

Part III
**The (Un)Deserving
Migrant/Refugee**



Ambivalences of (Un)Deservingness

Tracing Vulnerability in the EU Border Regime

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During the long summer of migration in 2015, when Europe proclaimed a ‘refugee crisis’, the demarcation between deserving and undeserving refugees became prevalent in the attempts by the European Union (EU) to take control of border crossings into Europe. While EU Member States engaged in extensive and controversial debates about the (re)distribution of refugees between EU countries, negotiations between the EU and Turkey intensified the management of external border control and led to the release of the EU-Turkey Statement on 18 March 2016. The Deal’s mastermind, Gerald Knaus, the Austrian policy advisor and head of the think tank European Stability Initiative (ESI), proposed this enhanced control of the EU’s external borders to reduce irregular migration while simultaneously protecting the EU’s high moral standards.¹ This strategy became paradigmatic of the externalization of the EU Mediterranean border, which was established to prevent migrants from drowning during passages across the Aegean Sea, but also to deter them from entering the EU irregularly (Rygiel et al. 2016: 317). Since the agreement depends on Turkish collaboration in rigorous border control, the EU had to offer strong incentives to an increasingly authoritarian Turkish government. A closely monitored €6 billion programme, the EU Facility for Refugees in Turkey, was established to provide humanitarian assistance and education for refugees alongside equipment for migration control. In exchange,

Turkey was required to prevent refugees from crossing to Europe and to accept the re-admission of asylum seekers identified as not in need of international protection by the Greek asylum administration. Furthermore, ‘resettlement’ of one Syrian refugee from Turkey to Europe for each Syrian sent back from Greece was agreed upon and a Humanitarian Admission Plan (HAP) was activated to establish resettlement as a key tool of the new border regime.² The acceleration of Turkey’s EU accession negotiations, including visa liberalization for Turkish citizens – objectives that were also initially set out in the Statement – were never put into practice.

Although the number of people informally crossing to Greece dropped from over one million in 2015 and 2016 to approximately 40,000 in 2018, the agreement was a failure, even according to Knaus.³ Thousands of refugees got stuck on the Greek islands in unbearable conditions and the number of people crossing irregularly has been increasing again since 2019, stopped only temporarily by the COVID-19 pandemic in March 2020.⁴ Knaus has seen the slow decision-making process in asylum procedures and the lack of support for the Greek administration from the EU as the main problems. Because the Turkish government approved the re-admission of legally rejected and thus ‘nondeserving’ asylum seekers from the EU in addition to offering temporary accommodation to some four million refugees, Knaus does not consider the deal a moral problem or an indication of a lack of EU responsibility. Hence, as long as the EU Member States develop such resettlement schemes and thus provide safe passage and redistribution, Knaus sees no reason to call the suggested agreement itself into question. Instead, he identifies a severe political crisis that can only be solved by an accelerated administration, able to send rejected asylum seekers from the Greek islands to Turkey quickly, and by the redistribution of people deserving international protection throughout the EU Member States.⁵ Yet, understanding deservingness as compliance with the EU border regime’s legal and moral principles means that only countries that accept re-admission agreements, such as Turkey, and only travellers who did not enter the EU irregularly are seen as eligible for EU support.⁶

Despite this rise in the politics of deservingness, the EU Member States have in fact been rather unsuccessful in two respects. First, they have failed to support Greece, Malta and Italy cope with the high number of arrivals. Second, they have not implemented the Commission’s suggestion for the EU Resettlement Framework, which aims at creating safe and legal pathways at least for the most vulnerable

people.⁷ Instead of the envisioned distribution, years after the refugee crisis proclaimed in 2015, the EU Commission is still operating with only small voluntary pledges from some Member States, but only the most vulnerable travellers are eligible for resettlement.⁸

Vulnerability is decisive for refugees' in determining refugees' (un)deservingness and thus whether they will be rescued and resettled or left behind for re-admission, temporary protection or even deportation. Until recently, vulnerability, now identified as a key term in the distribution of refugee resettlement, has attracted surprisingly little attention in the theoretical debates on humanitarianism and sexual democracy. Yet, in my reading of the ethnographic material, there is a gendered, sexualized and neo-orientalizing potential in 'vulnerability', which is still widely unchallenged as a yardstick of resettlement and thus as a moralized assessment tool of (un)deservingness.

In my analysis of this politics of (un)deservingness, I address the entanglement of the EU–Turkey border regime and its voluntary resettlement scheme for the most vulnerable (and thus most deserving), and explore how EU Member States select refugees according to a vaguely defined notion of vulnerability within the EU's Resettlement Framework.⁹ I argue that this initiative for resettlement is crucial in order to first identify and then separate 'vulnerable' and 'deserving' from 'undeserving' refugees. Further, I employ Jasbir Puar's (2007) concept of homonationalism to carve out racialized and sexualized variations of claims to European supremacy. Whenever conservative powers line up with LGBTIQ+ and gender equality claims in order to justify their racist positions against 'migrants' and 'Muslims', they discursively present the 'Other' as homophobic and misogynous in contrast to European countries and themselves, who are considered as gay-friendly and gender egalitarian. Similarly, overemphasizing gender and representing minoritized men mainly as perpetrators and 'women of the Other' as victims of their 'culture' are versions of this neo-orientalist discourse (Ticktin 2011; Abu-Lughod 2013; Strasser 2014) and essential to the idea of vulnerability of travellers on their way to Europe. Needless to say, these same nationalist forces often simultaneously contribute to sexual and gender-based discrimination in the same social and political environment.

Drawing on my long-term ethnographic field experience in Turkey and several fieldtrips exploring the EU–Turkey as well as Syrian borderlands, I will zoom in on the journey of two friends and show how their future was shaped by the EU–Turkey Statement and its politics of (un)deservingness. I will examine if resettlement based on vulnerability can ensure 'safe and legal alternatives' (UNHCR

2019) for those in need of international protection and how far the EU Resettlement Framework reaffirms or can avoid the epistemic violence of neo-orientalism premised on gender inequality and a lack of sexual democracy among refugees, particularly Muslims. My aim is to contribute to the current debate on (un)deservingness in the fields of humanitarianism and border studies (as suggested by Streinzer and Tošić in the Introduction to this volume) with a twofold analysis: first, of how the distribution of asylum rights is moralized and framed within the discourse of gender equality and sexual democracy in Europe; and, second, of how the humanitarian language in the border regime, expressed through the politics of deservingness in the selection of vulnerable migrants along lines of gender and sexuality, curtails individual asylum rights and transforms them into ambiguous compassion for the most ‘vulnerable’/‘deserving’.

