); i.e. before the allowed period of one year and necessarily “illegal” employment.

The typical account of life in the camp portrayed by NGOs and the media is that of passivity and inactivity. However, the impression one gets already after a few days spent there is somewhat different. Many camp inhabitants regularly leave early in the morning and return late in the afternoon. When I asked social workers whether some

of the camp inhabitants are employed outside the camp they said they did not know. When I asked asylum seekers themselves they openly acknowledged that indeed many are working because they cannot live on the financial support provided by the state. It is also common to hear people speaking on the phone and agreeing on the time and place where they will be picked up for work and how many workers they will bring with them. According to the Asylum Act, asylum seekers have to declare all their income and in case it goes above the level of subsistence, they are obliged to cover some of the costs of their stay in the camp. In each of the four residential camps where fieldwork was carried out, I asked whether there was such a case. The response was negative in each of them. While some of the camp rooms are very modestly equipped and demonstrate that asylum seekers came only with a small amount of necessities, others overflow with things including televisions, DVD players and other appliances. Clearly, these are the rooms of people who either brought the money with them or, more often, of those who managed to secure jobs and income while waiting. Since board and lodging is provided for free, they can use the money to improve their living standards in the camp. Social workers and other employees in the camp are obviously aware of these issues but they prefer not to see them because irregular employment of their “clients” is not within the sphere of their responsibilities. As a director of one camp openly told me: “We prefer if they work, it is better than if they sit here depressed” [Residential camp, March 2007].

However, this tacit deal has a number of darker sides. As common in the sphere of the “black” labour market, asylum seekers are often cheated by their employer, ordinarily work in exploitative conditions (mostly in construction, agriculture, cleaning and restaurant services), do not pay taxes or contribute to the social security

system and, since they are “cheaper” than regular workers, their availability and disposability lowers the standards of employment conditions in general (Hradečná et al., 2008; Pořízek, 2004). They can afford to work for lower pay because they do not have to pay for living costs which are met in the camp. Thus, inadvertently, by not allowing them to work in the regular economy, the refugee system subsidises the irregular labour market.¹³³

From the perspective of settlement and integration, this arrangement accustoms people to the situation of illicitness. In practical terms, all the money earned can be spent on consumer goods or communication and there is no need to care about practicalities and expenses connected with independent living outside the state institution. This not only makes people’s independent life after leaving the camp more difficult but it increases the likelihood that they will remain in the sphere of illicit labour even after gaining a stable resident status (also confirmed by Pořízek, 2004, p. 103). One third of the 28 recognised refugees interviewed in this research acknowledged that they continued to earn their main income or some extra money in the irregular labour market.

Let me now turn back to asylum seeker men whom I introduced as particularly vulnerable to the experience of socialisation into illicitness. A commonly made argument about the transformation of masculinity in the refugee camps as well as during the settlement is that of men losing their roles of breadwinners and thus also the basis of authority in the family, self-esteem and dignity (e.g. Chan & Loveridge,

¹³³ In 2005 a group of NGOs received funding from the EU to start a project called “Why should they be left out? Complex use of asylum seekers’ potential”. Since then, they have produced a number of valuable reports about the position of asylum seekers in the labour market (e.g. Basovníková et al., 2006; Horáková, 2007; Hradečná et al., 2008) and actively lobbied for changes of legislation towards significantly shortening the period in which asylum seekers cannot work legally.

1987; Matsuoka & Sorenson, 1999). It has also been reiterated by many NGO and camp social workers I interviewed and in their publications about lives of asylum seekers and refugees (e.g. CCR, 2005; Pechová, 2004; Roubalová et al., 2005). However, there is less discussion about the various means of reasserting masculinity available to and employed by the refugee men.

The refugee camps provide not only a basis for irregular employment but also for various explicitly criminal activities. These are carried out mostly by men and could be aptly described by the expression used by one of my interlocutors: a strategy of “quick money” (*bistrie dengi* in Russian). This strategy includes for example: smuggling people across the borders with Austria or Germany;¹³⁴ extortion of money from other asylum seekers in the camp; providing the so-called *krysha* (Russian word for “roof”), i.e. criminal protection racket to other asylum seekers engaged in petty criminal activities or drug dealing. Such opportunities become readily available to camp inhabitants due to their physical concentration combined with social isolation together with other people in the situation of legal insecurity and material deprivation. They are enacted by the small minority of people who nevertheless have great impact on the conditions of security in the camps. Another key factor is the already mentioned alienation from the local legal system that often serves as implicit legitimization of these activities. Most asylum seekers see the asylum system as not being fair and just. This scepticism gets projected into other areas of the legal system that are seen as malfunctioning and corrupt and thus subverting them is not necessarily perceived as condemnable. Besides, especially in previous years (prior to

¹³⁴ While this activity flourished between 2003 and 2005 when large numbers of Chechen refugees crossed the borders of the Czech Republic and neighbouring countries with the help of smugglers (often also asylum seekers), it has lost its significance after the Czech Republic, Slovakia and Poland joined the Schengen Area at the end of 2007.

implementation of the Dublin II Regulation), many asylum seekers did not see themselves as permanently settling in the Czech Republic and the plan of a future move, perhaps connected with a change of identity, stimulated this unconcerned attitude to local rules of legal conduct.

Illicit activities have an impact on single men in particular because they are commonly housed together in “non-protected” sections of the camps, as opposed to families, single women and the elderly who are accommodated under stricter security measures. Throughout my research, I have met a number of men who expressed concerns about their security. Despite the fact that the category of “vulnerable” was opened to everyone who felt some form of insecurity in the camp, these men were rarely willing to declare themselves as vulnerable and ask for protected housing because such a move was associated with their potential homosexuality among other camp inhabitants. Thus, it could actually lead to more insecurity in what is a largely homophobic social environment of the camps.¹³⁵

However, the engagement in criminal activities is not limited to single men but also applies to those with families. Seen from their perspective, the adoption of the “quick money” strategy can be seen as a way of reasserting masculinity: by being able to provide for their families and improve their living standards in the camp. A Chechen refugee woman in her early thirties provided an interesting interpretation of women’s role in sustaining, if not encouraging, this behaviour:

¹³⁵ Homophobic attitudes and aggressive reactions to homosexuals that are prevalent in the camps would require a more extensive discussion. Here, I limit myself to the explanation that the majority of asylum seekers are coming from societies where homosexuality is not socially tolerated and sometimes even persecuted and they have not been exposed to discourses about the freedom of expression of one’s sexuality.

Some women just don't know where to stop; they constantly bug their husbands with complaints that they need this and that, that they need more money. They want to show off in front of the others in the camp and sometimes, they even send things home to present the success they have made abroad, to show that they are doing well. They don't care where the money comes from. [Residential camp, March 2007]

While her account refers only to one of the many motivations to engage in the “quick money” strategy, she makes an important observation by pointing to the fact that women have the power to diminish or reassert their husbands' feeling of dignity and some put pressure on them to provide for the family even when the men cannot do it with legal means. As illustrated in the above quote, it is also connected with the specificities of the camp's social fabric; i.e. that of mutual surveillance and constant comparison with others. In these conditions, a show-off of material wealth can become part of jostling for power and recognition. This is one of the features that are missing among the asylum seekers living outside the camps. Not only are they under less control from the institutional apparatus and their neighbours, they are also likely to have more contact with the local population and thus a wider variety of referential groups in their social networks (e.g. Pořízek, 2004).

Conclusions

The camps are ambivalent institutions that can be utilised in a number of ways. As a policy tool, they can be modified into deterrents for potential asylum seekers. This has been exemplified by the most recent policy change in the Czech Asylum Act ordering compulsory confinement in the reception camps for some groups of asylum seekers in conditions of increased isolation from the outside world. On the other hand, I have shown that both state and nongovernmental institutions have certain interests in keeping the camps reasonably full. The analysis concurs with the

argument about the collusion of humanitarian assistance and refugee encampment put forward by Zetter (1999):

The interests of all the actors (except refugees) are best served by containing and controlling refugees - political, diplomatic, logistical, security, media profile - in short, by sustaining dependency. The relief regime's own survival and institutional maintenance depends on the image of dependent clients. (p. 74)

I have argued that camps are not only important for institutional self-maintenance but also facilitate depoliticisation of refugee issues. The process of depoliticisation has been sustained by the joint actions of DAMP and RFA with some contributions from NGOs and demonstrated on the example of expanding "leisure-time activities" which are disproportionately supported at the expense of legal and psychological assistance to asylum seekers.

Furthermore, I have shown how the institution of the camp is actively being adjusted by asylum seekers in the context of limited opportunities and strategies delineated by the system of migration control. The camps provide an arena for the analysis of the materialisation of these strategies and invite discussion of their wider implications for the lives of asylum seekers. In other words, they represent a space where the refugee label is negotiated and can be transformed. The present regulation of immigration and asylum pushes some people into entering the asylum procedure and produces a general attitude of alienation and disenchantment among asylum seekers. Scepticism about the functioning of the asylum procedure emerges and sometimes stimulates relaxed attitudes towards local rules of legal conduct. Similarly to Zetter's study of re-housing programmes for Greek Cypriots (1991) the refugee camps in the Czech Republic have turned out to be stigmatising spaces alienating asylum seekers and refugees from the rest of the population. Expanding his argument, I have

demonstrated that such an environment produces various gendered insecurities. While acknowledging that the space of the camp presents a number of dangers for women, children and other groups that have conventionally been labelled as vulnerable, I have unpacked other layers of vulnerability, i.e. that of single men whose sojourn in the camps makes them accustomed to and sometimes driven towards various illicit practices. Irregular employment nurtured by asylum seekers' exclusion from the regular labour market has become a tacitly tolerated feature of the camp life experienced by both men and women. A smaller, and mostly male, section of the camp population has used the camps as a base for carrying out various illicit activities. These have to be understood not as proof of some inherently criminal features of asylum seekers as a group, but as a product of an emasculating camp environment that provides an ideal ground for such actions and thus also as a form of reasserting hegemonic masculine identity.

These critical accounts about the refugee camps invite questions about possible alternatives. Although this study does not aim at providing direct policy recommendations, I will conclude with a few suggestions. My critique of the camp should not be interpreted as an opposition to any form of centralised and specialised assistance to asylum seekers organised by the state. It is, however, important to acknowledge that this assistance can have a variety of forms. The existing camps would better serve the interests of asylum seekers (rather than the institutions that govern them) if constituted as a short-term measure geared from the very beginning towards facilitating asylum seekers' life outside the camps. Rather than investing in the improvements of material conditions inside the camps that are designed exclusively for asylum seekers, more efforts should be made to interconnect the

spaces of the camp with the local infrastructure and to support quality legal and psychological assistance both for those living inside the camps and those in private accommodation. One way forward could be to turn the current highly institutionalised and staffed camps into a small-scale state supported housing scheme in socially mixed settings with regular access to specialised assistance. Such an arrangement would require asylum seekers' active participation in daily matters of accommodation and could stimulate contacts with local population and authorities. It would be most efficient if accompanied with quick access to the labour market and swift asylum procedure which would discourage those who enter it only for the sake of temporary legalisation of residence. Given the current low numbers of asylum seekers and the numerous measures to "sort out" manifestly unfounded applications built into the asylum legislation, such a system would be less demanding for the state budget and would be less of an obstacle to asylum seekers' and refugees' future lives outside the refugee system.

