

BOOK REVIEW

FitzGerald, David Scott. 2019. *Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers*. Oxford: Oxford University Press. 359 pp

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David Scott FitzGerald begins his timely new book *Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers* by reflecting, 'I was reminded every day of the difference between being an expatriate and an exile' (x). This notion of who belongs and who does not is central to his text, which provides a clear and comprehensive analysis of the manner in which rich states repel asylum seekers. The choice of these words 'repel' and 'rich' appears deliberate; their placement in the book's title leaves the reader in no doubt as to the approach of the author—he has chosen strong words and uses them to convey a strong message.

FitzGerald shows how various measures are used to prevent potential asylum seekers from leaving their countries of origin and then, for those who do manage to leave, from ever setting foot in a rich country in which they may seek asylum. FitzGerald describes an international migration system that both allows and prevents movement, depending on one's country of origin. Within this system, the author is not shy to position himself as one of the privileged, one of those who, by virtue of the country of his birth, is able to travel the globe with relative ease. The author's personal reflections about his own past and the experiences of his family are significant, as they personalise the analysis in a manner that is not always present in academic writings.

State efforts to keep asylum seekers away are nothing new; indeed, 'Measures to keep people from reaching sanctuary are as old as the asylum tradition itself' (1). Most remote control techniques, such as visa regimes, maritime interdiction, stationing immigration liaison officers abroad, carrier sanctions, and offshore detention, were developed in the 1930s and 1940s and were created deliberately and employed systematically (21). FitzGerald provides a thorough and meticulously researched account of exactly how a selection of rich states in North America and Europe, as well as Australia, have developed an intricate system of controls that have the sole purpose of preventing people from being able to reach one of these rich states and claim asylum. Of particular value in this book is how it demonstrates through clear and relevant examples that there is nothing new or unique about the current situation facing many states. Asylum seekers have been seeking refuge in large numbers for as long as there

have been reasons to flee, and contemporary measures against asylum seekers are many decades old. FitzGerald shows how a comprehension of this historical context can lead to a more nuanced understanding of present measures, the purposes they serve, and what challenges to them might be possible.

FitzGerald argues that rich states deliberately repel asylum seekers and have a complex system to achieve repulsion that they have developed over time, often in collaboration with one another. International law is not an impediment, with many of the remote control techniques that reach beyond state territories 'designed to evade the spirit of the law while narrowly complying with the letter' (212). There are consistent patterns that exist across states, and FitzGerald arranges the various measures employed by states into a series of groups, which he calls the dome, the moat, buffers, caging, and barbicans (14). The dome prevents access to territory through measures like visas and carrier sanctions, the moat is based on maritime interceptions, buffers use other states as a barrier, caging keeps asylum seekers contained in areas away from the Global North, and barbicans create legal fictions of spaces where rights are restricted (13–17). This grouping of repulsion measures runs throughout the book and is an effective way of tying together the various threads from the many different regional examples that are used to illustrate the book's key arguments.

The author shows how some states are prepared to push the acceptable limits of international law further than others, and also that by and large they do not need to, as the international system allows their repulsion of asylum seekers to continue unchecked as states prioritise their own security interests. Under the current international legal regime, this repulsion can not only function, but also flourish. Neither should state actions be viewed with any great degree of surprise, for 'Any system of territorial asylum creates an inherent incentive to keep undesired asylum seekers away from the territory' (48). Importantly, states have become adept at hiding the strategies they use to evade humanitarian norms by 'conducting them in spaces that are inaccessible to the public and contracting other state and non-state actors to do the dirty work', skillfully maneuvering through the grey areas, the gaps, of international law (19).

This contribution by FitzGerald sits alongside work by Daniel Ghezelbash (2018), Thomas Gammeltoft-Hansen and Nikolas Tan (2017), and Gammeltoft-Hansen and James Hathaway (2015), who have written on the policies FitzGerald examines and their viability as employed by rich states. FitzGerald's work complements that of these other authors by providing both depth and breadth of examples of repulsion by states, as well as giving a historical, political, and legal context from which further arguments can draw and build on.

Similar to other authors, FitzGerald sees certain limits on the extent to which states are willing to go as they seek to repel unwanted migrants, for example, citing concern by Australia for its 'brand as a progressive liberal democracy' (251). He claims that 'Political liberalism's emphasis on individual rights take the most punitive policies off the table' (51), but this claim perhaps relies too heavily on the present and future willingness of states to follow their obligations under international law. As FitzGerald himself shows regarding efforts to prevent the movement of Jews in the 1930s and 1940s and the principle against interdiction on the high seas, 'International norms that initially were taken for granted proved fragile (32). Should states refuse to play by the present rules, and if political liberalism ceases to be the dominant approach in the countries discussed, there will emerge a very different set of challenges that faith in the current position of political liberalism will not answer.

Finally, by placing contemporary practices in a historical context that is not often known or fully understood, the book serves as a useful reminder for those in Europe that boat interception and other forms of remote control have a history that stretches back long before the events of 2015–16 in the Mediterranean. Besides providing a comprehensive account

of the history of state repulsion of asylum seekers in North America, Europe, and Australia, FitzGerald also offers a lesson by way of a warning for possible directions in which coercive migration policies may head. He challenges the reader to consider just how deeply rooted such policies are in the approach rich countries take to asylum, to imagine a response that does not rely on such policies, and to question not just 'whether a policy is legal, but also whether it is good' (253). He outlines roles for civil society actors, including academics, in a reshaping of how asylum seeker policy is crafted, interpreted, and understood. As FitzGerald puts it, state remote control strategies are less effective 'when their secret violence becomes public knowledge' (258), and state efforts to avoid NGO and other monitoring suggest that this monitoring is having an effect (262).

David Scott FitzGerald's text provides an examination of how rich states repel asylum seekers that is highly readable and relevant and that acts as a good entry point into the history of repulsion and into contemporary state practices. This book has been put together with academic rigour, but it is written in a clear, accessible style that should make it useful for migration scholars, those working in the migration field, as well as for others who have an interest in issues concerning state responses to asylum seekers.

Competing Interests

The author has no competing interests to declare.

References

- Gammeltoft-Hansen, T** and **Hathaway, JC**. 2015. Non-Refoulement in a World of Cooperative Deterrence. *Columbia Journal of Transnational Law*, 53(2): 235–284.
- Gammeltoft-Hansen, T** and **Tan, NF**. 2017. The End of the Deterrence Paradigm? Future Directions for Global Refugee Policy. *Journal on Migration and Human Security*, 5(1): 28–56. DOI: <https://doi.org/10.1177/233150241700500103>
- Ghezelbash, D**. 2018. *Refuge Lost: Asylum Law in an Interdependent World*. Cambridge: Cambridge University Press. DOI: <https://doi.org/10.1017/9781108349031>

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