Flight to Turkey: Deserving to Be a Registered Refugee

I met Isaak and Ghalip in March 2016 at the spring party organized by a local humanitarian association in Bodrum.¹⁰ I got to know them there as Jake and Connor, and due to their language skills and the diversity of the guests, I actually believed that they were Canadians who – just like two young Germans and me – volunteered in that same association. Syrian refugees had not been allowed to stay and register in Bodrum (situated in the Turkish Aegean province of Muğla) since the autumn of 2015, when the flow of refugees was at its peak and preparations for the EU-Turkey Statement had begun. The Bodrum Peninsula was a hotspot during the summer of 2015 and sadly gained fame in the global refugee discourse due to Alan Kurdi, the toddler who was washed ashore in September 2015 (Perl and Strasser 2018). This event and the protection of the tourism industries were considered as the main causes for the regional governor’s decision to prohibit registration in Bodrum in 2015, which aimed at clearing the peninsula of refugees to stop departures from its shores in spring 2016. Only 10 km away from the island of Kos, Bodrum saw thousands of exhausted people passing through, who would hide for a day or two before moving on to Europe in the grey of dawn. Some locals organized themselves into humanitarian associations and provided breakfast, sanitary products and healthcare; some brought children’s toys; others sold equipment such as life jackets and water bottles to the travellers; and some even joined the smugglers.

However, the majority watched, baffled and compassionate, as every day people headed off towards Europe in rubber boats.

Yet, almost all of the travellers had left when I arrived in Bodrum at the beginning of March 2016. I soon learned that my new friends, Jake and Connor, were in fact Syrian citizens, called Isaak and Ghalip, who had left their hometown together and got stuck in Turkey after ten failed attempts to cross to one of the Greek islands. Luckily, they had arrived in Turkey by plane before all Syrians had to apply for visas for flights from January 2016 onwards and the Syrian–Turkish border was sealed off by a wall. They had planned to enter the EU and then move on to Canada. However, with the upcoming deal between the EU and Turkey, they stopped trying to cross to Greece in December 2015, when the gendarmerie was no longer turning a blind eye to refugees and the area had been militarized by NATO as well as the Greek and Turkish coastguards.

‘Everything happens for a reason!’, Isaak explained with a smile, when he and Ghalip showed me around their house. After a couple of weeks in a rather cheap seaside hotel, they ran out of money and one of their new British friends invited them to stay in their fancy but remote summerhouse, which was empty during the winter months. Standing on the terrace, with a view over the Aegean coastline, they pointed out landmarks of meeting places for their failed attempts at crossing to Greece, overwriting the beautiful landscape with their uncanny memories. Left behind in Turkey with no money or jobs during the quiet winter of a summer resort, they looked for work to cover their daily needs. They tried to avoid public transport, particularly at night, because they were not registered as refugees and there were unsettling rumours that Turkey was not only sealing its border with Syria but was also sending back nonregistered Syrian refugees to southeastern Turkey or even to Syria. Soon after our visit to the house, people from the local humanitarian association found small jobs for Isaak and Ghalip, such as gardening, babysitting, cleaning and interpreting for the association from Arabic to English during the many visits by international humanitarian missions to the small number of stranded Syrians. These diverse teams comprising Doctors without Borders and MediCare International, or organizations like the United Nations High Commissioner for Refugees, regularly visited Bodrum and, like myself, tried to assess the impact of the ‘Deal’ in the area. None of these representatives actually believed this deal had been a success and all expected a new wave of refugees to arrive soon. However, Isaak and Ghalip were determined not to try again and to

stay in Bodrum and find alternatives to moving on. Again, people from the local association, who described themselves as having been at the frontline of rescuing refugees during the summer of 2015 (many of them citizens of different European countries or recently naturalized), recruited wealthy Turkish friends who finally managed to organize official registration for Isaak and Ghalip in the province of Muğla. This registration provided temporary protection according to the recently adopted Turkish Law on Foreigners and International Protection (LFIP) including the temporary protection regime, which had been in effect since 2014. This ambiguous legal status entitled Syrians (in contrast to all other non-European nationalities) to access healthcare, education, the labour market, restricted mobility within the country, and, only for a select few, a shortcut to Turkish citizenship.¹¹

When I returned a year later, in June 2017, both Isaak and Ghalip had found jobs that, though they worked irregularly, allowed them to earn a modest income and to think about their future. The experience of ambiguity in the face of a permanent temporariness (Biner 2016) due to Turkish legislation was a source of anxiety for the young men, as was the everyday interrelation of mobility and stuckedness in the EU–Turkey borderland that allows some, like me, to move about freely and visit the Greek islands on a daytrip while forcing others to stay put (Tošić and Lems 2019). Despite their rather privileged situation on the peninsula and their middle-class and above-average educational background it became quite obvious that Isaak and Ghalip would have access neither to a proper job nor to a university education in this holiday resort. They were successful in getting registered and thus categorized as refugees with limited protection in Turkey but felt stuck in Bodrum since mobility had become existential in their lives (Hage 2005). How Isaak and Ghalip, who had been close long-term friends and had travelled together for almost two years, departed from Bodrum in different directions sheds light on how EU (ir)responsibility in its border regime shapes people’s lives and is legitimized by the politics of (un)deservingness.