Chapter 7: Performing Refugeeeness: Gendered Depoliticisation through NGO Assistance

Introduction

The previous three chapters highlighted the role of state institutions and dealt mostly with the situation of asylum seekers. Here, I prioritise the nongovernmental section of the refugee system and draw mostly on empirical data generated among recognised refugees. Building on my previous discussion of NGOs' ambivalent position in the refugee system, I further develop the argument about depoliticisation of refugee matters. More specifically, I scrutinize the gender micropolitics of NGO assistance. Despite the growing importance of the NGO sector in securing refugees' access to rights and assistance in refugee receiving countries, this dimension of refugee settlement has been largely understudied. In particular, the work of local NGOs that are often the key mediators among refugees and the state, the media, the wider public and also the academic production of knowledge is poorly understood.

In what follows, I scrutinise the modes of settlement assistance that are least likely to be examined with a critical eye: NGOs where highly informal and friendship-like ways of "helping refugees" are promoted and often carried out on a (partly) voluntary basis. I argue that although they provide refugees with essential support, they may unwittingly foster rather than challenge unequal power relations that lock refugees in a position of submissive clients lacking means of influencing their place in a host society. Refugee assistance in the Czech Republic is highly feminised; it produces particular performances of refugeeeness and sustains gendered "criteria of belonging" (Ong, 1996, p. 738) that impact differently on refugee women and men. I

unpack the performative aspect of the refugee label and reveal how gendered refugee identities are produced and enacted in contexts of unequal power relations. The analysis highlights refugees' critical reflections on their position in the structures of assistance.

Throughout the research, I was careful not to overlook refugees' remarks about all the institutional actors they encountered including NGOs that are traditionally presented in the role of helpers and not to be criticised. It was only towards the end of my fieldwork that sustained engagements with the core informants engendered less straightforward and more critical comments on the work of NGOs. After a number of meetings and hours spent together some (but not all) refugees started speaking about the ambivalence of their experiences with NGOs and revealed their understanding of the unequal power relations in which they were situated when accessing assistance. Due to the predominance of women among the refugee clientele as explained below, the voices of refugee men are missing in this chapter. They either did not have a lot of experiences with NGO assistance or they were not particularly keen on discussing their position as NGO clients.

The most incisive comments came from women who kept close relationships with the NGOs but were no longer entirely dependent on their assistance. As they themselves explained to me, they "could afford" to look at the NGOs more critically. At the same time, they often coupled their accounts with sentences like: "but everybody knows this" or "all refugees are well aware of that", which indicate that they were referring to a shared experience which is nevertheless hidden to the public eye, to researchers, and to an extent also to NGO advocates. Despite their voices being in the minority, I have been able to corroborate many of their arguments

through participant observation and interviews with NGO representatives. Refugee women's insights helped me to make a move from seeing NGO – client relationships and the spaces they occupy as “harmonized ‘us’ and ‘thems’ living together” (Hyndman, 1998, p. 245) towards seeing a series of unequal and uneven links marked by dependency and implicit reciprocity.

This chapter addresses the following questions: How NGOs construct “a refugee” as a concept and an object of assistance? How refugees relate to and act upon these constructions? What role does gender play in the process? In the first two sections, I introduce the notion of refugee depoliticisation, discuss the role of NGOs in refugee assistance more broadly and explain my understanding of performing refugeeness. Next, I briefly contextualise NGO assistance to refugees in the Czech Republic and differentiate between two ideal types of NGO assistance. Then I explain why refugee assistance is a highly feminised field. The last section reveals practices and implications of depoliticising assistance.

Refugee Depoliticisation in the Context of Humanitarian Assistance

My analysis builds on studies that re-examine the ways refugees are represented and situated in both academic and humanitarian circles (Hyndman, 2000; Malkki, 1995a, 1997; Nyers, 2006; Rajaram, 2002; Soguk, 1999). These authors have alerted us to the fact that the world of humanitarianism can be a deeply dehumanising environment for refugees when it leaves them deprived of their particular histories and politics and when it disregards power relations that produce and sustain their displacement. I define the process of refugee depoliticisation through assistance and representation as the production of an abstract individual refugee experience that is

removed from the larger nexus of its political, social and historical context. It positions a refugee as a “mute victim” (Rajaram, 2002, p. 248) and a submissive client incapable of influencing his or her position in a host society.

One of the main effects of depoliticisation is the silencing of refugees (Nyers, 2006; Soguk, 1999). Nyers (2006) argues that although this silence has been (unwittingly) perpetuated by many studies of refugee situations, refugees are not voiceless in any essential way:

The prevailing attitude in conventional analyses of refugee movements is one that provides no place for refugees to articulate their experiences and struggles or to assert their (often collectively conceived) political agency. Refugees are silenced by the very discourses that attempt to provide solutions to their plight. This silence is not natural or inevitable but something that is produced by power relations that require explanation and critical analysis. (2006, p. xiv)

In line with the proposition to critically engage with structures of silencing, I examine the process of depoliticisation through NGO assistance.

NGOs and the Performance of Refugeeness

Despite their diverse institutional forms and scopes, it can be said that NGOs have become increasingly responsible for securing refugees’ access to social and economic rights as the state gradually shifts the responsibilities for assisting refugees to them (Lester, 2005; Raper, 2003). On the one hand, their new roles in the process of refugee reception and integration are framed by their ability to identify niches where they can do better than state institutions and by their determination to oppose the dominant restrictive political climate towards refugees. On the other hand, the position of NGOs has been strongly influenced by a wider process of restructuring and rolling back of European welfare states, privatisation of state-run services

(Tazreiter, 2004) and new modes of governance employed to control migration flows from outside and ethnic minorities inside the nation state.

Even though NGOs are associated with the image of an active civil society, a number of authors have argued that their increased presence should not be perceived as an unconditionally positive development. The importance of the tasks they take up should not prevent questions about their accountability and legitimacy. For example, Tazreiter asks: “To whom do NGOs answer? How transparent and open to scrutiny is their work and action?” (2004, p. 68). Others point to a growing divide between responsibility and accountability as NGOs are effectively becoming “subcontractors” of governments or of the United Nations (Lester, 2005; Verdirame & Harrell-Bond, 2005). While these studies are important in unravelling complex and ambivalent relations between NGOs, states and/or large international organisations, my analysis shifts the focus and critically looks at local NGOs’ strategies of representation and involvement in the lives of displaced people.

I see NGOs as important actors in constructing and maintaining refugee identities by creating arenas of power relations where certain performances of refugeeness are nurtured, enacted and occasionally also subverted. These performances render some kinds of behaviour possible and make others less acceptable. Thus, NGOs “structure the possible field of action” (Foucault, 1982, p. 221) for refugees and actively contribute to the strategically selective context in which this action takes place. A Foucauldian conception to power is particularly useful in analysing practices of assistance because it highlights its productive aspects in promoting particular subjectivities and identities. I approach NGOs’ encounters with refugees as constitutive of the identities of both refugee individuals and the providers of

assistance. I also show that NGOs are engaged in discursive struggles around the concept of “a refugee” as they try to impact on flows of resources and legitimize their own position in the refugee system vis-à-vis the state, donors and the general public (Phillips & Hardy, 1997).

In the Czech Republic and elsewhere, NGOs act as the key mediators of individual refugees’ relations with the state by representing them in courts and providing them with information about their rights and duties. Besides, they also mediate refugees’ relationships with the wider public by organizing public events aimed at making refugees visible in a positive light and while fundraising for the continuation of their own existence. Furthermore, NGOs are usually the first contact points for the media; when journalists want to report on refugee issues and look for refugee interviewees, they turn to them. Last but not least, NGOs are important sources of contacts for researchers looking for refugee interlocutors, thus, they also indirectly influence the production of knowledge about refugees. These local organisations are usually at least partly based on voluntary or relatively low-paid work and tend to be associated with civic enthusiasm and a selfless drive to help others. In many respects, NGOs provide the kinds of assistance which would otherwise not be available to refugees, most notably specialised legal and social counselling. Moreover, some are also engaged in lobbying Parliament trying to prevent more restrictive moves of the asylum legislation, criticizing conditions in detentions and refugee camps or networking with other European NGOs in order to promote progressive policy changes at the EU level. Without their relentless efforts, many restrictions of refugee rights would pass smoothly and there would be less control of the uses of state power over refugees. Perhaps that is why social scientists are reluctant to subject them to

a critical examination in the same way as they approach state actors or larger humanitarian organisations.

I treat the refugee label as not only a bureaucratic identity (Zetter, 1991) but also as a performative identity which is produced through reiterative performances over time (Butler, 1993). Rather than approaching refugees as conscious performers acting out their roles in line with Goffman's analysis (1959/1990), I draw on Butler's conception of performances as being produced by power. This power is disciplining but at the same time productive through its ability to name, to define, and to describe certain people as different from others (Gregson & Rose, 2000, p. 439). Being or not being perceived and expected to act as "a refugee" is not a question of a voluntary choice. These performances are framed by regulatory practices of NGO humanitarianism that provide refugees with scripts to be followed (Hyndman & De Alwis, 2004, pp. 549-550).

The position of people who were officially recognised as refugees and granted an appropriate legal status creates more space for ambivalence towards the refugee label. As opposed to asylum seekers, I have observed that after being granted asylum some people are more likely to identify themselves or to be identified as refugees than others. To a large extent, this depends on whether they avail themselves of specialised NGO support and remain embedded in NGO social networks. While some can afford to disassociate themselves from the label, others make strategic use of it and/or find themselves trapped in performing refugeeness.

In her study of refugees in Tanzania, Malkki (1995a) explores the spatial dimension of refugee identity construction. She contrasts stigmatizing meanings attached to

refugeeness in a township with perceptions of “a refugee” as a status to be protected because it signals a link with the imagined homeland and is endorsed by refugees who reside in camps. Her concept of the “pragmatics of identity” (p. 208) is useful because it stresses refugees’ agency while retaining the idea of refugee identities as being produced in the context of particular power relations and distinct spaces. In this sense, not only the camps but also NGOs can be perceived as social and material spaces of identity production that allow for refugees’ pragmatism on the one hand and produce a selective regulatory environment that shapes their actions on the other.

NGO Assistance to Refugees in the Czech Republic

Although the Czech Republic is slowly becoming a country of immigration, it still lacks a structure of refugee communities capable of self-support. It is partly because, as argued by Bloch (2002) “for such organizations to form there have to be sufficient numbers of a particular community in any given locality” (p. 161). The history of refugee reception in the Czech Republic is short and the numbers of settled refugees are low. Another reason specific to post-communist countries is that they lack established tradition of community organising, civic groups formation and voluntary work which are more developed in countries such as the United Kingdom or Canada where refugee community organisations thrive (also due to significantly higher numbers of refugees and immigrants). In the context of the Czech Republic, the absence of established refugee communities leaves refugees largely dependent on NGOs that are run by Czech nationals. NGOs and the state provide many of the functions usually performed by the ethnic community – if it exists – in other contexts. For example, I have witnessed that for some, relations with NGO workers

represent an important social network and an opportunity for social interaction outside their families.

The importance of NGOs for refugees has become obvious to me from a number of positive experiences expressed by my interlocutors. For example, this refugee woman in her forties greatly appreciated their assistance:

I am very grateful to these organizations. Foreigners or refugees who come here don't know their rights, which laws apply to them and how. I don't know who would explain it to them if not for these organizations. They write various applications for you, accompany you to welfare offices when you can't speak the language properly; they always try to help and they work really hard. [Private accommodation, September, 2006]

Or another refugee woman in her thirties, who valued NGOs' friendly approach in her stressful beginnings as an asylum seeker in a strange country:

These NGOs were among the first people I met here and when they smiled at me in the doorway, it already made me feel much better. [Private accommodation, December, 2006]

Initially, NGOs offered these women free legal and social counselling and participation in activities organised for children. After gaining their refugee status, they could make use of professional retraining, Czech language courses, assistance with the search for housing and employment. On the other hand, a more sustained relationship with some of my informants also generated more critical views of NGO assistance. Perhaps the most open and critical opinion came from this woman in her early forties:

Nowhere else I've ever felt treated so much like a second-class citizen as in these NGOs. I don't feel the same when I clean other people's houses, or when I go around welfare offices. People in NGOs treat you either like a kid or as a fool who doesn't understand a thing. I am neither of these, so why should I keep going there? True integration starts when you realise that and you don't go there anymore. [Private accommodation, September 2007]

It is accounts such as hers that prompted me to carefully reconsider the relationship between refugees and NGO assistants.