Framing Deservingness: Figures of the Crisis

‘On the most general level, deservingness is a moral assessment of processes of distribution’ (Streinzer and Tošić, Introduction to this volume). Hence, applying deservingness as an analytical lens enables observers to explore how these processes of distribution provide access to social goods, countries or health unequally. Recent

contributions to the debate on deservingness in the field of humanitarianism that deals with migration and border management have introduced such oxymorons as compassionate repression (Fassin 2005), armed love (Ticktin 2011), repressive autonomy (Strasser 2014) or the humanitarian border (Walters 2011; Topak 2014; Ticktin 2016) to bring together humanitarianism and surveillance or care and control (Dijstelbloem and van der Veer 2021). These concepts thus allow anthropologists to deal with the inevitable contradictions and complexities of deservingness in the field of moral anthropology. Yet, humanitarianism not only intersects with materiality and bureaucracies of migration control and border management: it also produces, transforms and represents hierarchical relations, and thus regulates access to, for example, goods, healthcare or legal status based on the moral language of the politics of (un)deservingness.

Numerous anthropological studies on the EU border regime (e.g. Anderson 2014; İçduygu and Aksel 2014; Hage 2016; Soykan 2016; Hess et al. 2017; de Genova 2017; Şimşek 2017), on moralities, affects and the deadly effects of EU borders (e.g. Albahari 2016; Stierl 2017; Perl 2019) and the vivid debate on the entanglement of care and control at humanitarian borders (Walters 2011; Ticktin 2016; Dijstelbloem and van der Veer 2021) discuss rights and restrictions as questions of EU (ir-)responsibility (Perl and Strasser 2018). Holmes and Castañeda (2016) pointed out how the proclaimed ‘refugee crisis’ in Germany contributed to the sorting of ‘undeserving trespassers’ from those deserving rights and access to goods. Later, when hegemonic public opinion and politics shifted away from compassion, the distinction between deserving, ‘real’ refugees and undeserving migrants morally prepared the ground for and organized exclusion and deportation. Until the early 2000s, surprisingly little attention was paid to gender and sexuality in migration studies (the core elements of the public and political discourse on immigration in the Global North). Since then, gendered performance and credibility have been examined (e.g. Luibhéid 2008; McKinnon 2009) and the focus on the premise of heteronormativity in migration research has been dismantled (Akin 2017). With these approaches, the complexity of gender and sexualities at the intersection with humanitarianism, border management and ways of politics of deservingness have gained significance (Koçak 2020).

The shift in public perception and the lack of scholarly insight into gendered and racialized discourses during the so-called refugee crises were highlighted by Johanna Neuhauser, Sabine Hess and Helen Schwenken (2016) as the simultaneous underexposure and

overexposure of gender.¹² They explored gendered and racialized knowledge production to analyse the astonishing interest in the protection of women of the ‘Other’ and in gender equality in the course of the proclaimed crisis. However, the analysis of this strange interest in protecting, saving or rescuing women from the ‘Other’ is not new because it represents a variation of Gayatri C. Spivak’s argument in her seminal essay ‘Can the Subaltern Speak?’ (1988), in which she coined the expression ‘white men saving brown women from brown men’ for the postcolonial Indian context. Abu-Lughod (2013) reiterates this problem as a question for the post-9/11 context when she asks: ‘Do Muslim women need saving?’ In the context of the EU refugee crisis, gendered figures were carved out and juxtaposed as perpetrators and victims, pure and contaminated, deserving and undeserving in the public arena. Similar to the controversial debate on the ‘end of multiculturalism’ and the question of whether ‘multiculturalism is bad for women’ in the early 2000s (Okin 1999), gendered oppositions of victims and perpetrators were entangled with racialized ideas of modernity and backwardness, secularism and Islam, all equally problematic (Strasser and Holzleithner 2010; Strasser 2014). Well-known gendered figures, constructed and reconstructed in the public arena, became crucial for the distinction between deserving and undeserving refugees during the proclaimed crisis and the EU-Turkey Deal: (1) *Muslim men* run away from Syria, Afghanistan and Pakistan, leaving behind their families instead of protecting them from ISIS or the Taliban. Strangely, these men are simultaneously perceived as cowardly and dangerous, deportable in this discourse because they are contaminated with the violence and chaos of wars in their countries and dangerously incapable of living gender equality. (2) *Muslim women* are considered as victims of patriarchal kinship structures and are thus condemned to passivity; yet, when they come to Europe, they seem to represent a strong threat to the hard-won success of gender equality in European countries with their headscarves and their lived subordination. They cannot be sent back. Since in racist or right-wing (and, often enough, also in left-wing and liberal feminist) thinking, Muslim women do still need saving (as Abu-Lughod (2013) showed), they must be educated and liberated. (3) Similarly, underaged men and women are constructed as *unaccompanied minors* in need of protection (Lems et al. 2020) in highly gendered ways. At first, they were shielded by the UN Convention on the Rights of the Child and were perceived as highly vulnerable and needy. Later, when their number had risen in 2015, they were also perceived as suspicious and as cheating regarding their age,

origin and routes in order to demand protection as unaccompanied minors. When they turned eighteen, public opinion transformed the men in particular into threatening perpetrators who might sexually harass European women, as experienced in Cologne and other cities on New Year's Eve 2016. The figure of the unaccompanied minor shifted from a deserving victim-child to the perilous perpetrator-man most evidently expressed in a rather unsettling *Charlie Hebdo* caricature representing the drowned child Alan Kurdi as a groper if he had had a future (Perl and Strasser 2018).

Similar to the overexposure and underexposure of women in the context of gendered and racialized violence, LGBTIQ+ people are now considered – after a long period of struggle by activists (see ILGA-Europe)¹³ – as vulnerable and deserving of international protection (Directive 2011/95/EU).¹⁴ This assumption of an urgent need for resettlement to a 'Western' country that guarantees gender equality and sexual democracy frames the sexual and moral suppression of gay subjects in Muslim countries as undisputed problems of the 'Other', irrespective of the colonial history and present diversity of queer identity formation in the Muslim world (e.g. Shakhsari 2012; Han and O'Mahoney 2014; Shah 2018) as well as of anti-Muslim racism within the EU (Fekete 2005). Furthermore, LGBTIQ+ subjects, similar to women in the gender discourses already described, are exposed to epistemic violence and constructed as vulnerable subjects finding their 'safe haven' only in 'the West', protected by its liberal and thus superior European values. According to Jasbir Puar (2007), homonationalism represents the claim of white supremacy among certain right-wing political, racist and/or xenophobic orientations by lining up with gay communities in Western societies. In this perception, sexual minorities owe their rights to liberal and democratic states in contrast to 'Others' (particularly in the 'Muslim world') who do not guarantee the safety of these minorities. Therefore, the comparison of lived experiences of gay Muslims 'give[s] us a clearer picture of the contours of globalisation in relation to sexuality' (ibid.: 88) and enables us to grasp the entanglement of resettlement, and its homonationalist potential, with the politics of (un)deservingness.

Turkish Law and EU Resettlement

Regarding international protection in Turkey, there are two relevant categorization issues based on the vocabulary of (un)deservingness that create immense insecurity among refugees. First, access to asylum

is restricted to refugees from Europe due to the perpetuation of the geographical limitation in the new Turkish migration legislation, which has been in effect since 2014. The clause was a hangover from the early days of the 1951 UN Refugee Convention, which was focused on displaced people in Europe. Despite EU pressure to eliminate the clause, Turkey considers all non-Europeans as ineligible for refugee status. Instead, it provides only temporary protection in times of crisis and mass influx (such as for Syrians) or, if travellers are not Syrian, conditional protection that provides even less access and protection (Paçacı Elitok 2018).¹⁵ Furthermore, by differentiating between Syrians (under temporary protection) and other, non-European nationalities (under conditional protection) who are expected to wait in satellite cities for resettlement by the UNHCR, this Turkish migration law introduced a distinction between refugees of different nationalities that is, according to international standards, illegal.

Resettlement of Syrians is a second means of differentiating between refugees, this time based entirely on moral grounds, which is not only tolerated but was actually introduced by the EU-Turkey Deal. While before the Deal it was mainly people from minority groups in Afghanistan who were resettled (although in tiny numbers), Syrians became the currency of the one-to-one exchange across the EU border after the implementation of the Deal in March 2016. Refugees of other nationalities who had for a long time been waiting for a UNHCR decision on their case were forced to find alternative solutions and move on; their prospects of resettlement have in fact worsened since 2011, when the numbers of refugees from Syria increased and their resettlement became the highest priority in the global resettlement agenda. The UNHCR nonetheless backed this Deal as an appropriate management solution to control chaos, and the EU hailed it as a success.¹⁶

The main dynamic of this Deal was an exchange programme that aimed at the *removal* from the Greek islands of any undeserving migrants from 20 March 2016 onwards, independent of their nationality. Similarly, *re-admission* of all returned migrants by Turkey, which is recognized as a 'safe third country' (Paçacı Elitok 2018), is expected, and so-called Geri Gönderme Merkezi (Return Detention Centres) are provided or at least supported by the EU for their detention.¹⁷ Finally, for each Syrian among the returned migrants (protected in Turkey according to the Deal), one Syrian is eligible for resettlement to the EU. Refugees can be selected for resettlement by the UNHCR when registered in Turkey and identified as vulnerable according to the newly established EU criteria, provided that they

have not been caught crossing to Europe illegally. In its Resettlement Framework, the EU emphasized that help with refugees would be provided particularly to those countries who are committed and reliably adhere to the terms of the re-admission agreements.¹⁸

In October 2019, the EU Commission's Progress Report on the Implementation of the European Agenda on Migration published current developments in relation to the EU-Turkey Deal and the €6 billion distributed in the Facility for Refugees in Turkey programme.¹⁹ The numbers of migrants from Greece re-admitted into Turkey has not even reached 2,000 people since 2016, with the majority of them being non-Syrians. Around 25,000 have been resettled in eighteen different Member States. The Deal not only affects refugees within Turkey, but has assisted the return of 15,000 migrants from Turkey to Afghanistan, as well as to Pakistan, Iraq and Iran.²⁰ There are no reliable studies on how (voluntary) return with EU support is organized in Turkey. Yet, all in all, only 'good' refugees obeying the border regime are considered to deserve resettlement and only 'good' countries that comply with this regime deserve support with their high numbers of refugees and are eligible for resettlement programmes to EU Member States.

Deserving Resettlement and Assessing Vulnerability

Considering the EU border regime, one key question in the analyses of the EU-Turkey Statement is the issue of who deserves to be resettled according to which criteria. Of course, resettlement is meant to safeguard people who have greater need of protection than others and to provide them at least with an opportunity for a safe future. In recent decades, Western European countries have made mainly ad hoc contributions to resettlement programmes, responding to special calls from the UNHCR and the European Commission, as the recent HAP for Syrians confirms. In 2016, more than 22.5 million people were forced to leave their countries of origin and more than one million were classified as in need of protection and of being resettled to a safe country by the UNHCR. Since 2000, the EU has aimed to develop its own resettlement programme, not least in order to justify its restrictive border management. These efforts were channelled into the Joint Resettlement Programme in 2012 and finally into the EU Resettlement Framework in late 2018.²¹ Although this Framework was established within the Common European Asylum System (CEAS), resettlement is, while recommended by the Commission,

still not unified law. Furthermore, the resettlement of 25,000 people to the EU in five years across eighteen Member States can hardly be called a success. Nonetheless, the EU celebrated its key role in the global resettlement arena at the Geneva Global Refugee Forum in December 2019 and has pledged 30,000 resettlement places in 2020. The former Commissioner for Home Affairs, Ylva Johansson, said in this context: ‘Resettlement is a key tool in ensuring that people in need of protection do not put their lives at risk and reach the EU via safe and legal pathways. It is a key component of the comprehensive approach to migration we need to continue developing, including strong partnerships with third countries.’²²

Katharina Bamberg (2018) from the European Policy Centre problematizes the EU Resettlement Framework when she refers to the lack of a mandatory number of resettlements, the conflation of family reunification and resettlement, and the confusion of resettlement with Humanitarian Admission Programmes, all of which cause lower standards of protection and fewer places for resettlement candidates in need. Furthermore, eligibility is restricted in Article 6 of the Framework and refers to ‘persons who have irregularly stayed, irregularly entered, or attempted to irregularly enter the territory of the Member States during the five years prior to resettlement’ (ibid.: 9). The EU thus established resettlement as an exclusive and safe pathway to Europe, and aims to discourage alternative initiatives to get to Europe informally. Bamberger concludes convincingly that the EU resettlement strategy reveals that rather than providing protection, the migration management approach of this Framework and its eligibility criteria are deterring possible candidates from making resettlement applications. In the aftermath of the EU-Turkey Deal, it has become clear that Member States did not fulfil their pledges, deterred refugees from applying and, finally, aimed to keep them in Turkey in the long run (ibid.: 9). In the entangled approaches of aid and control at humanitarian borders, the EU Resettlement Framework gives priority to control and reduces care to management strategies.