As illustrated by previous chapters, the Czech refugee system can be characterised by the existence of a substantial institutional apparatus. In 2007 and 2008, there were probably almost as many state and NGO workers who dealt with recognised refugees in their daily agenda as the annual number of recognised refugees.¹³⁶ This ratio, however, does not make the system particularly efficient in facilitating refugees' integration. A number of reports indicate that in comparison with the Czech population as well as other groups of legally residing foreigners, recognised refugees suffer from disproportionate levels of unemployment, live in overcrowded and generally inadequate housing, have difficulties with having their education recognised and perceive themselves as poor (MLSA, 2007; Uherek et al., 2005).

Differentiating NGO Advocates: “Refugees’ Friends” and “Young Professionals”

In the five NGOs included in this study women represented on average over 70 percent of the employees directly dealing with refugee clients.¹³⁷ The NGOs are run predominantly by Czech nationals and people with refugee experience are only a rare exception among their employees.¹³⁸ Their work with refugees should not be seen as homogeneous and the workers within these organisations do not constitute a monolithic block. Therefore, a distinction is made here between two ideal types that I identified in the course of the research. I call them “Refugees’ Friends” and

¹³⁶ In 2006 and 2007, the number of asylums granted was 268 and 191 respectively (DAMP, 2008b).

¹³⁷ It is worth noting that despite the overall feminisation of this sphere, four of these NGOs are headed by men.

¹³⁸ At the time of research, four of the NGOs employed five women with experience of being a refugee. However, only three of them had a position with some leverage within the organisation. The others were in the position of part-time assistants.

“Young Professionals”. One of the examined NGOs could be identified as a clear example of “Young Professionals” (NGO “B”) and one as “Refugees’ Friends” (NGO “C”). The remaining three NGOs (“A”, “D” and “E”) are best located on a continuum somewhere in between; some of their employees adhered more to the first type while others more to the latter. Generally speaking, “E” is closer to “Young Professionals” and “A” to “Refugees’ Friends” and “D” is somewhere in the middle. In what follows, I prioritize the “Refugees’ Friends” type of NGO because it is more predisposed to engage in practices of refugee depoliticisation.

“Refugees’ Friends” can be best characterised by their emphasis on informal, friendship-like relations with refugees. It is sometimes highlighted as a defining organizational feature, such as in the case of NGO “C” that claims to: “nurture the development of friendly relationships between people through respectful guidance and mediation” (“A’s” website). The other typical characteristic is a greater involvement in addressing the wider public through public cultural events promoting positive representations of refugees. The forms of assistance they provide range from more standardised legal, social and psychological counselling and training courses to more informal programmes in their community centres such as organising recreational, therapeutic and cultural activities for refugees and other groups of migrants.

A number of “Refugees’ Friends” were at some point connected with a group of anti-communist dissidents active in an informal civic initiative known as Charter 77.¹³⁹

While many dissident men joined the official political scene after the regime change

¹³⁹ The Charter 77 initiative was active in Czechoslovakia from 1977 to 1992 and is considered to be the most prominent action against the communist regime between the late 1970s and the 1989 “Velvet Revolution”.

in 1989, their female collaborators were more active in the NGO sector which quickly gained a strong representational role in the project of a modern civil society (Marada, 2008, p. 192). This was one of the factors that contributed to the feminisation of the civic sphere according to some commentators (e.g. True, 2003, p. 147). The association with the dissident movement gave these NGOs a certain level of prestige as well as an ability to occasionally draw on their networks with other dissidents who made it into elite political circles.¹⁴⁰ Interviews with some of the NGO advocates revealed that their own self-definition as former freedom fighters and current refugees' friends provided them with a strong sense of moral obligation and righteousness, which has sometimes prevented them from critical reflexivity of their own actions. Within their organizations, they have encouraged the idea of "helping refugees" as an unequivocally positive and unproblematic mission and loaded the figure of "a refugee" with deep emotional commitment. As I will show later on, their preoccupation with positive images of refugees has inadvertently contributed to a one-dimensional and depoliticising representation.

Although "Refugees' Friends" play a crucial role in presenting refugee issues to the wider public, their advocacy activities are directed more towards the living conditions of refugees who are already in the Czech Republic than to the forces of their displacement and the political underpinnings of the mechanisms of refugee reception or rejection in the country. For example, as mentioned in the previous chapter, they have long criticised living conditions in the refugee camps. In 2006, the NGO "A" highlighted how the Ministry of Interior exploited asylum seekers by

¹⁴⁰ I have observed that over the years, they were able to utilise this leverage on behalf of individual refugees rather than in achieving structural changes to the increasingly restrictive refugee system.

publicising the fact that female asylum seekers living in one of the refugee camps were asked by the representatives of the Ministry to “voluntarily” prepare refreshment for the ball of the Czech Police Presidium (serving approximately one hundred people) and they were not remunerated for this work (Břešťan, 2006). The case attracted some media attention. Importantly, the discussion that followed portrayed asylum seekers as people who have the right not to be exploited despite their precarious legal position. These are important achievements that demonstrate NGOs’ determination to resolutely stand up for refugees’ rights and wellbeing even if it puts them in conflict with state institutions.

However, one could ask a provocative question: was the action of the Ministry so different from public programmes organised by NGOs? For a number of years, refugee women have often been asked by NGOs to cook and serve food at their public events, such as concerts, exhibitions, celebrations of World Refugee Day and other occasions promoting multiculturalism, tolerance and positive aspects of refugees’ presence in the country. Up until recently, they would usually receive no or only a symbolic reward for their work.¹⁴¹ NGOs typically used the same rationale for such actions as the Ministry did, i.e. that “it is refugees’ opportunity to present themselves and their culture in a positive light” (Břešťan, 2006). One could therefore argue that the only difference is that the Ministry did it on a larger scale and could more easily be accused of misusing its institutional power over refugees. An NGO activist tried to draw a line between the two contexts: “It would be a beneficial

¹⁴¹ This situation has been gradually changing, especially due to NGO “C’s” initiative to professionalise refugee and migrant women’s catering abilities into a profit-generating activity. They have assisted a group of women to establish themselves as professional caterers and to offer their services to the wider public. Interestingly, this process of commodification of women’s culinary skills has made it more problematic for other organisations to use their resources for free.

presentation if refugee women would not only cook the food, but if they would also serve it and thus perform the role of hostesses” she explained (Břešťan, 2006). Indeed, that is how these cultural presentations are usually done by NGOs. However, it is questionable to what extent women’s presence really makes a difference to the exploitative character of such public displays. As I will later demonstrate, from the perspective of refugee women the power dynamic of such exchanges may not differ much.

I characterise the second type of NGO assistance as the work of “Young Professionals”. Although “Young Professionals” are also mostly women, the majority of them are young university graduates and for many, working in an NGO assisting refugees simply provides a start for their professional careers as lawyers or social workers. NGOs, where this group of advocates prevails, have been moving towards greater professionalization and specialisation of their services. Although they provide a similar range of services as “Refugees’ Friends”, their perception of “a refugee” is less emotionally charged. From their annual reports as well as their public activities, it is clear that refugees are seen as yet another category of clients alongside migrants with other kinds of residence. Rather than themselves posing as refugees’ friends, their activities involve coordination of volunteer programmes to support refugee integration through facilitation of informal contacts with external volunteers. They also put greater emphasis on participating in various commissions established within the state institutions where they act as decision-makers, evaluators and collaborators.

The analysis of the everyday mechanisms of depoliticisation presented below focuses on the kinds of assistance that are more likely to be found in the “Refugees’ Friends”

type of NGOs. Although relatively weaker in terms of addressing structural conditions of reception and settlement, “Refugees’ Friends” put emphasis on public activities and public representation of refugee matters and therefore have greater influence on the public image of refugees than “Young Professionals”.

Feminisation of the Refugee Clientele

The overwhelming presence of women among the refugee clientele requires an explanation. Although they constitute, on average, only 30 percent of asylum seekers and 40 percent of recognised refugees in the Czech Republic (CSO, 2007a), my observations and the reports of NGOs corroborated that refugee women are much more likely than men to reach out for assistance from NGOs. I argue that this situation is caused both by the gender division of labour in refugee households and by NGOs preference for particular kinds of refugee performances, which are more compatible with refugee women’s structural position that makes them responsible for the social reproduction of the family (Hartmann, 1981).

Let me start with the gender division of labour. In the majority of families I worked with (regardless of their nationality), it was perceived as undignified for a man to go and ask for assistance from strangers and thus to openly acknowledge his situation of dependency. For example, this refugee woman explained how things work in her family:

It is always me who communicates [with NGOs] because my husband, I don’t know...it is simply a question of men’s pride; he will not go and plead. [...] It’s not because of his lack of activity; it’s because he doesn’t want to be in a position when he passively receives help. [Private accommodation, September 2007]

Another woman's account illustrates refugee women's self-perception as being able to perform their neediness more efficiently than their husbands and thus gaining better access to various forms of goods:

A woman, when necessary, is able to lower herself, to ask for something when a man cannot do it. He will, for example, never go somewhere and ask for help; that's not the way we do it. He doesn't abandon his upbringing from home only because he's here now. That is why I can better explain our situation when I go somewhere. I shed a tear, if needed; these are the things that women can do. [Private accommodation, December 2006]

The gender division of labour in refugee households adheres to the dominant notion of masculinity constructed as incompatible with pleading. The spaces of NGOs are largely perceived as arenas where clients have to engage in various emotional acting roles and performances in order to show neediness and obtain access to resources which is predominantly seen as women's work. Moreover, as Kibria (1993) explains in her study of Vietnamese refugees in the U.S., it is because of "difficulty of such bridging work, and the feelings of marginality and powerlessness often accompanying it, that men were often willing and even eager to leave these tasks up to women" (p. 126).

The feminisation is further enhanced by the fact that refugee women are perceived as easier and more manageable objects of assistance than men (Ong, 2003). I have observed that NGO workers often dealt with women even over subjects related to their husbands or sons. They found women generally more communicative, adaptive and less willing to openly express their anger or dissatisfaction. In other words, women were expected to readily comply with the needs and respective solutions to their problems as identified by NGOs. Moreover, communication with women was often easier simply because they tended to speak the Czech language better than their

husbands.¹⁴² In line with the above outlined division of labour in refugee households, from the very beginning of the asylum procedure it is women who are more likely to approach social workers in NGOs and in the refugee camps and to discuss issues related to their children's school attendance, healthcare, food and so forth. These responsibilities prompt many women to learn the Czech language more quickly. Thus, they soon become the key mediators between NGOs and their households.

Men, on the other hand, are more likely to be constructed by NGOs as obstacles in women's development, as potential problem-makers who, after losing their role as breadwinners through unemployment, are struggling hard to preserve their manliness and dignity, often at the expenses of their wives and children (CCR, 2005). While women were often admired by NGO workers for their ability to perform their roles as mothers, wives and homemakers well even in difficult material conditions, refugee men's inability to find a stable, regular job and to financially secure the family were presented as the main features of their general dysfunction. In a number of interviews, social workers presented a simple theory of how gender relations in refugee families are being transformed throughout settlement. It is best expressed by this account of an NGO "A" social worker:

It works like this: women are faster in finding some sort of a position for themselves. Even if they are still at home, but the fact that they take care of the household makes them feel up and running. It's different with men, if they can't find a job, be it a regular or an illicit one, then it is usually pretty bad. I have a lot of female clients who function perfectly, they take care of their families, but their husbands do not function at all. [NGO "A", August 2007]

¹⁴² This was confirmed to me by NGO interviewees and it was also the case among my informants; 13 women out of the 21 female informants living in couples (including both the core and standard informants) spoke Czech with greater fluency and confidence than their husbands.

Although NGO workers acknowledged that the process of settlement may be in many respects particularly difficult for men, refugee women have remained the prime objects of their assistance. As I will demonstrate below, the feminisation of the refugee clientele operates in a mutually supportive manner with practices of depoliticisation. Women experience their dependency on NGO services as the only way to gain access to resources on which their families depended and, therefore, they were less likely to question on what terms this access was granted. On the other hand, it has to be stressed that their embeddedness in NGO networks can represent an important source of social capital that can facilitate women's access to resources and opportunities and improve their bargaining position vis-à-vis their husbands and families (e.g. Kibria, 1993; Ong, 2003; Ui, 1991).

Everyday Mechanisms of Depoliticisation in Practices of Assistance

Moving to the analysis of practices of assistance within the "Refugees' Friends" type of NGOs, the main argument put forward here is that the unequal power relations which frame NGOs' encounters with refugees are more likely to act as mechanisms of depoliticisation if they are masked behind closeness and friendly affiliation with "the other", who nevertheless remains positioned as subordinate and can therefore be used as a means to the organization's ends.

In his theory of social space and symbolic power, Bourdieu writes about "strategies of condescension" (1989) and defines them as actions by which:

agents who occupy a higher position in one of the hierarchies of objective space symbolically deny the social distance between themselves and others, a distance which does not thereby cease to exist, thus reaping the profits of the recognition granted to a purely symbolic denegation of distance. (p. 16)

Seeing “Refugees’ Friends” as practicing these strategies is helpful in understanding how good-hearted actions of devoted individuals fail to make the social distance between them and refugees disappear. Moreover, it shifts our attention to advantages that can be drawn from the declared closeness to refugees as it fits well with NGOs’ image as humanitarians. The strategies of condescension are closely intertwined with mechanisms of silencing and depoliticisation of refugees.

One-Dimensional Positive Representation

NGOs tend to place themselves in the position of agents for refugees. They act on behalf of them and use the frame of their own visibility as honourable civic organisations to make refugees visible and recognisable as individuals, thus countering the dehumanizing and alienating labels of governmental and media rhetoric (Tyler, 2006, p. 194). However, their one-dimensionally positive representation of refugees does not succeed in crossing the boundary between “us” and “them” because “they” are prevalently represented as someone who is being taken care of, who is provided with a service, i.e. in a passive position that arouses pity rather than solidarity.

“Refugees’ Friends” discourses construct “a refugee” as a figure with a high moral value. The bottom line that connects “us/Czechs” with “them/refugees” is defined as our shared humanity. The rationale for these representations is that as far as refugees are represented in a negative and stereotypical light by the government and the mainstream media, the role of NGO advocates is to balance the negative images by “showing refugees” in an essentially positive light. Consider how a female interlocutor from NGO “C” explained her approach:

If there is no will to treat them [refugees] as people, because the political demand is: it would be better not to have them here at all, then, perhaps, my reaction to this restriction is that I always feel like showing them as decent people. As far as they want to make us see them as thieves, cheats and dangerous creatures... [NGO "C", April, 2006]

In practice, this "decency" is usually delivered through feminised and depoliticised refugee imagery. The stories of refugee women prevail in NGOs' publications (e.g. Centre for Migration, 2001; Roubalová, 2007; Roubalová et al., 2005) as do the images of them and their children on their websites. As argued by Malkki (1995a), the predominance of women and children in refugees' visual representations is not accidental because it associates refugeeness with powerlessness and neediness (p. 11). However, the predominance of women in refugee representations does not necessarily improve knowledge about their specific situation and the problems they face throughout settlement. Some of my interlocutors were well aware of their role in the game of one-dimensional positive representation:

I am myself an average representative of a woman who keeps being invited to places to make the image of a refugee look kind of nice. I know that if they organise something, if they want to present a refugee to the public, they will not choose a man who has been waiting for his asylum decision for many years, is angry and exhausted. I know that if it is for TV or something, they will invite me to conjure up a smile, say a few words in Czech... They know I can be endearing: look, this refugee can say something; she has children, she looks happy... And the women who are not dumb are well aware of this. I think that this is also why you don't see many men participating. [Private accommodation, September 2007]

Even though she admitted she sometimes experienced this role as a burden, she was willing to carry on playing it in order to "improve the public image of refugees". Her account reminds us how simplifying these representations are. As an apolitical "womenandchildren" group (Enloe, 1993), refugee women are deprived of the complexity of their experiences of displacement. There are little opportunities for

discussing women's involvement in politics or their critical ideas about the workings of the Czech refugee system, including the work of NGOs. Their identities are being abstracted into a positive image of a blameless ethnical figure (Pupavac, 2008, p. 276) that seems to be the only one worthy of public attention and support.

Instrumentalisation for Self-Promotion

The most typical examples of public activities organised by “Refugees’ Friends” are those promoting multiculturalism and tolerance, coupled with more or less explicit fundraising activities. On these occasions, refugees are given an opportunity to present their “cultural contribution” to Czech society, most commonly by exhibiting tables full of samples of their traditional cuisine for tasting or by selling handicrafts. I have already mentioned that the situation has been slowly changing but in the past, refugee women were the first to be asked to participate in these activities and the last to be remunerated for their work. Often spending long hours preparing and serving food, they were refunded only for the costs of the products or they could keep the profits from selling their food.

It is almost always the NGO representatives who dictate the setting and the format of these cultural displays and refugees are invited to “fill up” the predefined framework. For example, one of the most visible and publicised NGO annual festivals organised by the NGO “C” claims to create a creative space for meetings between refugees and the Czech public, promoting tolerance and helping to overcome stereotypes. Their website reads: “we offer the public an opportunity to meet refugees personally not as dangerous intruders but as friends.” a refugee woman who experienced this event for the past two years commented on it with some scepticism:

To be honest, I sometimes doubt what it is good for. It's not really about meeting anyone. Every year it looks the same: refugees stand on the side and talk mostly to each other and some women trade with their homemade food hoping to earn a bit of money before the buses take them back to the camps. Well, it is certainly good for the NGOs as it makes them visible. [Private accommodation, October 2007]

My own observation at the event in 2006 and 2008 and an analysis of reports from the past festivals indicate that refugees were invited to participate and perform but not to actually shape the format of the event. The festival itself is a typical example of a staged performance of preselected, non-political refugee identities putting emphasis on their “enriching” difference materialised in food and arts. After each of these festivals, the NGO’s website is filled with pictures of smiling and satisfied refugees. There is, however, no space for the anger and frustration that largely define refugees’ experiences of waiting for determination and struggling with settlement. There is no space for the politics that create and perpetuate their displacement and socioeconomic marginality. The encounter with refugees is constructed as something to be enjoyed, to taste good and to entertain. Rather than engaging the public in more difficult political debates, the NGOs are safely preaching to the converted. By systematically presenting refugees as bearers of nonthreatening and “enriching” difference and by casting them as passive objects of help, they gain a public profile and the prestige of humanitarians; after all they are the ones who make refugees smile. Strengthening their public legitimacy serves as a powerful basis for a more favourable position in the competition for resources (Marada, 2008, p. 193).

However, the use of refugees for self-promotion is at odds with the ethos of “Refugees’ Friends” organisations. It reveals the economic side of these organised friendship relations and shows them as instrumental. Clearly, the identity of

humanitarians does not fit with the idea of mutual dependence felt by many refugees and aptly expressed by this refugee woman:

We need them as well as they need us, but they will not acknowledge it and that's what I don't like. They think they can treat us like a flock of sheep, run us somewhere, take pictures and then they don't really care about your situation. [Private accommodation, August 2007]

In an environment where refugees' opinions about NGO projects do not count for much, the above presented frustrations remain largely unspoken. If they are voiced, typically by angry and frustrated refugee clients, they are usually dismissed by NGO workers as an expression of refugees' misunderstanding of the role of the nongovernmental sector [interview with an NGO "A" social worker, August 2007].

Socialization into a "Trusted Client"

Refugee women's participation in the activities organised by "Refugees' Friends" strengthens their social networks with NGOs and their sympathizers. These networks can be capitalised on in the form of a widened structure of opportunities for accessing retraining and language courses organised or funded by NGOs, part-time jobs or free recreational activities for their children. Becoming a "trusted client" puts them in a better position to claim various forms of funding as they emerge. A refugee woman explained how NGO assistance is being allocated to refugees based on their previous performance as trustworthy rather than according to the interpretation of their needs. While she herself benefited greatly from her close ties with NGOs and obtained a number of retraining courses, she acknowledged that other people, who might be in greater need of such support, did not get it simply because they were not tried and tested clients in the eyes of NGO workers:

It's more comfortable for these organisations to do it this way. If they don't know these people, they simply don't trust them enough to provide them with financial help. [Private accommodation, September 2007]

Moreover, I have observed that it is usually women of a similar class and educational background to NGO workers who do best in performing the trusted client role.

Refugees become trusted not only by their participation in NGO public events and PR activities but also by their readiness to do voluntary work. In the context of unequal power relations and dependency between clients and NGOs providers, many are reluctant to decline to participate in various "voluntary" activities. I have already mentioned cooking and various forms of unpaid assistance at public events. I also encountered refugee women being asked to translate various NGO documents into their native languages without an offer of remuneration for the amount of work which lasted from a number of hours to a couple of days. Behind the disguise of friendly relations operates a mechanism of implicit reciprocity which burdens refugee women. This is not only due to the time and effort involved, but importantly also because it cements their unequal position vis-à-vis NGO workers, who may pose as their friends but at the same time are exploiting difficult material conditions that put the women in a situation when it is hard to say "no" to offers or promises of material and other help. This refugee woman expressed her ambivalent feelings about the mechanisms of reciprocity she experienced:

There were a few things I didn't like so much. For example, when someone was doing some research or it was for a radio programme, they would call us [refugee women] ... or when some food had to be prepared for a presentation. Well, they sort of ... exploited us, you know, but it is hard to say it in this way. I know how I felt about it and I know how other women felt. They simply didn't ask what we have had inside, how *we* saw it. I know they needed these programmes and interviews, but it was not always pleasant for us. Of course, they would give you something, a used computer, for example, but then you would be asked to do this and that again. We are quite sensitive to these things. [Private accommodation, March 2007]

Seemingly separated exchanges of material help and services in return for participation in NGO self-promotion activities give basis to what Ong (2003) calls "systems of female clientship" (p. 14). On the other hand, it would be simplifying to see NGOs as simply having power over refugee women. In line with Foucault's conception of power as diffused rather than possessed, this relationship fosters mutual instrumentalisation. It is well illustrated by this comment from a woman who has been gradually disassociating herself from the NGO "C" and has recently stopped attending their programmes:

They sometimes call me saying they haven't seen me for a long time and want me to come again. But I always say I'm too busy, I'm not afraid to say this anymore, I don't need them now. [Private accommodation, April 2007]

Hers is an open expression of emancipation from the role of the trusted client as well as an admission that her performance was also guided by a pragmatic expectation of reciprocity. She felt she could break away only once she did not need NGO's help anymore.

The above voices of refugee women make it clear that, similarly to men, they do not feel comfortable in the position of dependency and when they realise that they are not treated as equals. There is nothing essential about them performing as trusted clients better than men. Given the gender order in their households, they do

nevertheless feel more compelled to swallow their discontent and perform their role as far as it provides them and their families with essential support.