The UNHCR has framed resettlement as an issue of deservingness shaped by categories of vulnerability. The UNHCR Vulnerability Screening Tool describes vulnerability as holistic and circumstantial.²³ The Tool is meant to be more a guide than a rigid or exhaustive means of measurement and, using highly delicate language, it lists vulnerability factors that are expected to be assessed by trained and sensitive experts. However, the employment of vulnerability to tailor the protection of people on the move has hidden exclusionary effects.

It highlights children, women and LGBTIQ+ people as categories at risk in certain circumstances (forced migration, statelessness, trafficking, etc.), but does not consider the fact that (all) refugees might be vulnerable under certain conditions. In the selection process for EU resettlement, a deserving refugee has to be selected by the UNHCR experts too, but due to Member States' expectations, they should be not only 'vulnerable' but also 'compliant', 'healthy' and 'harmless' – because in order to be considered deserving of rescue, an individual should not have tried to cross borders illegally and must be proven to be no threat to the future host society. Only such vulnerable refugees were seen as eligible (see Bamberg 2018) and eventually accepted by a particular EU Member State. Vulnerability has not disappeared from the politics of deservingness, but has to be considered as an additional yardstick used for the moral assessment of eligibility for 'good' or suitable refugees. These preconditions further shift asylum from an entitlement approach towards a moralized and humanitarian approach shaped by deservingness; they give priority to control and also expand the distribution of access to protection to those in need according the UNHCR and EU guidelines, yet unequally by default. Thus, vulnerability is not only a tool for assessing the need for protection, but also divides people into good victims deserving of rescue and undeserving refugees (straight men, terrorists left behind for re-admission, detention or even deportation).

Flying into Europe: Deserving to Be a Vulnerable Refugee

Isaak and Ghalip were both born and grew up in the city of Homs, where the first Syrian protests against the government ignited in 2011. Isaak was born into a liberal Sunni family and although his father was a political supporter of the opposition to the Asad regime, the family did not support Islamist movements and were not even practising Islam. Isaak has always felt solidarity with Jews, who, according to his school education, were supposed to be his enemies. Ghalip's family was slightly more observant and, at least initially, more reluctant and critical about the mainly Sunni Muslim resistance movement. Both grew up in a protected middle-class environment, as far as was possible for Sunnis at that time in Syria. However, after Isaak's father was kidnapped by sectarian militias in the fourth year of the civil war and Ghalip had finished his BA, the families accepted that their sons would leave Syria together in November 2015. Syria

offered hardly any future prospects, except military service for the Asad regime, which they both wholeheartedly rejected.

Ghalip grew up in a middle-class district of Homs as a member of the Circassian minority. Yet, being part of the Sunni majority, Circassians also suffer discrimination and subordination at the hands of the Alawite regime. Well-educated, fluent in English, open-minded and curious, politically interested but not an activist in his home country, of Muslim background but barely practising, ambitious and hardworking in relation to his education, he passed the entrance exams for foreign Master's students to the Turkish university system on his first attempt. 'Life is very difficult for us', he often said, 'you always have to ask yourself if you are doing the right thing.' In this context, he was referring to such issues as whether to leave your country of origin or fight in an obscure war, remain a practising Muslim or become an atheist, risk your life in a dinghy or stay put, start an education in Turkey or apply for resettlement, fall in love or remain independent during this turbulent period of life.

Isaak always wanted to leave Syria because he 'felt so lonely and unaccepted'. He had been 'trying to fit in for so long', but no one appreciated what he was into. 'I was so different, probably because I was overprotected! That's why I am a bit soft and not tough; it's because of my parents – not my sexuality!' He missed a year of schooling, staying at home because he 'felt so low' after his first love affair with a young man ended and left him deeply hurt. For this reason, he started university a year later than his friends and then was unable to attend courses for another year because of the war. Questioning his sexual identity and on his way to becoming gay, he did not feel at home in 'this homophobic country'. What he, as well as Ghalip, complained about more than the regime was social control in their neighbourhoods, and their lifestyle and longing for self-determination not being accepted. Isaak knew from a young age that he was different, preferring long and well-groomed hair, fancy and fashionable design, and being interested in the English lyrics of such global celebrities as Britney Spears, Justin Bieber and Adam Lambert. He fought his battles with conservative elements in his own family and in society in his very own way, convinced, he said, that he could 'smile them off' instead of 'telling them off'. 'But, I didn't want to hide away any longer; I wanted to be accepted just the way I am.' The opening of the Balkan Route gave him the opportunity to finally leave a country that has always rejected, neglected and persecuted people like him.

In Bodrum, Isaak and Ghalip enjoyed the social and cultural diversity of the humanitarian association and quickly adapted to their new

environment, enjoying shopping malls and coffee and cake at famous chains. Yet, fear was lurking around the corner because time was passing quickly and they worried about their future. During my first stay, I joined Ghalip when he decided to apply to be a student and wanted nothing more than to get rid of his refugee status. 'Back to life' for him meant becoming a student, finding work and having another citizenship. During the application process for various Turkish universities, he felt insecure and doubtful. Nevertheless, he was successful and won a place at one of the best universities in the country. Still in Bodrum, he fell in love with a young woman from Istanbul, who had been volunteering in the local humanitarian association. With the financial and emotional support of her parents, they decided to find a flat for him close to her family in Istanbul. Shortly after he had moved there and had begun his Master's in structural engineering, he was informed that, due to the suitability of his education and future profession, he (just like doctors, teachers, nurses, etc.) had been selected as one of the Syrian refugees who could apply for Turkish citizenship. In 2020 he completed his Master's. He now hopes to be able to find work or to soon begin a Ph.D. in the Netherlands, where his girlfriend is studying – one of the many young people who want to escape the increasingly authoritarian Turkish government.