Conclusions

NGO assistance to refugees is characterised by a complex set of unequal power relations. These relations foster certain performances of refugeeness and result in the construction of refugees as clients lacking means of influencing their position in a host society. On the other hand, I have pointed out that these performances resonate with NGOs' effort to assert themselves as humanitarians deserving public support and social prestige. In other words, refugees are being depoliticised through particular kinds of assistance and representation while, at the same time, instrumentalised to sustain NGO institutional identities.

When socially and politically marginalised groups such as refugees increasingly depend on the localised forms of assistance provided by the NGO sector rather than the state, more attention should be paid to the implications of this dependence. I have argued that NGOs have become imperative in structuring the possible field of action for refugees by drawing the spaces of articulation of refugees' needs and identities in the public sphere. They exercise substantial power in determining which aspects of refugee men's and women's identities are to be recognised as worthy of public attention and support.

By treating "a refugee" as an identity enacted through reiterative performances in NGOs that pose as refugees' friends, I have shown that highly informal forms of assistance construct "a refugee" as the label which subordinates and distances people rather than facilitates their acceptance into the host society on equal terms. By

casting refugees as essentially positive yet being unspecific about the politics and histories that create and perpetuate their displacement, NGOs may be creating a comfortable, palatable image of refugees which can easily be digested by the receiving society but they risk silencing refugees on the way. This silence is greatly disempowering as it leaves refugees without means to develop political strategies to influence their position in society and assert themselves as objects of solidarity rather than only help and pity.

While the feminised character of NGO assistance can provide refugee women with new skills and opportunities and strengthen their bargaining position vis-à-vis their husbands, it needs to be acknowledged that it comes at the price of their time, efforts and most importantly their self-perception as “actors in the world on their own terms” (Andermahr, Lovell, & Wolkowitz, 2000, p. 13). Rather than empowering women to utilise these skills, for example by becoming recognised leaders forming and mobilising refugee communities towards a more effective self-support and representation (Ui, 1991), NGOs have preferred to maintain them as their “trusted clients” ready for a public display of endearing refugeeness.

On the other hand, I have shown that NGOs are dependent on particular refugee performances in sustaining their identities as humanitarians and in convincing the wider public, and particularly the funders, that their activities are worthy of further support. This situation of mutual dependency is rarely acknowledged in studies of NGO practices but it can serve as a starting point for a debate about the possibilities of clients’ emancipation and resistance. By taking seriously refugees’ critical reflections of their position in the institutional webs of the refugee system, this chapter attempts to make a contribution to such a debate.

At a more theoretical level, I conclude that although performances of pre-scripted refugeeness can be subverted by refugees, it is important to realise that, in line with the logic of Butler's reasoning these subversions do not happen outside the world of performativity. Indeed, they too take the form of another performance as, for example, when refugees disassociate themselves from the refugee label by putting emphasis on their self-sufficiency and independence from the state; by stressing that they have never claimed welfare benefits, even when they were eligible to do so. Butler (1990) asks "what kind of subversive repetition might call into question the regulatory practice of identity itself" (p. 32). By asserting their independence and self-sufficiency as an epitome of integration into society, refugees themselves reify the negative pole of the problem, i.e. refugees' welfare dependency and unemployment as the opposite of integration and positive inclusion.

NGOs should actively oppose rather than benefit from the refugee label being a synonym for silence and dependency on the help of others. It is not only stigmatizing but also easily convertible into refugeeness perceived as uncomfortable neediness that produces much ambivalence towards asylum seekers and refugees in today's Europe and is being mobilised by governments when pushing through restrictive measures.

Conclusion

Asylum seekers and refugees in today's Europe inhabit a highly institutionalised world. This study has explored this world through the analysis of the Czech refugee system. It has shown that it is a complex field of social relations which not only produces historically and politically contingent constructions of "a refugee", but also shapes individual, collective and institutional identities of the actors involved. "A refugee" has been studied as an idealised concept, an object of governance and a lived and performed experience. It was situated in mutually constitutive relations to the key institutional actors engaged in the process of refugee reception and settlement. The refugee system was described through uneven power relations and differential access to resources. However, I have shown that it does not operate in a unified and deterministic top-down manner leaving refugees in the position of passive objects of policies and practices. Refugees are best understood as knowledgeable actors who critically reflect on the workings of the system and thus actively formulate their strategies. I have explained that the refugee system, as a wider context of these actions, favours certain embodied identities and strategies over others. My analysis of the role of ethno-cultural characteristics in the determination process and the gender micropolitics of NGO assistance has been instrumental in supporting this argument.

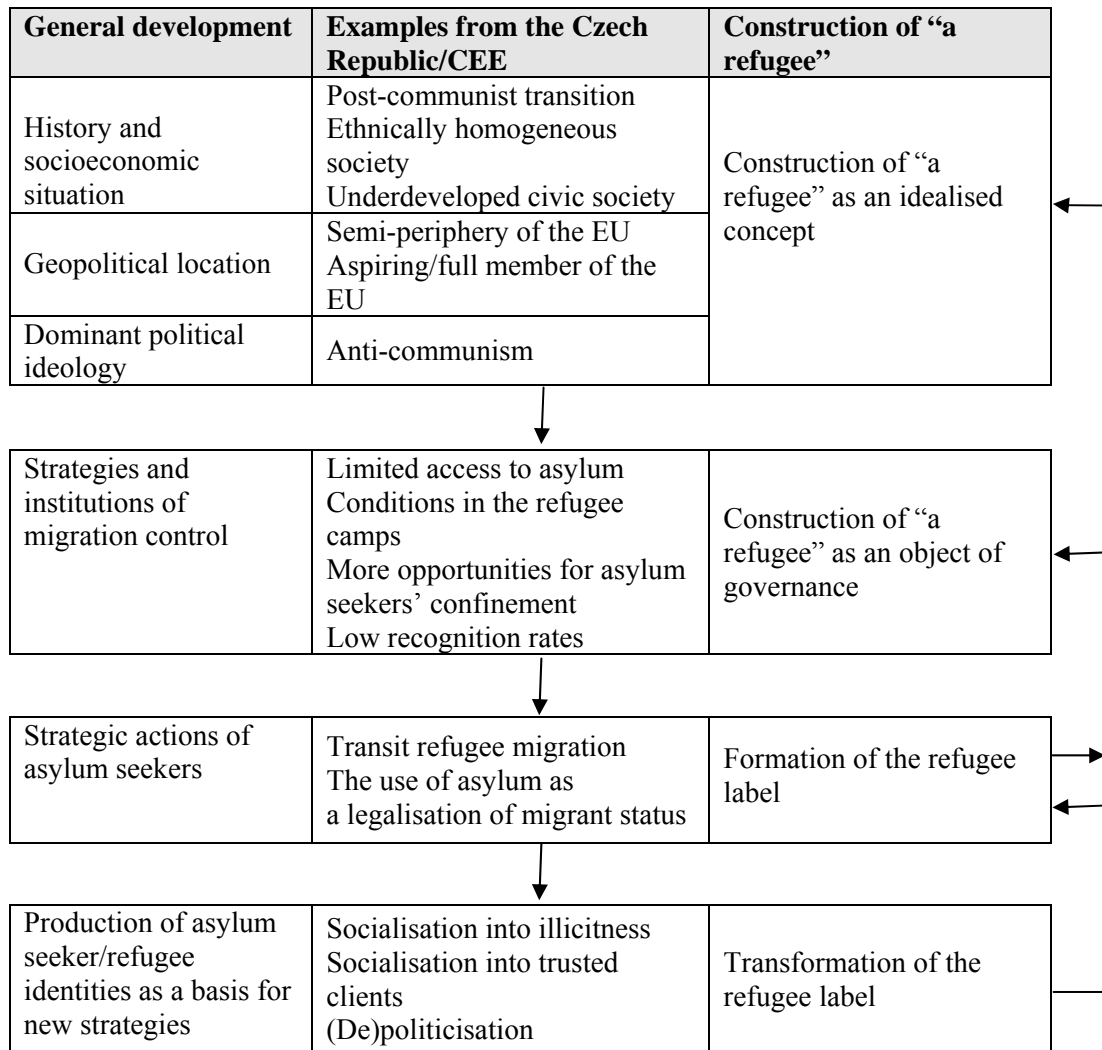
Below, I answer the following questions: How does the refugee system develop into a strategically-selective environment that favours particular strategies of refugee migrants and institutions? How are institutional and refugee identities constituted in the refugee system and with what consequences? Why is refugee depoliticisation one

of the key mechanisms of the refugee system? How is the refugee system gendered? How is the construction of “a refugee” connected to that of a citizen?

Refugee System: A Strategic-Relational Analysis

Throughout their historical developments refugee systems evolve into environments that favour specific strategies on the part of refugee migrants as well as institutional actors. Over time, these strategies can transform into more stable patterns of behaviour. This study has shown that history, socioeconomic situation, geopolitical location and dominant political ideologies in the receiving country are crucial elements of understanding how “a refugee” is constructed and how particular strategies and institutions of migration control emerge; in other words, how “a refugee” as an object of governance is constituted. These control strategies and institutions produce and, at the same time, are shaped by responses of asylum seekers and refugees who also act strategically. In this process, the refugee label is formed. Refugee migrants’ actions determine the structure and the identity production of the refugee population and act as a basis for formulating new strategies, i.e. for transforming the refugee label. In this way, the context and the institutions of the refugee system are constantly being transformed as if “from below”. The construction of “a refugee” as an idealised concept can be challenged and adjusted to respond with new strategies and institutions of control. This development of the refugee system is schematically represented in Figure 9 with examples from the Czech context. Below, I summarise the findings from the empirical study from the strategic-relational perspective.

Figure 9 Development of the Refugee System: The Strategic-Relational Perspective



Historical experience and geopolitical location of the post-communist Czech Republic were the key determinants in the development of the refugee system. “A refugee” has initially been understood in a rather broad sense and served as a source of positive redefinition of the national identity in the post-communist period of catching up with the European and international standards. The formation of the Czech refugee system in the post-communist period has taken place in the strategically selective context of post-Cold War Europe wary of massive inflows of

people from behind the crumbling Iron Curtain. On the other hand, as a former communist country, Czechoslovakia rushed to declare alliance with democratic and “civilised” Europe in 1990. This is why the first wave of refugees, mostly from other countries of the former Eastern Bloc, was received with a level of enthusiasm. After all, being able to receive rather than produce refugees was seen as a clear breakaway from the troubled undemocratic past.

Strategic actions of asylum seekers and refugees have responded to the existing strategies and institutions of migration control and have prompted their transformation. Refugees, who came in the early 1990s, did not always stand to the expectations of those who granted them the status. Many did not humbly accept what was offered to them in the context of an underdeveloped asylum procedure, almost non-existent integration programme and social environment unaccustomed and occasionally hostile to foreigners. They entered the society which was concerned with the insecure economic situation and less willing to invest in the reception and settlement of refugees. Some refugees strategically used their Czech-issued Geneva passports to continue travelling to Western Europe in search of better living conditions or reunification with a family. Others left even before obtaining a decision in their asylum application. Their stopover in Central Europe was a part of a wider migration strategy or a response to disenchantment with the conditions and prospects in the Czech Republic.

In light of transit refugee migration, the institution of asylum has been reconsidered as particularly vulnerable to misuse. It was also seen as a potentially troubling element in relation to the country’s western neighbours and the European

Community/EU, to whose membership the Czech Republic aspired. Under pressure from its western neighbours and apprehensive of the impacts of their increasingly restrictive approach to migrants and asylum seekers, by the mid-1990s Czech policymakers implemented a number of new measures limiting access to asylum and thus narrowing down the concept of “a refugee” significantly. The country’s asylum and immigration policies have been under pressure to adjust to the principles of control embraced by its Western European neighbours. However, it would be simplistic to see the formation of the refugee system as a one way process of adjustment. Czech policymakers did have a space to manoeuvre and the EU framework has often been used strategically as a tool to silence domestic criticism rather than as a prescribed pattern to follow.