Isaak knew from the beginning that he had to move on – despite the good friends he had in Bodrum and the dance company he belonged to with the Ukrainian trainer he adored. During my first stay in 2016, we had discussed resettlement options and I had started to inform some local and national refugee and migrant associations, as well as the LGBTIQ+ association KaosGL, about Isaak – a young man stuck in Bodrum who aimed to be resettled to the United States or Canada.²⁴ Fluent in English and very familiar with US popular culture, he dreamed of living in an English-speaking country, preferably Canada, where one of his best friends was already living. But when the UNHCR officer finally showed up in Bodrum one day and mentioned Austria's HAP as a fast way to move on (which meant waiting six to twelve months instead of two years or more), he decided to follow his 'destiny'. Since he had been hoping to reach Vienna via the Greek islands and the Balkan Route in the autumn of 2015 anyway, it seemed to be a good temporary solution. 'Everything happens for a reason', he repeated, and shrugged when he reminded me of a dream he had: 'You remember? I dreamed that I would fly into Vienna and literally everyone was laughing at me.'

Before Isaak was resettled to Europe, he was interviewed three times and had two cultural training sessions conducted by the

International Organization of Migration (IOM) in a fancy hotel in Istanbul as well as a health examination. In the first interview, the UNHCR checked Isaak's eligibility for the programme in a 'highly professional way', he said. 'You definitely have to be gay to pass this test', he told me – 'you have to know expressions like bottom and top, etc. and you have to be experienced'. Then he was examined by a Turkish commission of the Directorate General of Migration Management (DGMM). He was furious after this interview, because more than ten people with fierce expressions were in the room and forced him to talk about his sexuality in Arabic – 'I had never talked about sexuality in Arabic before'. Some members of this commission, in his opinion, aimed to prove that he was not gay, but instead was trying to bypass the migration legislation; others assumed that he only wanted to go to Europe to enjoy a gay sex life, which he found extremely offensive: 'I had to tell them that I did not want to go to Europe for sex but to be accepted the way I am.' He was taught that in Europe, the United States and Canada, he would be treated equally since same-sex orientation and other identity formations were 'legally allowed and socially accepted', he said, referring to the terminology of the IOM training.

Austria, in cooperation with the UNHCR, has implemented three HAPs since 2013. All three were designed for particularly vulnerable Syrian nationals (who are officially registered as refugees and are residing in Jordan or Turkey) and altogether they accepted 1,900 people. The most recent was conducted between 2016 and 2017 (before the Austrian People's Party (ÖVP)/Freedom Party (FPÖ) anti-immigration coalition government came into power in Austria in December 2017 and stopped this programme).²⁵

After twenty months of travelling, Isaak finally flew into Vienna on 12 July 2017 on a regular ticket and with a visa. The plan was for him to begin a new life on the HAP III resettlement programme. In Vienna, due to his English-language skills, he was often invited by activists and NGO representatives to take part in film projects and interviews, and also to speak at conferences, like the one in Vienna City Hall where he was expected to proudly represent a group of refugees from his new hometown. However, he felt insulted at being labelled as a 'refugee' and left the conference in protest. He sent me an Instagram picture with an alternative designation on his conference badge – 'free bitch'. Later he explained to me in an email that this expression was inspired by Britney Spears' 'bitchology'.²⁶ Since he is now living 'in a free country where I can express myself without being scared', as he put it, 'bitch' is meant to convey that he

is no longer the ‘obedient shy boy’, but is proud to be a bitch who speaks his mind and stands up for his beliefs, and refuses to tolerate insults or any labels given to him. Yet, he claimed, his new rights as a resettled refugee in a safe country have exchanged his exclusion due to his sexual orientation in Syria for marginalization because of the Syrian and Muslim identity imposed on him in Vienna, which is encapsulated by the notion ‘refugee’: ‘I am sexually free, but I am incarcerated culturally and a Muslim ID has been imposed on me against my will.’ Simultaneously, he is aware of being free to travel within Europe without a visa, of his right to study on a monthly student’s grant and his decent life with new friends – in short, he is free to be a ‘bitch’ and also speak up against the label ‘refugee’, which he aims to overwrite and get rid of. And after his first year in Vienna, he said, with a twinkle in his eye: ‘Sabine, I have never seen a gay couple kissing or holding hands in the street. Didn’t they say “legally allowed and socially acceptable”?’

While Isaak did become the deserving traveller able to enter Europe on a plane, Ghalip, his best friend for years in Syria, was not considered deserving of resettlement. Although he, as a Circassian Sunni Muslim, also wanted to leave Syria due to social control, lifestyle and numerous other restrictions, he was not categorized as gay and thus did not fit the concept of vulnerability. Both have managed to start a new life, become students in public universities and form steady relationships; both are haunted by frightening memories from 2015 and both have worked hard to get rid of the label ‘refugee’, which they experience as degrading and subordinating. While Ghalip became a Turkish citizen planning his future (despite the political turmoil in the country), Isaak, the ‘deserving’ and protected one, is still struggling to liberate himself from the gratitude expected of him and, he assumes, all ‘refugees’. Eventually, he even said he wanted to reject his stipend in order to break free from state dependency and debt.

The Ambivalence of Deservingness: Concluding Remarks

In this chapter, I have drawn on the experiences of two young men affected by the politics of (un)deservingness that is entangled in the EU-Turkey Statement. I have illustrated how resettlement has contributed to legitimizing the EU border regime: a small number of selected refugees considered vulnerable (mainly women, children

and LGBTIQ+ people) and in need of international protection are transferred to a safe country. Meanwhile, the majority, who obviously do not belong to a group considered vulnerable enough to deserve protection, are left behind – under temporary protection or, worse, in order to be detained and deported. In tracing eligibility to resettlement schemes, the concept of vulnerability appeared as the key social and moral assessment tool for identifying deservingness. In this context, the politics of (un)deservingness assists in differentiating between ‘good’ and ‘bad’; it separates deserving from undeserving travellers, and those who are allowed to access the EU from those who are denied entry. In short, it assists the irresponsible EU border regime (Perl and Strasser 2018) to organize and legitimate exclusion while insisting on EU moral superiority. The ambiguous tool of vulnerability is shaping individuals’ mobilities, rights and futures. I have shown that a self-identification as LGBTIQ+ has become a core dimension of vulnerability for the UNHCR, a category later echoed by the EU border regime and included in its politics of deservingness, yet expanded with such qualifications as legal and moral compliance and social adaptability. Entangled with discourses of sexual democracy and gender equality, vulnerability has been transformed by the EU border regime into a marker of deservingness and has reaffirmed the epistemic violence of neo-orientalism in its border regime, implying that a lack of sexual democracy and gender equality is inherent to Muslim societies.