Having an advanced refugee system was seen as instrumental in presenting the country as a prepared candidate for the EU fulfilling its international and human rights obligations. Thus, the system of refugee reception and integration has been institutionalised, professionalised and significantly supported from the state budget. In 1999, a new Asylum Act was passed which significantly improved asylum seekers’ conditions, and, among other things, gave them the right to work without administrative obstacles and allowed them to reside outside the refugee camps.

In the meantime, an ongoing inflow of immigrants, particularly from the countries east of the Czech Republic such as Ukraine and Vietnam, created fears among policymakers (although not so much among the general population) that immigration is getting out of hand and needs to be more tightly controlled. Subsequent legislative changes in pursuit of this control, which came into force in 2000, have had a dramatic impact on the living conditions of tens of thousands of foreigners. The

new Alien Act produced widespread legal insecurity and led to the illegalisation of large numbers of foreigners. The concurrence of more favourable conditions for asylum seekers and a less welcoming environment for other groups of migrants preselected their strategic response to this migration-asylum policy mismatch. Thousands of asylum applications have been launched as the last resort in maintaining or regaining the legal status or as a way to access basic needs of shelter and medical care. This increasing complexity of flows and strategies has been described as the “asylum/migration nexus” (Castles et al., 2003). The example from the Czech context points out that apart from the complex socioeconomic and political forces that drive people to seek access to Europe, this nexus is also produced by migration and asylum policies. They reproduce it by making asylum the only available access point for those migrants who are filling labour market demands rather than in need of international protection.

Migrants’ strategic actions in the early 2000s significantly influenced the operation of the refugee system and transformed the perception of “a refugee”. For example, it put strain on NGOs’ generally wide understanding of “a refugee” when they became overwhelmed with clients seeking legal advice and pressurised by the government to narrow their services only to “genuine cases”. In other words, NGOs were being pushed into the role of an extended arm of state migration control. They might have resisted complying with this call, but their position in the refugee system has become more precarious as the dependency on state granted or distributed financial support has been on the increase since the early 2000s. Their ability to effectively assist refugee migrants has become even more limited with the introduction of the new Asylum Act in 2002 that brought about a number of highly restrictive measures.

Due to these legislative changes, the structure of asylum seekers changed with regard to their countries of origin and reasons for claiming asylum. Specific patterns of migrant strategic actions developed. In 2000, Ukrainian nationals started to apply for asylum in large numbers. With the exception of the year 2003 they topped the list of asylum seekers until 2007. The fact that they have not been significantly represented among applicants in any of the other CEE countries suggests that they have been strategically using the Czech asylum procedure as a legalising mechanism.

In this context, the refugee camps can be seen as a materialised intersection of a wide range of strategies. A diverse mixture of people who were absorbed by the refugee system produced new structures of opportunities as well as new layers of insecurity. Importantly, the camp constitutes a strategically selective context in which refugee and institutional identities are formed and future strategic actions formulated. It significantly influences the process of practical learning about what it means to be a refugee. State and NGOs utilise the camp as an arena for various agendas in pursuit of power and control in the institutional field of the refugee system. This has become ever more relevant after obtaining access to EU funding. Despite the fact that the Czech Republic follows the restrictive approach to the reception of asylum seekers more generally, I have shown that there is an interest in keeping the refugee camps relatively full. EU funding has been used mostly to boost the position of RFA and to increase DAMP's control over the work of NGOs. The financial support has been channelled towards expanding asylum seekers' choice of "leisure-time activities" rather than improving their access to quality psychological and legal assistance in the camp. Furthermore, this example demonstrates that much of the harmonisation

process depends on the national and local level interpretation and implementation of the common European asylum measures.

Policymakers tend to present the process of refugee status determination as an objective fact-finding procedure to identify “genuine” refugees and filter out those who are undeserving of international protection. My analysis has shown that it has to be viewed in a wider socio-political context and that it produces a strategically selective context in which certain political identities and ethno-cultural characteristics are more valued than others. Moreover, the gendered nature of persecution and the testimony is rarely acknowledged. The asylum interview is the “prime time” for asylum seekers to present themselves as active agents in proving and documenting why *they* in particular should be granted asylum. However, the context in which they are situated provides them with little means to do so. Their access to information about what is expected from them is limited as well as affordable legal assistance at the time of the crucial early stages of the asylum procedure.

DAMP actively engages in a moral evaluation of applicants as future members of society and privileges those who fit into the hegemonic political ideologies. Therefore, despite an official promise of non-discrimination, certain strategies and embodied identities are better predisposed to reach protection and assistance than others. I have shown that Chechens have been seen as less deserving refugees and less promising future members of society than Belarusians. The latter also fit better the foreign policy directions of the Czech Republic and anti-communist ideology promoted by the political and intellectual elite. This moral evaluation of difference has found a clear expression in the recognition rates of the two groups. Despite the

fact that Belarusians were more likely to see the Czech Republic as a destination country rather than a transit – an attitude held by most Chechens – their chances of recognition have been disproportionately higher than that of Chechen asylum seekers. This observation is particularly striking if considered in a wider international context.

When entering the space of NGO assistance, refugees are also entering the context that privileges specific gendered identities and performances. The fact that women are becoming the key mediators between their households and the public sphere of assistance is better understood as an outcome of women's strategic actions rather than their "natural" attribute. It reflects gender hierarchies in which they are situated as well as the gender micropolitics of NGO assistance. Women too had to learn what it means to be a good client. However, this does not mean that they are not capable of seeing through the power relations nurtured by NGO assistance. I suggest that this critical awareness can act as a basis for challenging the system in the future as well as women's emancipation from the bounds of "female clientship" (Ong, 2003, p. 14).

Refugee System and the Production of Identities

Policies and practices of the refugee system actively create categories of people to be governed. In the course of their journey through the refugee system, refugee migrants are being socialised with various identities. These are both products of the institutions in power and unintended effects of the workings of the refugee system. At the same time, the identities of the institutions are also at stake. For them, the construction of "a refugee" is not only a matter of self-maintenance, but also that of sustaining a positive identity. In other words, the concept of "a refugee" is highly

susceptible to various forms of instrumentalisation. The identity formation is not a one-way action by powerful institutions over the powerless refugee population; it is a mutual process.

The focus on the production and transformation of identities of the actors of the refugee system reveals their fragmented and contingent character and challenges the notion of state, NGOs and refugees as homogeneous entities. First, state institutions assume different positions in the development of the refugee system. As a sovereign power, the state struggles to gain control over migration and refugee flows. On the other hand, both at the international and the national level, there is a need to nourish a positive identity to demonstrate the fulfilment of international obligations towards refugees and to boost the humanitarian ethos of the asylum institution. This combination of control and care comes together in state run institutions such as the refugee camps. With regard to the NGO sector the state also assumes different identities: as a funder and supporter on the one hand and as a co-opting and limiting force on the other.

Second, the identities of NGOs are more ambivalent than they usually seem. There is an acknowledgement of the urgent need to provide individualised assistance to orient and support refugee migrants on their journey through the reception and settlement processes. This identity can come under strain in the situation of inadequate resources as well as when the structure of asylum seekers changes dramatically and NGOs have to redefine their roles in the system. NGOs cannot survive without some level of collaboration with the state. However, this collaboration also creates tensions between different organisational identities: independent advocacy groups, subcontractors of the state and “refugee pacifiers”. Furthermore, NGO identities are

built in relations to their clients (asylum seekers and refugees) and to their audiences (general public and the media). As I have shown in this study, the drive to appeal to the latter can lead to instrumentalisation and depoliticisation of the former.

Third, the formation of asylum seeker/refugee identities in the refugee system is a dynamic and often contradictory process. The very existence of the system gives hope that they will be recognised and protected as objects of persecution. However, the realities of the system indicate that they are more likely to be seen as its potential abusers. They soon learn that some expressions of refugeeness are more valued than others and that some embodied characteristics of asylum seekers and refugees have greater chances to succeed. For example, the institution of humanitarian asylum prompts refugees to redefine themselves from political subjects to impaired bodies and souls. Material structures of the refugee system, most notably the refugee camps, provide grounds for the formation and transformation of refugee identities. They reflect the overall functioning of the refugee system and asylum seekers' critical reflections of it. That is how alienation and inclination towards illicitness can be produced. In the conditions of scarcity and need for support, refugees often adjust their identities and performances to fit the expectations of those who can provide assistance. However, refugees should not be seen as passive objects to be moulded into exemplary refugee clients. They are capable to see through the power relations that situate them in this position and therefore can also challenge them if it does not contradict other strategies of survival. Below, I summarise the findings from the empirical study with the focus on the implications of the production and transformation of identities within the refugee system.

In the early stages of the formation of the Czech refugee system, the government was eager to nurture its pro-democratic and “civilised” identity by receiving refugees. They were likened to Czechoslovak political dissidents fleeing the country during the communist regime. Hand in hand with the relatively generous approach to refugee reception went expectations of refugees’ humble satisfaction with the conditions provided for them by the underdeveloped system. Many refugees and asylum seekers did not comply with this expectation and they were soon redefined as potential abusers of the system. The government’s mission to symbolically “repay” the debts to the international community by receiving refugees soon shifted into that of being a “good neighbour” of the Western European countries where policymakers worried about the influx of asylum seekers from the post-socialist states. To be seen as a worthy future member of the EU, the Czech Republic needed to show that it was capable of controlling migration flows to and mainly out of its territory. After the tightening of the conditions of foreigners’ stay in 2000, many freshly illegalised persons rejected this position and applied for asylum which secured them legal status and temporarily, access to the labour market. This move produced some tensions for the self-perception of NGOs. They saw themselves primarily as helping everyone who declared him/herself as a refugee but they became overwhelmed by the sudden increase in their clientele in the early 2000s. At that time, DAMP pushed them to assume the identity of agents of migration control by excluding undeserving clients from their services.

As the refugee status determination process became more professionalised, the idea that it is a neutral fact-finding exercise carried out by unbiased and highly professional adjudicators who treat everyone the same came to the forefront.

Moreover, as I have shown, the humanitarian aspect of adjudicating asylum applications has also been stressed by DAMP representatives. They wished to see themselves as helping refugees and saving their lives. The identities of DAMP policymakers have undoubtedly been influenced by their increased exposure to international debates about asylum, mostly carried out at the EU level. Due to long-term campaigning by NGOs and the UNHCR, gender has made its way into these debates as an important dimension of persecution which should be acknowledged in the determination process. Despite the lack of in-depth knowledge and general interest in gender aspects of refugee migration, DAMP agreed to follow UNHCR's suggestion and incorporated "sex" as a sixth basis for persecution. While this step could boost DAMP's identity as a progressive policymaker, so far it has not so far had much influence on the determination process. Although NGOs position themselves as relentless critiques of DAMP's policies of low recognition rates, I have shown that more could be done to effectively support asylum seekers' claims.

The refugee camps offer a fertile ground for the examination of identities-in-the-making. I have described them as materialisation of ambivalence towards refugees characterised by the blending of compassion and control. Moreover they present the state with an opportunity to demonstrate how well asylum seekers and refugees are treated. There have been substantial improvements of material conditions in the camps and more "leisure-time activities" have been offered to asylum seekers. They gave DAMP and RFA the opportunity to present themselves as carers rather than those who wish to control and confine asylum seekers for extended periods of time.

Although NGOs have been staunch critiques of the conditions in the refugee camps, they have rarely initiated debates about the very basis of their existence. Moreover, in their attempt to bring in some “meaningful activities” to camp inhabitants suffering from passivity and apathy, they have entered into contractual relationships with DAMP and RFA. While their presence in the camps is undoubtedly for the advantage of asylum seekers, their position of sub-contractors has contributed to the situation when the state paid them to pacify asylum seekers. As I have shown, legal and psychological counselling has been less readily supported. On the other hand, I suggested that for NGOs the camps can be of advantage in building their organisational identities. In contrast to dismal conditions in the camps NGOs can present themselves as refugees’ helpers who are bringing “the light” behind the camp walls.

The analysis has also showed how important the refugee camps are in the construction of asylum seekers’ identities. The stay in the camp has led many to reconsider their initial idea of what it means to be a refugee. Often, they experienced a shock after realising the multitude of agendas of their fellow camp inhabitants whom they saw as not belonging to the refugee system at all. Various forms of illicitness have become normality in the camps. They are stimulated by the fact that asylum seekers cannot be legally employed for a period of one year after they apply for asylum. Combined with the knowledge that even after this period, it is almost impossible to find legal employment, many give up attempting to enter the regular labour market and end up in temporary and often highly exploitative jobs. Their situation is better than that of illegalised persons because they can fall back into the system of free accommodation and healthcare provided in the camps. Also other

forms of illicitness thrive in the camps and draw some people towards criminal activities. This illicitness is supported by the atmosphere of alienation from the system of local legal norms which is nurtured by asylum seekers' experiences with state and private institutions. Many believe in widespread corruption and ineffectiveness of the refugee system. Such an atmosphere provides further legitimisation for mechanisms of control in the camps. Control is enacted both by RFA workers and by asylum seekers themselves. In this environment, relations of trust and community can hardly develop. Thus collective identities can hardly serve as a basis for support.

In recent years, the Czech state has reinterpreted some of its roles in the process of refugee integration and devolved some of its powers to NGOs. They are now subsidised to organise language courses and retraining in support of refugees' labour market integration. NGOs carry out these and other functions in various ways and with differing success. Some position themselves as "Refugees' Friends", others as "Young Professionals" and many are somewhere in between. Their professional identities inform the nature of their interactions with refugees and, implicitly, their expectations from them as clients. I have argued that NGO assistance to refugees nurtures gendered refugee identities which serve as legitimisation for NGOs' self-representation as humanitarians worthy of public support. One of the consequences of such processes has been refugee depoliticisation.

Refugee Depoliticisation

Refugee systems characterised by a high level of centralisation, contractual relations between the state and NGO sector, and dominant perception of refugees as clients

produce refugee disenfranchisement (Hardy, 1994). Refugee disenfranchisement is also sustained by an environment which depoliticises refugees both in the everyday institutional practices and in the public discourse. Refugee depoliticisation is a process in which political violence as the ground of refugee displacement is effaced in favour of a decontextualised and ahistorical image of a refugee as a mute victim. This image underpins the treatment of refugees as a category of people who are dependent clients of services incapable of identifying their own needs.

I have identified two key sites of refugee depoliticisation in the Czech refugee system: refugee camps and NGOs. First, how do the conditions in refugee camps serve as means of depoliticising refugee issues? Refugees who engage in actions of resistance such as hunger strikes are intimidated and the flow of information in and out of the camps is controlled by the RFA staff. Yet, there is also a more subtle way of depoliticising refugees, by occupying them with “leisure-time activities” which have little substantive effect on their situation but can effectively pacify their potential discontent and can be presented as an exemplar of how well asylum seekers are treated by the state. While these opportunities can have a positive effect on life in the camp, they normalise the practice of asylum seekers’ confinement and control over them and make it harder to criticise, both from the inside and from the outside of the institution.

The theme of refugee depoliticisation has resonated most strongly in relation to NGO assistance to refugees. This is not because I consider NGOs the main vehicles of depoliticisation but because the depoliticising character of the micropolitics of their assistance is least likely to be discerned and has not been sufficiently explored in the literature. NGOs have themselves been operating within the strategically selective

environment of the state policies and funding mechanisms which endorse refugee depoliticisation. The power relations of the refugee system and particularly the relations of dependency between NGOs and the state have created an environment in which refugees can be treated as a homogeneous group to be instrumentalised for organisational purposes. The analysis of refugee women's critical views of NGO assistance helps us to understand the ambivalence of their performance of refugeeness in line with NGOs' expectations. Those organisations with strong emphasis on informal and friendship like relationships with refugee clients – Refugees' Friends type – can be most pervasive in depoliticisation and colonisation of the public imagery around refugees. Being seen primarily as suffering victims or presented as one-dimensionally positive figures calling for compassion and support can bring some immediate benefits to refugees. However, there is a risk that this will also strengthen their "otherness" and capture them in the domain of compassion and pity. In other words, depoliticisation makes it difficult for refugees to be seen as subjects of solidarity on more equal terms.

Gender and the Institutions of the Refugee System

Gender is a crucial factor in refugee identity formation, transformation and (de)politicisation. This study focused on the gender dimension of the workings of the refugee system. Two general arguments can be drawn from the empirical study.

First, the context of campaigns highlighting the gendered character of persecution and the need for gender-sensitive reception and settlement policies, gender can become a token category with little effect on the lives of refugees. This is especially the case in the contexts where low awareness about gendered dimensions of refugee

situations is combined with international exposure to the gender discourse. In the Czech context, gender-based violence remains to be treated as a humanitarian issue pertaining mostly to women from the “Third World”. Although the UNHCR guidelines are available and “sex” found its way into the national legislation as a recognised basis for persecution in 2006, it is unlikely that it will have a substantial impact on more gender-sensitive understanding of persecution. More likely, such performance of gender awareness on the part of DAMP officials was a way of improving their international image as progressive policymakers. That is also why the integration of gender perspective into the operation of the asylum procedure was much less apparent, for example with regard to interviewing asylum seekers by a person of the same gender. Thus, there is a danger that when incorporated into the refugee system in this top-down manner, gender becomes an emptied catchword with little impact on the lives of asylum seekers.

Second, refugee camps and NGOs are characterised by institutional practices that tend to emasculate men and consequently produce heightened expressions of masculinity. I have shown that in the environment of the Czech camps, men are drawn towards illicit practices that can secure immediate income to themselves and their families in a situation when legal participation in the labour market is obstructed. In relation to NGOs and other forms of assistance, many men prefer to withdraw from the areas where they are expected to perform their refugeeness as pleading and needy. It is women who have to take up the role of mediators between their families and the welfare services. In this way, they gain more social capital but often at the cost of their time, energy and the sense of dignity. Although many NGOs realise multiple pressures put on refugee men throughout the process of settlement,

so far, there have not been enough efforts to address their situation, even though it could substantially decrease the burden put on women. It is a question for further research whether more participatory methods of assistance could make it more meaningful and less stigmatising for men. With regard to refugee women, there seems to be a lot of potential for further empowerment that is not fully exploited. Rather than remaining in a position of convenient “trusted clients” promoting NGOs’ interests and public image, they should be supported in taking up more active and independent roles both within and outside the refugee system.

From Refugees to Citizens

The construction of “a refugee” is closely connected to that of a future citizen. As argued by Ong (2003):

To become “good enough” citizens, newcomers must negotiate among different forms of regulation, and be taught a new way of being cared for and of caring for themselves in their new world. (p. xvii)

Her observation captures well the contradictory experiences of many refugees who aspire to become citizens. Rather than simply acquiring a certain legal status through an administrative process, citizenship is a long term social process of mediated production of values (Ong, 2003, p. xvii). In this process, different categories of people are variously regulated depending on their position within the nation state and within the global economy (Ong, 1996, p. 737). On the one hand, asylum seekers’ and refugees’ journey through the refugee system is that of socialisation into dependency and passive clientship, on the other hand, they are required to demonstrate an extra degree of self-sufficiency and entrepreneurship to be seen as worthy future citizens. That is why this study is also relevant for understanding of the

complexities of the move from a refugee to a citizen. As they pass through the refugee camps, interview rooms and NGOs, refugee migrants are being exposed to values and practices many of which are deeply alienating. It is their experience of being asylum seekers and recognised refugees that makes people so eager to strive for citizenship as a dreamt up antithesis to a stigmatising, insecure and exceptional status. However, I argue that these experiences will continue to shape refugees' identities and behaviour throughout their settlement with or without citizenship.

Let me now briefly outline the conditions for moving from a refugee to a citizen in the Czech Republic. After being granted asylum, a person gets a status of a permanent resident. This residence permit has to be renewed every five to ten years but the renewal is a formality. Although there have been cases of asylums being annulled, they are rare. One of the reasons for this nullification is when recognised refugees visit their country of origin. According to the Czech Citizenship Act (No. 40/1993) foreigners *can be*¹⁴³ granted citizenship if they: 1) have held permanent residency for a minimum of five years; 2) prove that they forfeited their former citizenship; 3) have not been sentenced for a deliberate criminal act in the past five years; 4) demonstrate knowledge of the Czech language; and 5) have met the requirements pertaining to them based on the Alien Act, regulations of health and social insurance, taxes and fees.¹⁴⁴ Recognised refugees can be exempted from the first two requirements and can therefore apply for asylum sooner than after five years and do not have to be released from their previous citizenships.

¹⁴³ The expression "can be" gives the Ministry of Interior that decides about citizenship applications a significant space for discretion. Simply put, it *can* grant citizenship but *does not have to* even if all the conditions of eligibility are fulfilled.

¹⁴⁴ See paragraph 7 of the Citizenship Act No. 40/1993.

Considering what drives people to apply for citizenship, it is important to clarify what limitations they experience as recognised refugees/permanent residents. When receiving asylum, they are told by DAMP representatives that they are going to have almost the same rights as Czech citizens with the exception of the right to vote and occupy some positions in the state administration and the police. Many of my refugee informants described how excited they were when hearing these words. However, they soon realised that the reality is somewhat different. It gave them formal rights such as the right to work with no administrative obstacles, but in the eyes of the majority population they remained foreigners from the East. This implies that they are seen as generally less trustworthy; for example they have difficulties obtaining a bank loan or are not allowed to buy something on instalments. Moreover, refugees are often expected to be willing to work under worse conditions than the locals. If they do not accept, employers prefer to employ a foreigner with less secure legal status who will conform. For example, this refugee woman explained why she was so eager to apply for citizenship after three years of living with asylum:

They say we have all the rights, but this is not the case. When I wanted to buy a computer for my son, you know on instalments, paying 1,000 crowns a month, they said: you are a foreigner, it is impossible. No matter how I was trying to explain that we not only have permanent residency but also asylum. They didn't care. When I needed to change my daughter's kindergarten I had to bring all the papers and explain that I am a special kind of a foreigner and do not have to pay for her. When I go to buy my monthly bus pass, they ask me: and who are you? And I have to explain again and again and I am tired of it. You live here, this is the only place where you can live and you still have to prove it. Sometimes I have the energy to do it, sometimes not. It gets on my nerves when they start flipping through my passport checking everything with extra care even when I go to pick up a registered letter at the post office. And you have to explain again who you are. People don't understand that we have to go through this every day; every time you try to arrange something. [Private accommodation, January 2007]

Similar grievances have been voiced by many informants from all three national groups in this study. As this woman put it simply:

When you are here as a foreigner you have to keep demonstrating who you are and that you belong here. [Private accommodation, February 2007]

Or consider this young refugee man who described occasional insecurity brought about by the fact that he was not a Czech citizen:

Sometimes you need citizenship to be able to fight back; otherwise people consider you nobody. You need this citizenship to be equal and to be able to defend yourself. [Private accommodation, June 2007]

Another important reason for applying for citizenship is the fact that as refugees, people cannot visit their country of origin. Not everybody risks immediate danger when going back for a short-term visit. This applies especially to those with humanitarian asylum and who were granted asylum based on family reunification. However, they too are not allowed to visit their family members back home. This causes a significant psychological strain that is especially painful in cases of serious illness or death of refugees' elderly parents.