Rather than calling into question resettlement schemes that transfer people at risk from potentially dangerous environments on the grounds of sexual practices or orientation, I am interested in the ambivalences of vulnerability as a tool for ‘rescuing’ women and LGBTIQ+ people. Gender equality as much as sexual democracy in racist and exclusionary discourses have been identified as repressive tools of the resettlement regime similar to the accusation of ‘tradition-based violence’ in the postmulticulturalism and ‘homonationalism’ discourse. Vulnerability has been identified as the prime analytical instrument for studying the ambivalent politics of deservingness. Vulnerability could be understood as a vaguely defined yet sensitive barometer for measuring a potential threat to refugees in their host countries, but simultaneously for measuring the lack of women’s rights and gay-friendliness in ‘other (Muslim) cultures’. In this sense, the ‘vulnerabilization’ of refugees based on gender and/or sexual orientation figures as a precondition of deservingness and thus discloses the ambivalences of the deservingness of the vulnerable in the EU border regime. Despite Europe’s indignation about

increasing authoritarianism in Turkey, the 'Deal' was not discussed as a moral issue of EU irresponsibility. Instead, experts and policy-makers alike presented it as an opportunity to end the smugglers' business, to prevent death in the Mediterranean and to protect the EU's high moral standards.²⁷

The EU-Turkey Statement facilitated the rise of resettlement as a major tool of border management, which was debated heatedly among EU Member States throughout the so-called refugee crisis. Resettlement once offered hope to travellers stuck in Iran, Turkey, Libya or other countries on their (more or less) dangerous journey to Europe. However, later, based on a vague concept of vulnerability, resettlement was turned into a decisive tool for separating deserving from undeserving refugees and has been useful in protecting claims of superiority rather than promoting moral sentiments, humanitarian practices and responsibility. Vulnerability as a tool of the EU migration regime was implemented as an ambivalent control-oriented yardstick instead of to improve access to the EU via safe pathways.

The analysis of resettlement as a tool of the EU politics of (un)-deservingness gives insight less into the persecution and violence experienced in a conflict zone than into the epistemic and exclusionary violence of homonationalism that makes claims to white supremacy and EU superiority to the constructed 'Other' in the Muslim world.

When Isaak arrived in Austria, Chancellor Sebastian Kurz from the ÖVP had just won the national elections and established a coalition government with the far-right FPÖ. Kurz was well known for his anti-Muslim politics and declared the strict control of EU external borders and the protection of Austria as his main aims. Furthermore, he repeatedly emphasized the need to teach gender equality and sexual democracy to those immigrants already living in Austria. Yet, Kurz obviously did not mean LGBTIQ+ or women's rights, because, in the following year, he tried hard to delay the right to same-sex marriage despite the Constitutional Court's declaration that the ban on marriage for gay and lesbian couples was unconstitutional. And instead of rescuing third-country Muslim LGBTIQ+ people and women from their allegedly sexually illiberal countries and social environments, he repeatedly rejected any cases of resettlement to Austria, even the resettlement of unaccompanied children. The inconsistency of this politics of (un)deservingness can best be exemplified by the case of a teenager from Afghanistan who had arrived in Austria as an unaccompanied minor at about the same time as Isaak. In an interview, he said that he feared being persecuted

in his home country for being gay. An Austrian court rejected his asylum application in August 2018, and in the official reports it was maintained that he did not *walk, act or dress* like a gay man.²⁸ Hence, ‘saving’ Muslim gay men from their Muslim countries simply reiterates the myth of European superiority rather than actually meeting the promise of ‘legally allowed and socially accepted’ sexual democracy or gender equality.

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Notes

1. European Stability Initiative (ESI): <https://www.esiweb.org> (retrieved 15 February 2022).
2. The EU provides funding for humanitarian assistance, education, migration management, health, municipal infrastructure and socioeconomic support, as presented in the Fact Sheet: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/frit_factsheet.pdf (retrieved 15 February 2022). For details of the HAP for Syrians suggested by the EU Commission, see https://ec.europa.eu/commission/presscorner/detail/en/IP_15_6330 (retrieved 15 February 2022).
3. See the numbers of sea and land arrivals as provided by the UNHCR: <https://data2.unhcr.org/en/situations/mediterranean/location/5179> (retrieved 15 February 2022). Links to Knaus' public statements and ESI newsletters can be found at <https://www.esiweb.org/proposals/evacuate-islands-eu-turkey-20> (retrieved 15 February 2022).
4. According to the UNHCR data, the number of arrivals in Greece doubled between 2017 and 2019 and increased to more than 74,000 in 2019. June, July and August 2019 saw the highest numbers of arrivals in Greece since the EU-Turkey Statement: <https://data2.unhcr.org/en/situations/mediterranean/location/5179> (retrieved 15 February 2022). Thousands of refugees arrived at the Greek-Turkish border in February 2020 after the Turkish President announced that Turkey would no longer prevent migrants from crossing into Europe (<https://www.nytimes.com/2020/02/29/world/europe/turkey-migrants-eu.html>, retrieved 15 February 2022). On the impact of the COVID-19 pandemic at the EU-Turkey border in March 2020, see also Ayata (2020) and Ayata and Fyssa (2020).
5. Gerald Knaus has repeated this argument on different occasions: see e.g. the interview with the *NZZ*, 13 January 2020: <https://www.nzz.ch/international/gerald-knaus-in-der-migrationsfrage-hat-europas-politik-versagt-ld.1532491> (retrieved 15 February 2022) or in *Der Tagesspiegel*: <https://www.tagesspiegel.de/politik/erfinder-des-eu-tuerkei-deals-fuer-fluechtlinge-in-vier-monaten-haben-wir-die-naechste-grosse-krise/25498616.html> (retrieved 15 February 2022).
6. I borrow the notion of 'travellers' from Khosravi (2010) to avoid the distinction between refugees and migrants that is also employed to identify deserving and undeserving individuals (see Holmes and Castañeda 2016).
7. EU Resettlement Framework: <https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-jd-eu-resettlement-framework> (retrieved 20 March 2022). Resettlement is the process of selection and transfer of a refugee from a country in which they are registered as a refugee in need of international protection to a third country that has granted them permission to stay on the basis of long-term or permanent residence status.