Many refugees also believe that Czech citizenship could dramatically increase their chances in the labour market. While such belief may be substantiated to some extent, their fixation on the prospect of citizenship as a panacea to various problems also risks ending in disappointment. Many of these problems are caused by the lack of social, economic and cultural capital which can only partly be mitigated by citizenship. However, the exigencies of coping and getting through life are becoming less bearable when infused with feelings of second-class citizenship. Thus, obtaining the Czech citizenship has been dreamt about not only as an ultimate solution to these problems but also as a more stable ground from which to face them.

The numbers of citizenships granted to recognised refugees are relatively low. Out of 3,379 asylums granted between July 1990 and July 2008, 846 (25 percent) have been exchanged for Czech citizenship (DAMP, 2008b). Of the three groups included in the study, Belarusians constituted the most numerous group of refugees-turned-citizens between 2001 and 2007 (37 citizenships granted) and were followed by Armenians with 26 citizenships. Recognised refugees among Russian nationals obtained citizenship in nine cases within the same period (CSO, 2008b). The difference between Russians and Belarusians, who are both rather recent arrivals, indicates that Belarusian refugees might be more successful in claiming citizenship. Looking at the numbers of citizenships granted to all national groups of refugees since 1990, Armenian refugees were the second most numerous group of new Czech citizens (115 cases) following after Romanians (DAMP, 2008b).

The most common official justification for rejecting refugees' citizenship application is "insufficient labour market integration" or "excessive dependency on the state" (Rozumek, 2007a). This justifies even cases when the applicants are students, disabled or temporarily on maternity or parental leave – conditions that are generally recognised as legitimate reasons for being out of the labour force (Rozumek, 2007a). For example, two of my informants who went through the citizenship interview during this research and were both rejected in the first instance (they both appealed) had a similar experience of being suggested by the officials that they came to the Czech Republic in order to obtain welfare benefits and that they "have not done enough for the country yet" to be given the privilege of citizenship. Also any minor breach of immigration rules, any underpayment of social or health security act as a sufficient reason to reject an applicant.

On the other hand, the acquisition of citizenship has an immediate symbolic and practical effect. It has been summed up by one of the informants who was recently granted Czech citizenship and commented on how it changed her life:

Well, it's quite good with citizenship. When I plan something, I no longer have to consider whether I'm eligible for that as a refugee or not. Somehow, I let it out of my head. And I went to vote recently, that was a very interesting experience. Also the feeling that you know you can go home whenever you want or anywhere else makes you feel somehow freer. You feel less constrained and a bit emboldened inside. [Email correspondence, November 2008]

Suggestions for Future Research

Studying refugee reception and settlement over time and sustaining long-term engagement with research participants brings many benefits with regard to the depth and complexity of the empirical data produced. Therefore, more longitudinal studies of refugee reception and settlement and the changing institutional frameworks of refugee systems are needed. Such studies can improve our understanding of these processes, account for their contradictions, ambivalences and consider their wider impacts on societies and individuals.

This study focused on the construction of “a refugee” in the domain of the refugee system which is primarily designed to manage and assist asylum seekers and refugees. However, the process is also influenced by other fields. Therefore, further explorations of refugee construction should also include institutions such as the labour market, welfare state, education and health systems, religious communities and the media. We should ask how their interactions with refugee migrants shape the conditions of reception and settlement and how they are themselves transformed by their encounters with refugees.

This research analysed the mechanisms of depoliticisation as a key characteristic of the refugee system. More needs to be done to understand how the refugee label can be transformed into a politicised identity based on solidarity and capable of responding to marginalisation (Zetter, 1991). One of the traditional means of such politicisation has been the formation of refugee community groups and self-support refugee organisations (Hardy, 2003; Phillips & Hardy, 1997). There is no guarantee that the organisations formed by refugees would not pursue a similar trajectory as described in relation to the Refugees' Friends type of NGOs or that they would not create exclusionary spaces where some groups would have little or no voice. However, the fact that there is very little organisational activity on the part of asylum seekers and recognised refugees in the Czech Republic opens some interesting questions: Is it simply because of the overall low numbers of refugees? Is it because of their insecure socio-economic position as newcomers or because of the fact that many politically active figures and intellectuals managed to get further to Western Europe rather than staying in CEE? Or because of the lack of a strong tradition of civic organising that characterises many post-communist countries? Or perhaps the current system of funding and organisational support is not responsive to the emergence of refugee community organisations which could overtake some of the services provided by the NGOs? In other words, more research is needed into what are the necessary conditions for refugee politicisation in new immigration countries.

Appendices: Interview Guidelines

Appendix 1 General Interview Guidelines for State, NGO and UNHCR Representatives

1) Introduction:

- Introducing myself in terms of my institutional affiliation;
- Explaining the aims and timescale of the research: doctoral research analysing the workings of the Czech refugee system from the perspective of the state, NGOs and asylum seekers and refugees with the focus on the situation of Armenians, Belarusians and Chechens; the dissertation will be written in English; the research results will be available in the next 1.5 to 2 years;
- Do you want to remain anonymous? How would you like to be quoted in the text?

2) General questions:

- How long have you been working here, how did it happen that you started working in refugee issues, what is your educational background?
- What does your section/organisation do?
- What is your position and responsibilities here?
- How has your work evolved over the past years, what were the most important changes and developments?
- What are your specific experiences with asylum seekers and refugees from Armenia, Belarus and Chechnya? How would you characterise these groups?

3) Specific questions (see below for each group)

4) Conclusion:

- What do you see as the key problems and dilemmas in your field of work?
- What is it that you like about your job and what you don't like so much?
- Is there anything else you would like to add to our discussion, any other important issue that I did not ask you about?
- Would you like to be informed about the results of this research?

Appendix 2 Specific Interview Guidelines for DAMP Officials – Representatives of Sections in the Prague Headquarters

- Specific questions regarding their subject of work such as integration, the asylum procedure, country of origin information, Czech asylum legislation or European legislation.
- Do you have contact with the representatives of NGOs, UNHCR, and asylum seekers or refugees? What is the nature of these contacts and interactions? How do you see the role of NGOs and the UNHCR in the refugee system?
- How do you see your work in the European context? How advanced is the Czech system in comparison to other EU countries?

Appendix 3 Specific Interview Guidelines for DAMP Officials – Adjudicators and Interviewers in Refugee Camps

- Who is a refugee for you?
- What is your view of the workings of RFA how do you divide or share responsibilities with them?
- Do you get in contact with the representatives of NGOs and UNHCR? What is the nature of these contacts and interactions? How do you see the role of NGOs and the UNHCR in the refugee system?
- What kind of training have you undergone as an asylum adjudicator/interviewer?
- How many decisions have you made within the period of 90 days prescribed by the law over the last six months?
- What about the issue of sex/gender in the asylum procedure?
- What do you think about the UNHCR guidelines on interviewing and adjudications?
- Is there any external control over the asylum decision-making so that it is appropriate in terms of substance and timing?
- What do you think about the criticism that nowadays the basic attitude towards asylum seekers is mistrust?

Appendix 4 Specific Interview Guidelines for RFA Workers in Refugee Camps

- Who is a refugee for you?
- How would you describe your relations with asylum seekers/recognised refugees accommodated in this camp?
- What are the usual problems you deal with in your everyday work?
- What was your worst and nicest experience here in the camp?
- What could you say about the relations between refugee men and women in the camp?
- How do you remember the “Chechen wave” in 2003 and 2004?
- What training do you get on your job?
- How about refugees’ protest actions?
- Do asylum seekers work outside the camp? If so do they contribute to the costs of their stay in the camp?
- Do you specialise in working with vulnerable groups? What does it mean in practice?
- What is the influence of the camp life on future integration into Czech society?
- What about asylum seekers’ access to psychological counselling in the camp?
- What about asylum seekers’ access to health care?
- What about asylum seekers’ access to information about the asylum procedure and more generally about the working of the Czech society?
- What was the impact of the European Refugee Fund?
- Do you get in contact with the representatives of NGOs? What is the nature of these contacts and interactions? How do you see the role of NGOs in the camp and the refugee system more generally?

Appendix 5 Specific Interview Guidelines for NGO Workers

- Who is a refugee for you?
- What are your relations with other NGOs in the field?

- What are your relations with DAMP, RFA and UNHCR? What kinds of contacts do you have? How did these relations evolve over the time?
- What are the main sources of finances in your organisation? Do you make use of the European Refugee Fund?
- Did participation in larger EU projects change the workings of your organisation?
- Are asylum seekers and/or refugees involved in formulation and evaluation of your projects? If so, how?
- Specific questions regarding particular projects specific to each NGO: e.g. catering business for refugee women, work with vulnerable groups, integration courses;
- What do you do to gain refugees' trust?
- What is your vision of a just system of refugee reception and integration?
- Gender in refugee issues, what do you think about its relevance?
- Do you try to influence asylum legislation? How do you do it and with what results?
- What is the ratio of women among your clients?

Appendix 6 Specific Interview Guidelines for UNHCR Representatives

- What are your contacts with NGOs and with the state institutions dealing with refugees?
- What are you contacts with asylum seekers and refugees?
- What do you think about the quality of NGO services to asylum seekers and refugees?
- What about implementing UNHCR gender guidelines and interview guidelines in the Czech Republic?
- How much and in what way do you intervene into the individual asylum procedures?

Appendix 7 Interview Guidelines for Refugee Migrants

Each of the interviews had three parts:

1) Introduction:

- Introducing myself in terms of my institutional affiliation, where I live, my previous experiences of working in refugee camps
- Explaining the aims, timescale and funding of the research: doctoral research funded by my university analysing the workings of the Czech refugee system from the perspective of the state, NGOs and asylum seekers and refugees with the focus on the situation of Armenians, Belarusians and Chechens; the dissertation will be written in English; the research results will be available in the next 1.5 to 2 years; I am also interested in a broader question of how do people who became refugees reconstruct their lives in exile, what problems they face and what helps them in the process.
- Do you want to remain anonymous? How would you like to be quoted in the text?

2) General questions:

- How would you characterise yourself in terms of your profession, family situation, age, place of origin?
- How would you describe the family you grew up in?
- How long have you been living in the Czech Republic?
- What does asylum mean to you?
- How would you describe your experience with the asylum procedure?
- How should it change to work better?
- What was the most difficult part of it and what helped you on the way, where did you turn for support if you needed some?
- Have you ever been treated differently because of being a foreigner, a refugee, an Armenian/Belarusian/Chechen, a woman?
- Have you lived in a refugee camp? If so, in which one and for how long? How did you experience life in the camp?
- Looking back at your actions throughout the asylum procedure and your stay in the Czech Republic, is there anything you would do differently should you have the same information as you have today?
- How do you see your situation today, what are your next plans in life? Where do you see yourself in five and ten-year time?

- What does integration mean to you?
- Where do you feel at home and why?
- What are the pros and cons of your emigration from the country of origin?
- What experiences with the work of NGOs did you have?
- What are your experiences with employment, health care, education system and social services in the Czech Republic?
- What contacts do you maintain with your family and friends (back home and elsewhere), people of the same nationality in the Czech Republic, Czech citizens?
- Do you think that being a refugee is experienced differently by men and women?
- Are you considering an application for the Czech citizenship?

3) Conclusion:

- Is there anything else you would like to add to our discussion, any other important issue that I did not ask you about?

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