8. Austria's Chancellor Kurz strictly rejects receiving further refugees, even during the COVID-19 crises in March 2020 (*Der Standard*, 4 March 2020): <https://de.reuters.com/article/sterreich-fl-chtlinge-idDEKBN20R1XD> (retrieved 15 February 2022).
9. This lack of precision, which makes addressing 'vulnerabilities' so complex, has recently been studied by an international team headed by Luc Leboeuf (<https://www.eth.mpg.de/5419436/news-2020-04-08-01>, retrieved 15 February 2022) and discussed in a policy brief published by Population Europe in January 2019 (<https://population-europe.eu/policy-brief/vulnerability>, retrieved 15 February 2022).
10. Isaak and Ghalip are pseudonyms.
11. Later, in 2016, Turkey shifted from 'hospitality' towards 'integration', offering basic humanitarian services and the right to access education, health services and (albeit still to a limited extent) the labour market (Şimşek 2017: 161).
12. See Strasser (2016) on the 'crisis-effect' and the shift of power relations when a crisis is proclaimed.
13. ILGA-Europe on Asylum in Europe: <https://www.ilga-europe.org/what-we-do/our-advocacy-work/asylum-europe> (retrieved 15 February 2022).
14. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN>, retrieved 15 February 2022).
15. 'The 2014 Temporary Protection regulation, the 2016 Work Permit regulation for the beneficiaries of the Temporary Protection and the 2017 Citizenship regulation have all been introduced in response to the Syrian refugee crisis' (Paçacı Elitok 2018: 8).
16. UNHCR on EU-Turkey Deal: <http://www.unhcr.org/news/press/2016/3/56ec533e9/unhcr-eu-turkey-deal-asylum-safeguards-must-prevail-implementation.html> (retrieved 15 February 2022).
17. 'Categorization of Turkey by the European Commission as a "safe third country" has triggered a debate both because of the post-return human rights violations and because of concerns about Turkey's eligibility to be considered as a safe country' (Paçacı Elitok 2018: 8).
18. Seventh Report from the European Commission on the progress of the EU-Turkey Statement: https://ec.europa.eu/neighbourhood-enlargement/system/files/2017-09/20170906_seventh_report_on_the_progress_in_the_implementation_of_the_eu-turkey_statement_en.pdf (retrieved 20 March 2022).
19. Progress Report on the Implementation of the European Agenda on Migration: https://ec.europa.eu/migrant-integration/library-document/progress-report-implementation-european-agenda-migration_en (retrieved 20 March 2022). According to this report, the EU has made

- re-admission agreements with twenty-three countries and an effort to push for effective return.
20. The number of 15,000 migrants from Turkey to Afghanistan is relevant since the number of deported refugees from Europe is small and rather symbolic, but the collaboration in the Deal allows the number of returned Afghan and Pakistani nationals from Turkey to increase.
 21. EU Resettlement Framework: <https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-jd-eu-resettlement-framework> (retrieved 20 March 2022).
 22. European Commission: https://ec.europa.eu/commission/presscorner/detail/en/IP_15_6330 (retrieved 15 February 2022).
 23. UNHCR Vulnerability Screening Tool: <https://www.unhcr.org/protection/detention/57fe30b14/unhcr-idc-vulnerability-screening-tool-identifying-addressing-vulnerability.html> (retrieved 15 February 2022). For an analysis of the UNHCR's role in queer refugees' resettlement and the practices of performing and proving one's deservingness, see Koçak (2020).
 24. KaosGL, a Turkish LGBTIQ+ association: <https://www.kaosgl.org> (retrieved 15 February 2022).
 25. *Flucht und Asyl in Österreich. Fragen und Antworten (Flight and Asylum in Austria. Questions and Answers)*: https://www.unhcr.org/dach/wp-content/uploads/sites/27/2018/01/AT_UNHCR_Fragen-und-Antworten_2017.pdf (retrieved 15 February 2022).
 26. In order to explain his idea clearly, he sent me Britney Spears' post under #bitchology or #ItsBritneyBitch. The post states:

'Bitchology
 Being a Bitch means...
 I stand up for myself and my beliefs
 I stand up for those I love
 I speak my mind, think my own thoughts
 or do things my way
 I won't compromise whats [sic] in my heart
 I live my life MY way
 I won't allow anyone to step on me
 I refuse to tolerate injustice
 It means I have the courage &
 strength to allow myself to be me
 So try to stomp on me, douse my inner flame,
 Squash every ounce of beauty I hold within
 You won't succeed
 And if that makes me a Bitch, so be it
 I embrace the title and i'm [sic] proud to be a Bitch!
https://www.instagram.com/p/0WCecrG8IX/?utm_medium=copy_link
 link (retrieved 15 February 2022).
 27. According to the EU report on the implementation of the EU-Turkey Statement in September 2016, daily crossings were reduced from 1,700

to under 100 after March 2016: http://europa.eu/rapid/press-release_MEMO-16-3204_en.htm (retrieved 15 February 2022).

28. In *Der Falter*, 15 August 2018 and *Süddeutsche Zeitung*, where this case is described as driven by prejudices (*Vorurteilen*) followed by stupidity (*Dämlichkeit*): <https://www.sueddeutsche.de/politik/negativer-bescheid-fuer-fluechtling-nicht-schwul-genug-fuer-oesterreich-1.4093297> (retrieved 15 February 2022).

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